

109TH CONGRESS
1ST SESSION

S. 1045

AN ACT

To authorize appropriations for fiscal year 2006 for defense activities of the Department of Energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Energy
5 National Security Act for Fiscal Year 2006”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees.

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

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental management.
- Sec. 3103. Other defense activities.
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- Sec. 3111. Report on compliance with design basis threat.
- Sec. 3112. Cost estimate for waste treatment and immobilization plant project, Hanford site, Richland, Washington.
- Sec. 3113. Report on international border security programs.
- Sec. 3114. Clarification of cooperative agreement authority under chemical demilitarization program.
- Sec. 3115. Savannah River National Laboratory.
- Sec. 3116. Rocky Flats Environmental Technology Site.
- Sec. 3117. Prohibition on use of funds for Robust Nuclear Earth Penetrator.
- Sec. 3118. Sense of the Senate regarding interim reports on residual beryllium contamination at Department of Energy vendor facilities.
- Sec. 3119. Report on advanced technologies for nuclear power reactors in the United States.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.
- Sec. 3302. Authorization for disposal of tungsten ores and concentrates.
- Sec. 3303. Disposal of ferromanganese.

3 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

4 For purposes of this Act, the term “congressional de-
5 fense committees” has the meaning given that term in sec-
6 tion 101(a)(16) of title 10, United States Code.

1 **DIVISION C—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **AUTHORIZATIONS AND**
 4 **OTHER AUTHORIZATIONS**
 5 **TITLE XXXI—DEPARTMENT OF**
 6 **ENERGY NATIONAL SECURITY**
 7 **PROGRAMS**
 8 **Subtitle A—National Security**
 9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 11 **TION.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 13 are hereby authorized to be appropriated to the Depart-
 14 ment of Energy for fiscal year 2006 for the activities of
 15 the National Nuclear Security Administration in carrying
 16 out programs necessary for national security in the
 17 amount of \$9,357,427,000, to be allocated as follows:

18 (1) For weapons activities, \$6,590,319,000.

19 (2) For defense nuclear nonproliferation activi-
 20 ties, \$1,637,239,000, of which amount
 21 \$338,565,000 shall be available for project 99–D–
 22 143, the Mixed Oxide Fuel Fabrication Facility, Sa-
 23 vannah River Site, Aiken, South Carolina, and
 24 \$24,000,000 shall be available for project 99–D–

1 141, the Pit Disassembly and Conversion Facility,
 2 Savannah River Site, Aiken, South Carolina.

3 (3) For naval reactors, \$786,000,000.

4 (4) For the Office of the Administrator for Nu-
 5 clear Security, \$343,869,000.

6 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

7 From funds referred to in subsection (a) that are available
 8 for carrying out plant projects, the Secretary of Energy
 9 may carry out new plant projects for weapons activities
 10 as follows:

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

13 Project 06–D–140, Readiness in Technical
 14 Base and Facilities Program (RTBF), project
 15 engineering and design, various locations,
 16 \$19,113,000.

17 Project 06–D–402, replacement of Fire
 18 Stations Number 1 and Number 2, Nevada
 19 Test Site, Nevada, \$8,284,000.

20 Project 06–D–403, tritium facility mod-
 21 ernization, Lawrence Livermore National Lab-
 22 oratory, Livermore, California, \$2,600,000.

23 Project 06–D–404, remediation, restora-
 24 tion, and upgrade of Building B–3, Nevada
 25 Test Site, Nevada, \$16,000,000.

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

3 Project 06–D–160, Facilities and Infra-
4 structure Recapitalization Program (FIRP),
5 project engineering and design, various loca-
6 tions, \$5,811,000.

7 Project 06–D–601, electrical distribution
8 system upgrade, Pantex Plant, Amarillo, Texas,
9 \$4,000,000.

10 Project 06–D–602, gas main and distribu-
11 tion system upgrade, Pantex Plant, Amarillo,
12 Texas, \$3,700,000.

13 Project 06–D–603, Steam Plant Life Ex-
14 tension Project (SLEP), Y–12 National Secu-
15 rity Complex, Oak Ridge, Tennessee, \$729,000.

