

S 1049

Department of Energy National Security Act for Fiscal Year 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: May 13, 2003

Current Status: Held at the desk.

Latest Action: Held at the desk. (Jun 5, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1049>

Sponsor

Name: Sen. Warner, John [R-VA]

Party: Republican • **State:** VA • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported Original Measure	May 13, 2003

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
108 HR 1588	Related bill	Nov 24, 2003: Became Public Law No: 108-136.
108 S 1050	Related bill	Jun 4, 2003: See also H.R. 1588.

Department of Energy National Security Act for Fiscal Year 2004 - **Title XXXI(sic): Department of Energy National Security Programs - Subtitle A: National Security Programs Authorizations** - (Sec. 3101) Authorizes appropriations to the Department of Energy (DOE) for FY 2004 for: (1) activities of the National Nuclear Security Administration in carrying out programs necessary for national security, with specified allocations for weapons activities, defense nuclear nonproliferation activities, naval reactors, and the Office of the Administrator for Nuclear Security; and (2) environmental restoration and waste management activities in carrying out national security programs, with specified allocations for defense environmental management, other defense activities, defense nuclear waste disposal, and defense energy supply.

Subtitle B: Program Authorizations, Restrictions, and Limitations - (Sec. 3131) Amends the National Defense Authorization Act for Fiscal Year 1994 to repeal the prohibition on research and development of low-yield nuclear weapons. Prohibits the Secretary of Energy (Secretary) from commencing the engineering development or any subsequent phase of a low-yield nuclear weapon unless specifically authorized by Congress. Requires a joint report from the Secretaries of State, Defense, and Energy to Congress assessing whether the repeal of such prohibition will affect the ability of the United States to achieve its nonproliferation objectives and whether changes in programs and activities would be required to achieve those objectives.

(Sec. 3132) Directs the Secretary to achieve and maintain a readiness posture of 18 months for resumption of U.S. underground nuclear tests. Requires the Secretary to determine and report to the congressional defense and appropriations committees on whether a readiness posture of other than 18 months is advisable.

(Sec. 3133) Directs the Administrator for Nuclear Security (Administrator) to complete the selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program of the National Nuclear Security Administration (NNSA) no later than September 30, 2004. Requires the Administrator, by the same date, to report to the defense and appropriations committees the guidelines for conducting the Readiness in Technical Base and Facilities program. Requires the latter program to be operated independently of the Operations of Facilities Program.

(Sec. 3134) Amends the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 to remove the F-canyon facility from DOE's authority to continue the processing, treatment, and disposition of legacy nuclear materials (leaving only the H-canyon facility). Revises a report requirement on the use of DOE funds for decommissioning the F-canyon facility.

(Sec. 3135) Prohibits the Secretary from commencing the engineering and development or any subsequent phase of a Robust Nuclear Earth Penetrator unless specifically authorized by Congress.

Subtitle C: Proliferation Matters - (Sec. 3141) Authorizes the Secretary to expand the International Materials, Protection, Control, and Accounting Program to carry out nuclear threat reduction activities and projects outside the states of the former Soviet Union. Requires 15 days' prior notification of the defense and appropriations committees before the obligation of funds for a project or activity under such expansion.

(Sec. 3142) Directs the Administrator to report semiannually to the defense committees on the financial status of all DOE defense nuclear nonproliferation programs for which funds were authorized to be appropriated.

(Sec. 3143) Requires a spending plan report from the Administrator to the defense committees if, on September 30, 2004, the aggregate amount obligated but not expended for defense nuclear nonproliferation activities exceeds 20

percent of the amount already obligated for such activities.

Subtitle D: Other Matters - (Sec. 3151) Amends the Atomic Energy Act of 1954 to authorize investigations of individuals to be employed on programs designated as sensitive to be conducted by the Federal Bureau of Investigation.

(Sec. 3152) Directs the Secretary to include in the FY 2005 materials submitted to Congress in support of the DOE budget a report delineating responsibilities between and among the Environmental Management Program and the NNSA for: (1) environmental cleanup; (2) decontamination and decommissioning; and (3) waste management. Requires a report to Congress on such delineation.

(Sec. 3153) Directs the Secretary to report to specified congressional committees updating a report on stockpile stewardship criteria required under the Atomic Energy Defense Act.

(Sec. 3154) Requires a report from the: (1) National Institute for Occupational Safety and Health to Congress on the Institute's ability to obtain information necessary to carry out radiation dose reconstructions under the Energy Employees Occupational Illness Compensation Program Act of 2000; and (2) Secretary of Labor to Congress on the denial of claims under such Act.

(Sec. 3155) Directs the Secretaries of Energy and Defense to develop, submit to Congress three months after the date of enactment of this Act, and implement a plan to coordinate the Robust Nuclear Earth Penetrator feasibility study of DOE with the ongoing conventional hard and deeply buried weapons development programs of the Department of Defense.

Subtitle E: Consolidation of General Provisions on Department of Energy National Security Programs - (Sec. 3161) Amends the Bob Stump National Defense Authorization Act for Fiscal Year 2003 to add to it, for consolidation purposes, certain recurring and general provisions of law on DOE national security programs, including provisions under various defense authorization Acts relating to: (1) atomic energy defense; (2) the naval nuclear propulsion program; (3) nuclear weapons stockpile stewardship and production; (4) tritium production; (5) nuclear proliferation; (6) defense environmental restoration and waste management; (7) the closure of defense nuclear facilities; (8) laboratories safeguards and security, including background investigations and polygraph programs; (9) classified information; (10) defense emergency response; (11) personnel matters; (12) employee education and training; (13) worker safety at nuclear weapons facilities; (14) budget and financial management matters, including penalties under environmental laws; (15) administrative and other matters; (16) research and development; (17) facilities management; (18) matters relating to particular facilities, including the Hanford Reservation, Washington, and the Savannah River Site, South Carolina; (19) the processing, treatment, and disposal of legacy nuclear materials; (20) decommissioning of the F-canyon facility; and (21) the payment of operation and maintenance costs at the Nevada Test Site.

Title XXXII: Defense Nuclear Facilities Safety Board - (Sec. 3201) Authorizes appropriations for FY 2004 for the Defense Nuclear Facilities Safety Board.

Actions Timeline

- **Jun 5, 2003:** Message on Senate action sent to the House.
- **Jun 5, 2003:** Received in the House.
- **Jun 5, 2003:** Held at the desk.
- **May 22, 2003:** Measure laid before Senate by unanimous consent. (consideration: CR S6941)
- **May 22, 2003:** Senate struck all after the Enacting Clause and substituted the language of S. 1050 amended (Division C of the bill).
- **May 22, 2003:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **May 22, 2003:** Passed Senate with an amendment by Unanimous Consent.
- **May 13, 2003:** Introduced in Senate
- **May 13, 2003:** Committee on Armed Services. Original measure reported to Senate by Senator Warner. Without written report.
- **May 13, 2003:** Committee on Armed Services. Original measure reported to Senate by Senator Warner. Without written report.
- **May 13, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 95.
- **May 8, 2003:** Committee on Armed Services ordered to be reported an original measure.