

1 housing functions of the Department of the Army in the
2 total amount of \$752,650,000 as follows:

3 (1) For military construction projects outside
4 the United States authorized by section 2901(a),
5 \$733,250,000.

6 (2) For architectural and engineering services
7 and construction design under section 2807 of title
8 10, United States Code, \$19,400,000.

9 **DIVISION C—DEPARTMENT OF**
10 **ENERGY NATIONAL SECURITY**
11 **AUTHORIZATIONS AND**
12 **OTHER AUTHORIZATIONS**
13 **TITLE XXXI—DEPARTMENT OF**
14 **ENERGY NATIONAL SECURITY**
15 **PROGRAMS**
16 **Subtitle A—National Security**
17 **Programs Authorizations**

18 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
19 **TION.**

20 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
21 are hereby authorized to be appropriated to the Depart-
22 ment of Energy for fiscal year 2008 for the activities of
23 the National Nuclear Security Administration in carrying
24 out programs necessary for national security in the
25 amount of \$9,539,693,000, to be allocated as follows:

1 (1) For weapons activities, \$6,472,172,000.

2 (2) For defense nuclear nonproliferation activi-
3 ties, \$1,809,646,000.

4 (3) For naval reactors, \$808,219,000.

5 (4) For the Office of the Administrator for Nu-
6 clear Security, \$399,656,000.

7 (5) For the International Atomic Energy Agen-
8 cy Nuclear Fuel Bank, \$50,000,000.

9 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

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

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

16 Project 08–D–801, High pressure fire
17 loop, Pantex Plant, Amarillo, Texas,
18 \$7,000,000.

19 Project 08–D–802, High explosive pressing
20 facility, Pantex Plant, Amarillo, Texas,
21 \$25,300,000.

22 Project 08–D–804, Technical Area 55 re-
23 investment project, Los Alamos National Lab-
24 oratory, Los Alamos, New Mexico, \$6,000,000.

1 (2) For facilities and infrastructure recapital-
2 ization, the following new plant projects:

3 Project 08–D–601, Mercury highway, Ne-
4 vada Test Site, Nevada, \$7,800,000.

5 Project 08–D–602, Potable water system
6 upgrades, Y–12 Plant, Oak Ridge, Tennessee,
7 \$22,500,000.

8 (3) For safeguards and security, the following
9 new plant project:

10 Project 08–D–701, Nuclear materials safe-
11 guards and security upgrade, Los Alamos Na-
12 tional Laboratory, Los Alamos, New Mexico,
13 \$49,496,000.

14 (4) For naval reactors, the following new plant
15 projects:

16 Project 08–D–901, Shipping and receiving
17 and warehouse complex, Bettis Atomic Power
18 Laboratory, West Mifflin, Pennsylvania,
19 \$9,000,000.

20 Project 08–D–190, Project engineering
21 and design, Expanded Core Facility M–290 Re-
22 covering Discharge Station, Naval Reactors Fa-
23 cility, Idaho Falls, Idaho, \$550,000.

1 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
3 are hereby authorized to be appropriated to the Depart-
4 ment of Energy for fiscal year 2008 for defense environ-
5 mental cleanup activities in carrying out programs nec-
6 essary for national security in the amount of
7 \$5,410,905,000.

8 (b) AUTHORIZATION FOR NEW PLANT PROJECT.—
9 From funds referred to in subsection (a) that are available
10 for carrying out plant projects, the Secretary of Energy
11 may carry out, for defense environmental cleanup activi-
12 ties, the following new plant project:

13 Project 08–D–414, Project engineering and de-
14 sign, Plutonium Vitrification Facility, various loca-
15 tions, \$15,000,000.

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

17 Funds are hereby authorized to be appropriated to
18 the Department of Energy for fiscal year 2008 for other
19 defense activities in carrying out programs necessary for
20 national security in the amount of \$663,074,000.