16 (3) For naval reactors, the following new plant
17 project:

18 Project 06–N–901, Central Office Building
19 2, Bettis Atomic Power Laboratory, West Miff-
20 lin, Pennsylvania, \$7,000,000.

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

22 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
23 are hereby authorized to be appropriated to the Depart-
24 ment of Energy for fiscal year 2006 for environmental
25 management activities in carrying out programs necessary

1 for national security in the amount of \$6,189,433,000, to
 2 be allocated as follows:

3 (1) For defense site acceleration completion,
 4 \$5,335,849,000.

5 (2) For defense environmental services,
 6 \$853,584,000.

7 (b) AUTHORIZATION OF NEW PLANT PROJECT.—
 8 From funds referred to in subsection (a)(1) that are avail-
 9 able for carrying out plant projects, the Secretary of En-
 10 ergy may carry out, for environmental management activi-
 11 ties, the following new plant project:

12 Project 06–D–401, sodium bearing waste treat-
 13 ment project, Idaho National Laboratory, Idaho
 14 Falls, Idaho, \$15,000,000.

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

16 Funds are hereby authorized to be appropriated to
 17 the Department of Energy for fiscal year 2006 for other
 18 defense activities in carrying out programs necessary for
 19 national security in the amount of \$563,423,000.

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

21 Funds are hereby authorized to be appropriated to
 22 the Department of Energy for fiscal year 2006 for defense
 23 nuclear waste disposal for payment to the Nuclear Waste
 24 Fund established in section 302(c) of the Nuclear Waste

1 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
 2 of \$301,447,000.

3 **Subtitle B—Other Matters**

4 **SEC. 3111. REPORT ON COMPLIANCE WITH DESIGN BASIS** 5 **THREAT.**

6 (a) REPORT REQUIRED.—Not later than 180 days
 7 after the date of the enactment of this Act, the Secretary
 8 of Energy shall submit to the congressional defense com-
 9 mittees a report detailing plans for achieving compliance
 10 under the Design Basis Threat issued by the Department
 11 of Energy in 2004.

12 (b) CONTENT.—The report required under subsection
 13 (a) shall include—

14 (1) an implementation plan with associated
 15 funding requirements to achieve by September 30,
 16 2007, compliance under the Design Basis Threat of
 17 all Department of Energy and National Nuclear Se-
 18 curity Administration sites that contain nuclear
 19 weapons or special nuclear material; and

20 (2) an evaluation of options for applying secu-
 21 rity technologies and innovative protective force de-
 22 ployment to increase the efficiency and effectiveness
 23 of efforts to protect against the threats postulated in
 24 the Design Basis Threat.

1 (c) FORM.—The report required under subsection (a)
 2 shall be submitted in classified form with an unclassified
 3 summary.

4 **SEC. 3112. COST ESTIMATE FOR WASTE TREATMENT AND**
 5 **IMMOBILIZATION PLANT PROJECT, HANFORD**
 6 **SITE, RICHLAND, WASHINGTON.**

7 (a) REPORT REQUIRED.—Not later than 180 days
 8 after the date of the enactment of this Act, the Secretary
 9 of Energy shall submit to the congressional defense com-
 10 mittees an independent cost estimate prepared by the
 11 Army Corps of Engineers for the Waste Treatment and
 12 Immobilization Plant project at the Hanford Site, Rich-
 13 land, Washington (in this section referred to as the
 14 “project”).

15 (b) CONTENT.—The cost estimate required under
 16 subsection (a) shall include estimates of the total cost and
 17 annual funding requirements, listed by year, to complete
 18 the project, assuming a completion date in each of 2011,
 19 2012, 2013, 2014, and 2015.

20 **SEC. 3113. REPORT ON INTERNATIONAL BORDER SECURITY**
 21 **PROGRAMS.**

22 (a) REPORT REQUIRED.—Not later than 120 days
 23 after the date of the enactment of this Act, the Secretary
 24 of Energy shall, in consultation with the Secretary of De-
 25 fense, the Secretary of State, and, as appropriate, the Sec-

1 retary of Homeland Security, submit to the Committees
2 on Armed Services of the Senate and the House of Rep-
3 resentatives a report on the management by such Secre-
4 taries of border security programs in the countries of the
5 former Soviet Union and other countries.

6 (b) CONTENT.—The report required under subsection
7 (a) shall include—

8 (1) a description of the roles and responsibil-
9 ities of each department and agency of the United
10 States Government in international border security
11 programs;

12 (2) a description of the interactions and coordi-
13 nation among departments and agencies of the
14 United States Government that are conducting
15 international border security programs;

16 (3) a description of the mechanisms that exist
17 to ensure coordination, avoid duplication, and pro-
18 vide a means to resolve conflicts or problems that
19 might arise in the implementation of international
20 border security programs;

21 (4) a discussion of whether there is existing
22 interagency guidance that addresses the roles, inter-
23 actions, and dispute resolution mechanisms for de-
24 partments and agencies of the United States Gov-
25 ernment that are conducting international border se-

1 security programs, and the adequacy of such guidance
 2 if it exists; and

3 (5) recommendations to improve the coordina-
 4 tion and effectiveness of international border secu-
 5 rity programs.

6 **SEC. 3114. CLARIFICATION OF COOPERATIVE AGREEMENT**
 7 **AUTHORITY UNDER CHEMICAL DEMILI-**
 8 **TARIZATION PROGRAM.**

9 (a) IN GENERAL.—Section 1412(c)(4) of the Depart-
 10 ment of Defense Authorization Act, 1986 (50 U.S.C.
 11 1521(c)(4)), is amended—

12 (1) by inserting “(A)” after “(4)”;

13 (2) in the first sentence—

14 (A) by inserting “and tribal organizations”
 15 after “State and local governments”; and

16 (B) by inserting “and tribal organizations”
 17 after “those governments”;

18 (3) in the third sentence—

19 (A) by striking “Additionally, the Sec-
 20 retary” and inserting the following:

21 “(B) Additionally, the Secretary”; and

22 (B) by inserting “and tribal organizations”
 23 after “State and local governments”; and

24 (4) by adding at the end the following:

1 “(C) In this paragraph, the term ‘tribal or-
 2 ganization’ has the meaning given the term in
 3 section 4(l) of the Indian Self-Determination
 4 and Education Assistance Act (25 U.S.C.
 5 450b(l)).”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 subsection (a)—

8 (1) take effect on December 5, 1991; and

9 (2) apply to any cooperative agreement entered
 10 into on or after that date.

11 **SEC. 3115. SAVANNAH RIVER NATIONAL LABORATORY.**

12 The Savannah River National Laboratory shall
 13 be a participating laboratory in the Department of
 14 Energy laboratory directed research and develop-
 15 ment program.

16 **SEC. 3116. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY**
 17 **SITE.**

18 (a) DEFINITIONS.—In this section:

19 (1) ESSENTIAL MINERAL RIGHT.—The term
 20 “essential mineral right” means a right to mine
 21 sand and gravel at Rocky Flats, as depicted on the
 22 map.

23 (2) FAIR MARKET VALUE.—The term “fair
 24 market value” means the value of an essential min-
 25 eral right, as determined by an appraisal performed

1 by an independent, certified mineral appraiser under
 2 the Uniform Standards of Professional Appraisal
 3 Practice.

4 (3) MAP.—The term “map” means the map en-
 5 titled “Rocky Flats National Wildlife Refuge”, dated
 6 July 25, 2005, and available for inspection in appro-
 7 priate offices of the United States Fish and Wildlife
 8 Service and the Department of Energy.

9 (4) NATURAL RESOURCE DAMAGE LIABILITY
 10 CLAIM.—The term “natural resource damage liabil-
 11 ity claim” means a natural resource damage liability
 12 claim under subsections (a)(4)(C) and (f) of section
 13 107 of the Comprehensive Environmental Response,
 14 Compensation, and Liability Act of 1980 (42 U.S.C.
 15 9607) arising from hazardous substances releases at
 16 or from Rocky Flats that, as of the date of enact-
 17 ment of this Act, are identified in the administrative
 18 record for Rocky Flats required by the National Oil
 19 and Hazardous Substances Pollution Contingency
 20 Plan prepared under section 105 of that Act (42
 21 U.S.C. 9605).