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

22 Funds are hereby authorized to be appropriated to
23 the Department of Energy for fiscal year 2008 for defense
24 nuclear waste disposal for payment to the Nuclear Waste
25 Fund established in section 302(c) of the Nuclear Waste

1 Policy Act of 1982 (42 U.S.C. 10222(e)) in the amount
2 of \$242,046,000.

3 **Subtitle B—Program Authoriza-**
4 **tions, Restrictions, and Limita-**
5 **tions**

6 **SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.**

7 (a) LIMITATION ON AVAILABILITY OF FUNDS.—Of
8 the amount authorized to be appropriated under section
9 3101(a)(1) for weapons activities for fiscal year 2008, not
10 more than \$195,069,000 may be obligated or expended for
11 the Reliable Replacement Warhead program under section
12 4204a of the Atomic Energy Defense Act (50 U.S.C.
13 2524a).

14 (b) PROHIBITION ON AVAILABILITY OF FUNDS FOR
15 CERTAIN ACTIVITIES.—No funds referred to in subsection
16 (a) may be obligated or expended for activities under the
17 Reliable Replacement Warhead program beyond phase 2A
18 activities.

19 **SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR**
20 **FISSILE MATERIALS DISPOSITION PROGRAM.**

21 (a) LIMITATION PENDING REPORT ON USE OF PRIOR
22 FISCAL YEAR FUNDS.—No fiscal year 2008 Fissile Mate-
23 rials Disposition program funds may be obligated or ex-
24 pended for the Fissile Materials Disposition program until
25 the Secretary of Energy, in consultation with the Adminis-

1 trator for Nuclear Security, submits to the congressional
2 defense committees a report setting forth a plan for obli-
3 gating and expending funds made available for that pro-
4 gram in fiscal years before fiscal year 2008 that remain
5 available for obligation or expenditure as of October 1,
6 2007.

7 (b) LIMITATION PENDING CERTIFICATION ON USE
8 OF CURRENT FISCAL YEAR FUNDS.—

9 (1) IN GENERAL.—Within fiscal year 2008
10 Fissile Materials Disposition program funds, the ag-
11 gregate amount that may be obligated for the Fissile
12 Materials Disposition program may not exceed such
13 amount as the Secretary, in consultation with the
14 Administrator, certifies to the congressional defense
15 committees will be obligated for that program in fis-
16 cal years 2008 and 2009.

17 (2) AVAILABILITY OF UNUTILIZED FUNDS AB-
18 SENT CERTIFICATION.—If the Secretary does not
19 make a certification under paragraph (1), fiscal year
20 2008 Fissile Materials Disposition program funds
21 shall not be available for the Fissile Materials Dis-
22 position program, but shall be available instead for
23 any defense nuclear nonproliferation activities (other
24 than the Fissile Materials Disposition program) for

1 which amounts are authorized to be appropriated by
2 section 3101(a)(2).

3 (3) AVAILABILITY OF UNUTILIZED FUNDS
4 UNDER CERTIFICATION OF PARTIAL USE.—If the ag-
5 gregate amount of funds certified under paragraph
6 (1) as to be obligated for the Fissile Materials Dis-
7 position program in fiscal years 2008 and 2009 is
8 less than the amount of the fiscal year 2008 Fissile
9 Materials Disposition program funds, an amount
10 within fiscal year 2008 Fissile Materials Disposition
11 program funds that is equal to the difference be-
12 tween the amount of fiscal year 2008 Fissile Mate-
13 rials Disposition program funds and such aggregate
14 amount shall not be available for the Fissile Mate-
15 rials Disposition program, but shall be available in-
16 stead for any defense nuclear nonproliferation activi-
17 ties (other than the Fissile Materials Disposition
18 program) for which amounts are authorized to be
19 appropriated by section 3101(a)(2).

20 (c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSI-
21 TION PROGRAM FUNDS DEFINED.—In this section, the
22 term “fiscal year 2008 Fissile Materials Disposition pro-
23 gram funds” means amounts authorized to be appro-
24 priated by section 3101(a)(2) and available for the Fissile
25 Materials Disposition program.