22 (5) ROCKY FLATS.—The term “Rocky Flats”
 23 means the Department of Energy facility in the
 24 State of Colorado known as the “Rocky Flats Envi-
 25 ronmental Technology Site”.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

3 (7) TRUSTEES.—The term “Trustees” means
4 the Federal and State officials designated as trust-
5 ees under section 107(f)(2) of the Comprehensive
6 Environmental Response, Compensation, and Liabil-
7 ity Act of 1980 (42 U.S.C. 9607(f)(2)).

8 (b) PURCHASE OF ESSENTIAL MINERAL RIGHTS.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, such amounts au-
11 thorized to be appropriated under subsection (c)
12 shall be available to the Secretary to purchase essen-
13 tial mineral rights at Rocky Flats.

14 (2) CONDITIONS.—The Secretary shall not pur-
15 chase an essential mineral right under paragraph (1)
16 unless—

17 (A) the owner of the essential mineral
18 right is a willing seller; and

19 (B) the Secretary purchases the essential
20 mineral right for an amount that does not ex-
21 ceed fair market value.

22 (3) LIMITATION.—Only those funds authorized
23 to be appropriated under subsection (c) shall be
24 available for the Secretary to purchase essential
25 mineral rights under paragraph (1).

1 (4) RELEASE FROM LIABILITY.—Notwith-
 2 standing any other law, any natural resource dam-
 3 age liability claim shall be considered to be satisfied
 4 by—

5 (A) the purchase by the Secretary of essen-
 6 tial mineral rights under paragraph (1) for con-
 7 sideration in an amount equal to \$10,000,000;

8 (B) the payment by the Secretary to the
 9 Trustees of \$10,000,000; or

10 (C) the purchase by the Secretary of any
 11 portion of the mineral rights under paragraph
 12 (1) for—

13 (i) consideration in an amount less
 14 than \$10,000,000; and

15 (ii) a payment by the Secretary to the
 16 Trustees of an amount equal to the dif-
 17 ference between—

18 (I) \$10,000,000; and

19 (II) the amount paid under
 20 clause (i).

21 (5) USE OF FUNDS.—

22 (A) IN GENERAL.—Any amounts received
 23 under paragraph (4) shall be used by the Trust-
 24 ees for the purposes described in section
 25 107(f)(1) of the Comprehensive Environmental

1 Response, Compensation, and Liability Act of
2 1980 (42 U.S.C. 9607(f)(1)), including—

3 (i) the purchase of additional mineral
4 rights at Rocky Flats; and

5 (ii) the development of habitat res-
6 toration projects at Rocky Flats.

7 (B) CONDITION.—Any expenditure of
8 funds under this paragraph shall be made joint-
9 ly by the Trustees.

10 (C) ADDITIONAL FUNDS.—The Trustees
11 may use the funds received under paragraph
12 (4) in conjunction with other private and public
13 funds.

14 (6) EXEMPTION FROM NATIONAL ENVIRON-
15 MENTAL POLICY ACT.—Any purchases of mineral
16 rights under this subsection shall be exempt from
17 the National Environmental Policy Act of 1969 (42
18 U.S.C. 4321 et seq.).

19 (7) ROCKY FLATS NATIONAL WILDLIFE REF-
20 UGE.—

21 (A) TRANSFER OF MANAGEMENT RESPON-
22 SIBILITIES.—The Rocky Flats National Wildlife
23 Refuge Act of 2001 (16 U.S.C. 668dd note;
24 Public Law 107–107) is amended—

25 (i) in section 3175—

1 (I) by striking subsections (b)
2 and (f); and

3 (II) by redesignating subsections
4 (c), (d), and (e) as subsections (b),
5 (c), and (d), respectively; and

6 (ii) in section 3176(a)(1), by striking
7 “section 3175(d)” and inserting “section
8 3175(c)”.

9 (B) BOUNDARIES.—Section 3177 of the
10 Rocky Flats National Wildlife Refuge Act of
11 2001 (16 U.S.C. 668dd note; Public Law 107–
12 107) is amended by striking subsection (c) and
13 inserting the following:

14 “(c) COMPOSITION.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the refuge shall consist of land within the
17 boundaries of Rocky Flats, as depicted on the
18 map—

19 “(A) entitled ‘Rocky Flats National Wild-
20 life Refuge’;

21 “(B) dated July 25, 2005; and

22 “(C) available for inspection in the appro-
23 priate offices of the United States Fish and
24 Wildlife Service and the Department of Energy.

1 “(2) EXCLUSIONS.—The refuge does not
2 include—

3 “(A) any land retained by the Department
4 of Energy for response actions under section
5 3175(c);

6 “(B) any land depicted on the map de-
7 scribed in paragraph (1) that is subject to 1 or
8 more essential mineral rights described in sec-
9 tion 3114(a) of the National Defense Author-
10 ization Act for Fiscal Year 2006 over which the
11 Secretary shall retain jurisdiction of the surface
12 estate until the essential mineral rights—

13 “(i) are purchased under subsection
14 (b) of that Act; or

15 “(ii) are mined and reclaimed by the
16 mineral rights holders in accordance with
17 requirements established by the State of
18 Colorado; and

19 “(C) the land depicted on the map de-
20 scribed in paragraph (1) on which essential
21 mineral rights are being actively mined as of
22 the date of enactment of the National Defense
23 Authorization Act for Fiscal Year 2006 until—

24 “(i) the essential mineral rights are
25 purchased; or

1 “(ii) the surface estate is reclaimed by
2 the mineral rights holder in accordance
3 with requirements established by the State
4 of Colorado.

5 “(3) ACQUISITION OF ADDITIONAL LAND.—Not-
6 withstanding paragraph (2), upon the purchase of
7 the mineral rights or reclamation of the land de-
8 picted on the map described in paragraph (1), the
9 Secretary shall—

10 “(A) transfer the land to the Secretary of
11 the Interior for inclusion in the refuge; and

12 “(B) the Secretary of the Interior shall—

13 “(i) accept the transfer of the land;
14 and

15 “(ii) manage the land as part of the
16 refuge.”.

17 (c) FUNDING.—Of the amounts authorized to be ap-
18 propriated to the Secretary for the Rocky Flats Environ-
19 mental Technology Site for fiscal year 2006, \$10,000,000
20 may be made available to the Secretary for the purposes
21 described in subsection (b).

1 **SEC. 3117. PROHIBITION ON USE OF FUNDS FOR ROBUST**
2 **NUCLEAR EARTH PENETRATOR.**

3 None of the funds authorized to be appropriated to
4 the Department of Energy under this Act may be made
5 available for the Robust Nuclear Earth Penetrator.

6 **SEC. 3118. SENSE OF THE SENATE REGARDING INTERIM**
7 **REPORTS ON RESIDUAL BERYLLIUM CON-**
8 **TAMINATION AT DEPARTMENT OF ENERGY**
9 **VENDOR FACILITIES.**

10 (a) FINDINGS.—The Senate makes the following
11 findings:

12 (1) Section 3169 of the Ronald W. Reagan Na-
13 tional Defense Authorization Act for Fiscal Year
14 2005 (Public Law 108–375; 42 U.S.C. 7384 note)
15 requires the National Institute for Occupational
16 Safety and Health to submit, not later than Decem-
17 ber 31, 2006, an update to the October 2003 report
18 of the Institute on residual beryllium contamination
19 at Department of Energy vendor facilities.

20 (2) The American Beryllium Company,
21 Tallevast, Florida, machined beryllium for the De-
22 partment of Energy’s Oak Ridge Y–12, Tennessee,
23 and Rocky Flats, Colorado, facilities from 1967 until
24 1992.

25 (3) The National Institute for Occupational
26 Safety and Health has completed its evaluation of

1 residual beryllium contamination at the American
2 Beryllium Company.

3 (4) Workers at the American Beryllium Com-
4 pany and other affected companies should be made
5 aware fo the site-specific results of the study as soon
6 as such results are available.

7 (b) SENSE OF THE SENATE.—It is the sense of the
8 Senate to urge the Director of the National Institute for
9 Occupational Safety and Health—

10 (1) to provide to Congress interim reports of re-
11 sidual beryllium contamination at facilities not later
12 than 14 days after completing the internal review of
13 such reports; and

14 (2) to publish in the Federal Register sum-
15 maries of the findings of such reports, including the
16 dates of any significant residual beryllium contami-
17 nation, at such time as the reports are provided to
18 Congress under paragraph (1).