1 **SEC. 3113. MODIFICATION OF LIMITATIONS ON AVAIL-**
2 **ABILITY OF FUNDS FOR WASTE TREATMENT**
3 **AND IMMOBILIZATION PLANT.**

4 Paragraph (2) of section 3120(a) of the John Warner
5 National Defense Authorization Act for Fiscal Year 2007
6 (Public Law 109–364; 120 Stat. 2510) is amended—

7 (1) by striking “the Defense Contract Manage-
8 ment Agency has recommended for acceptance” and
9 inserting “an independent entity has reviewed”; and

10 (2) by inserting “and that the system has been
11 certified by the Secretary for use by a construction
12 contractor at the Waste Treatment and Immobiliza-
13 tion Plant” after “Waste Treatment and Immo-
14 bilization Plant”.

15 **Subtitle C—Other Matters**

16 **SEC. 3121. NUCLEAR TEST READINESS.**

17 (a) **REPEAL OF REQUIREMENTS ON READINESS POS-**
18 **TURE.**—Section 3113 of the National Defense Authoriza-
19 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
20 Stat. 1743; 50 U.S.C. 2528a) is repealed.

21 (b) **REPORTS ON NUCLEAR TEST READINESS POS-**
22 **TURES.**—

23 (1) **IN GENERAL.**—Section 4208 of the Atomic
24 Energy Defense Act (50 U.S.C. 2528) is amended to
25 read as follows:

1 **“SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.**

2 “(a) IN GENERAL.—Not later than March 1, 2009,
3 and every odd-numbered year thereafter, the Secretary of
4 Energy shall submit to the congressional defense commit-
5 tees a report on the nuclear test readiness of the United
6 States.

7 “(b) ELEMENTS.—Each report under subsection (a)
8 shall include, current as of the date of such report, the
9 following:

10 “(1) An estimate of the period of time that
11 would be necessary for the Secretary of Energy to
12 conduct an underground test of a nuclear weapon
13 once directed by the President to conduct such a
14 test.

15 “(2) A description of the level of test readiness
16 that the Secretary of Energy, in consultation with
17 the Secretary of Defense, determines to be appro-
18 priate.

19 “(3) A list and description of the workforce
20 skills and capabilities that are essential to carrying
21 out an underground nuclear test at the Nevada Test
22 Site.

23 “(4) A list and description of the infrastructure
24 and physical plant that are essential to carrying out
25 an underground nuclear test at the Nevada Test
26 Site.

1 “(5) An assessment of the readiness status of
2 the skills and capabilities described in paragraph (3)
3 and the infrastructure and physical plant described
4 in paragraph (4).

5 “(c) FORM.—Each report under subsection (a) shall
6 be submitted in unclassified form, but may include a clas-
7 sified annex.”.

8 (2) CLERICAL AMENDMENT.—The item relating
9 to section 4208 in the table of contents for such Act
10 is amended to read as follows:

“Sec. 4208. Reports on nuclear test readiness.”.

11 **SEC. 3122. SENSE OF CONGRESS ON THE NUCLEAR NON-**
12 **PROLIFERATION POLICY OF THE UNITED**
13 **STATES AND THE RELIABLE REPLACEMENT**
14 **WARHEAD PROGRAM.**

15 It is the sense of Congress that—

16 (1) the United States should reaffirm its com-
17 mitment to Article VI of the Treaty on the Non-Pro-
18 liferation of Nuclear Weapons, done at Washington,
19 London, and Moscow July 1, 1968, and entered into
20 force March 5, 1970 (in this section referred to as
21 the “Nuclear Non-Proliferation Treaty”);

22 (2) the United States should initiate talks with
23 Russia to reduce the number of nonstrategic nuclear
24 weapons and further reduce the number of strategic
25 nuclear weapons in the respective nuclear weapons

1 stockpiles of the United States and Russia in a
2 transparent and verifiable fashion and in a manner
3 consistent with the security of the United States;

4 (3) the United States and other declared nu-
5 clear weapons state parties to the Nuclear Non-Pro-
6 liferation Treaty, together with weapons states that
7 are not parties to the treaty, should work to reduce
8 the total number of nuclear weapons in the respec-
9 tive stockpiles and related delivery systems of such
10 states;

11 (4) the United States, Russia, and other states
12 should work to negotiate, and then sign and ratify,
13 a treaty setting forth a date for the cessation of the
14 production of fissile material;

15 (5) the Senate should ratify the Comprehensive
16 Nuclear-Test-Ban Treaty, opened for signature at
17 New York September 10, 1996;

18 (6) the United States should commit to dis-
19 mantle as soon as possible all retired warheads or
20 warheads that are planned to be retired from the
21 United States nuclear weapons stockpile;

22 (7) the United States, along with the other de-
23 clared nuclear weapons state parties to the Nuclear
24 Non-Proliferation Treaty, should participate in
25 transparent discussions regarding their nuclear

1 weapons programs and plans, and how such pro-
2 grams and plans, including plans for any new weap-
3 ons or warheads, relate to their obligations as nu-
4 clear weapons state parties under the Treaty;

5 (8) the United States and the declared nuclear
6 weapons state parties to the Nuclear Non-Prolifera-
7 tion Treaty should work to decrease reliance on, and
8 the importance of, nuclear weapons; and

9 (9) the United States should formulate any de-
10 cision on whether to manufacture or deploy a reli-
11 able replacement warhead within the broader context
12 of the progress made by the United States toward
13 achieving each of the goals described in paragraphs
14 (1) through (8).

15 **SEC. 3123. REPORT ON STATUS OF ENVIRONMENTAL MAN-**
16 **AGEMENT INITIATIVES TO ACCELERATE THE**
17 **REDUCTION OF ENVIRONMENTAL RISKS AND**
18 **CHALLENGES POSED BY THE LEGACY OF THE**
19 **COLD WAR.**

20 (a) IN GENERAL.—On the date described in sub-
21 section (d), the Secretary of Energy shall submit to the
22 congressional defense committees and the Comptroller
23 General of the United States a report on the status of
24 the environmental management initiatives described in
25 subsection (c) undertaken to accelerate the reduction of

1 the environmental risks and challenges that, as a result
2 of the legacy of the Cold War, are faced by the Depart-
3 ment of Energy, contractors of the Department, and appli-
4 cable Federal and State agencies with regulatory jurisdic-
5 tion.

6 (b) ELEMENTS.—The report required by subsection
7 (a) shall include the following:

8 (1) A discussion of the progress made in reduc-
9 ing the environmental risks and challenges described
10 in subsection (a) in each of the following areas:

11 (A) Acquisition strategy and contract man-
12 agement.

13 (B) Regulatory agreements.

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

17 (D) Closure and transfer of environmental
18 remediation sites.

19 (E) Achievements in innovation by contrac-
20 tors of the Department with respect to acceler-
21 ated risk reduction and cleanup.

22 (F) Consolidation of special nuclear mate-
23 rials and improvements in safeguards and secu-
24 rity.

1 (2) An assessment of the progress made in
2 streamlining risk reduction processes of the environ-
3 mental management program of the Department.

4 (3) An assessment of the progress made in im-
5 proving the responsiveness and effectiveness of the
6 environmental management program of the Depart-
7 ment.

8 (4) Any proposals for legislation that the Sec-
9 retary considers necessary to carry out the environ-
10 mental management initiatives described in sub-
11 section (c) and the justification for each such pro-
12 posal.

13 (5) A list of the mandatory milestones and com-
14 mitments set forth in each enforceable cleanup
15 agreement or other type of agreement covering or
16 applicable to environmental management and clean-
17 up activities at any site of the Department, the sta-
18 tus of the efforts of the Department to meet such
19 milestones and commitments, and if the Secretary
20 determines that the Department will be unable to
21 achieve any such milestone or commitment, a state-
22 ment setting forth the reasons the Department will
23 be unable to achieve such milestone or commitment.

1 (6) An estimate of the life cycle cost of the en-
2 vironmental management program, including the fol-
3 lowing:

4 (A) A list of the environmental projects
5 being reviewed for potential inclusion in the en-
6 vironmental management program as of Octo-
7 ber 1, 2007, and an estimated date by which a
8 determination will be made to include or ex-
9 clude each such project.

10 (B) A list of environmental projects not
11 being considered for potential inclusion in the
12 environmental management program as of Oc-
13 tober 1, 2007, but that are likely to be included
14 in the next five years, and an estimated date by
15 which a determination will be made to include
16 or exclude each such project.

17 (C) A list of projects in the environmental
18 management program as of October 1, 2007,
19 for which an audit of the cost estimate of the
20 project has been completed, and the estimated
21 date by which such an audit will be completed
22 for each such project for which such an audit
23 has not been completed.

24 (D) The estimated schedule for production
25 of a revised life cycle cost estimate for the envi-

1 environmental management program incorporating
2 the information described in subparagraphs (A),
3 (B), and (C).

4 (c) INITIATIVES DESCRIBED.—The environmental
5 management initiatives described in this subsection are
6 the initiatives arising out of the report titled “Top-to-Bot-
7 tom Review of the Environmental Management Program”
8 and dated February 4, 2002, with respect to the environ-
9 mental restoration and waste management activities of the
10 Department in carrying out programs necessary for na-
11 tional security.

12 (d) DATE OF SUBMITTAL.—The date described in
13 this subsection is the date on which the budget justifica-
14 tion materials in support of the Department of Energy
15 budget for fiscal year 2009 (as submitted with the budget
16 of the President under section 1105(a) of title 31, United
17 States Code) are submitted to Congress.

18 (e) REVIEW BY COMPTROLLER GENERAL.—Not later
19 than 180 days after the date described in subsection (d),
20 the Comptroller General shall submit to the congressional
21 defense committees a report containing a review of the re-
22 port required by subsection (a).

1 **SEC. 3124. COMPTROLLER GENERAL REPORT ON DEPART-**
2 **MENT OF ENERGY PROTECTIVE FORCE MAN-**
3 **AGEMENT.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall submit to the Committee on
7 Armed Services of the Senate and the Committee on
8 Armed Services of the House of Representatives a report
9 on the management of the protective forces of the Depart-
10 ment of Energy.

11 (b) CONTENTS.—The report shall include the fol-
12 lowing:

13 (1) A description of the management and con-
14 tractual structure for protective forces at each De-
15 partment of Energy site with Category I nuclear ma-
16 terials.

17 (2) A statement of the number and category of
18 protective force members at each site described in
19 paragraph (1) and an assessment of whether the
20 protective force at each such site is adequately
21 staffed, trained, and equipped to comply with the re-
22 quirements of the Design Basis Threat issued by the
23 Department of Energy in November 2005.

24 (3) A description of the manner in which each
25 site described in paragraph (1) is moving to a tac-
26 tical response force as required by the policy of the

1 Department of Energy and an assessment of the
2 issues or problems, if any, involved in the moving to
3 a tactical response force at such site.

4 (4) A description of the extent to which the
5 protective force at each site described in paragraph
6 (1) has been assigned or is responsible for law en-
7 forcement or law-enforcement related activities.

8 (5) An analysis comparing the management,
9 training, pay, benefits, duties, responsibilities, and
10 assignments of the protective force at each site de-
11 scribed in paragraph (1) with the management,
12 training, pay, benefits, duties, responsibilities, and
13 assignments of the Federal transportation security
14 force of the Department of Energy.

15 (6) A statement of options for managing the
16 protective force at sites described in paragraph (1)
17 in a more uniform manner, an analysis of the advan-
18 tages and disadvantages of each option, and an as-
19 sessment of the approximate cost of each option
20 when compared with the costs associated with the
21 existing management of the protective force at such
22 sites.

23 (c) FORM.—The report shall be submitted in unclas-
24 sified form, but may include a classified annex.

1 **SEC. 3125. TECHNICAL AMENDMENTS.**

2 The Atomic Energy Defense Act (50 U.S.C. 2521 et
3 seq.) is amended as follows:

4 (1) The heading of section 4204a (50 U.S.C.
5 2524a) is amended to read as follows:

6 **“SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PRO-**
7 **GRAM.”.**

8 (2) The table of contents for that Act is amend-
9 ed by inserting after the item relating to section
10 4204 the following new item:

“Sec. 4204A. Reliable Replacement Warhead program.”.

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

14 **SEC. 3201. AUTHORIZATION.**

15 There are authorized to be appropriated for fiscal
16 year 2008, \$27,499,000 for the operation of the Defense
17 Nuclear Facilities Safety Board under chapter 21 of the
18 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

○