19 **SEC. 3119. REPORT ON ADVANCED TECHNOLOGIES FOR NU-**
20 **CLEAR POWER REACTORS IN THE UNITED**
21 **STATES.**

22 (a) REPORT REQUIRED.—Not later than six months
23 after the date of the enactment of this Act, the Secretary
24 of Energy shall submit to Congress a report on advanced

1 technologies for nuclear power reactors in the United
2 States.

3 (b) REPORT ELEMENTS.—The report required by
4 subsection (a) shall include the following:

5 (1) A description and assessment of tech-
6 nologies under development for advanced nuclear
7 power reactors that offer the potential for further
8 enhancements of the safety performance of nuclear
9 power reactors.

10 (2) A description and assessment of tech-
11 nologies under development for advanced nuclear
12 power reactors that offer the potential for further
13 enhancements of proliferation-resistant nuclear
14 power reactors.

15 (c) FORM OF REPORT.—The information in the re-
16 port required by subsection (a) shall be presented in man-
17 ner and format that facilitates the dissemination of such
18 information to, and the understanding of such information
19 by, the general public.

20 **TITLE XXXII—DEFENSE NU-**
21 **CLEAR FACILITIES SAFETY**
22 **BOARD**

23 **SEC. 3201. AUTHORIZATION.**

24 There are authorized to be appropriated for fiscal
25 year 2006, \$22,032,000 for the operation of the Defense

1 Nuclear Facilities Safety Board under chapter 21 of the
 2 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

3 **TITLE XXXIII—NATIONAL**
 4 **DEFENSE STOCKPILE**

5 **SEC. 3301. REVISIONS TO REQUIRED RECEIPT OBJECTIVES**
 6 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
 7 **FROM NATIONAL DEFENSE STOCKPILE.**

8 (a) DISPOSAL AUTHORITY.—Section 3303(a)(5) of
 9 the Strom Thurmond National Defense Authorization Act
 10 for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C.
 11 98d note), as amended by section 3302 of the Ronald W.
 12 Reagan National Defense Authorization Act for Year
 13 2005 (Public Law 108–375; 50 U.S.C. 98d note), is
 14 amended by striking paragraph (5) and inserting the fol-
 15 lowing new paragraphs:

16 “(5) \$900,000,000 by the end of fiscal year
 17 2010.

18 “(6) \$1,000,000,000 by the end of fiscal year
 19 2013.”.

20 (b) ADDITIONAL DISPOSAL AUTHORITY.—Section
 21 3402(b) of the National Defense Authorization Act for
 22 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 972; 50
 23 U.S.C. 98d note), as amended by section 3302 of the Na-
 24 tional Defense Authorization Act for Fiscal Year 2004
 25 (Public Law 108–136; 50 U.S.C. 98d note), is amended

1 by striking paragraph (4) and inserting the following new
2 paragraphs:

3 “(4) \$500,000,000 before the end of fiscal year
4 2010.

5 “(5) \$600,000,000 before the end of fiscal year
6 2013.”.

7 **SEC. 3302. AUTHORIZATION FOR DISPOSAL OF TUNGSTEN**
8 **ORES AND CONCENTRATES.**

9 (a) **DISPOSAL AUTHORIZED.**—The President may
10 dispose of up to 8,000,000 pounds of contained tungsten
11 in the form of tungsten ores and concentrates from the
12 National Defense Stockpile in fiscal year 2006.

13 (b) **CERTAIN SALES AUTHORIZED.**—The tungsten
14 ores and concentrates disposed under subsection (a) may
15 be sold to entities with ore conversion or tungsten carbide
16 manufacturing or processing capabilities in the United
17 States.

18 **SEC. 3303. DISPOSAL OF FERROMANGANESE.**

19 (a) **DISPOSAL AUTHORIZED.**—The Secretary of De-
20 fense may dispose of up to 75,000 tons of ferromanganese
21 from the National Defense Stockpile during fiscal year
22 2006.

23 (b) **CONTINGENT AUTHORITY FOR ADDITIONAL DIS-**
24 **POSAL.**—If the Secretary of Defense completes the dis-
25 posal of the total quantity of ferromanganese authorized

1 for disposal by subsection (a) before September 30, 2006,
2 the Secretary of Defense may dispose of up to an addi-
3 tional 25,000 tons of ferromanganese from the National
4 Defense Stockpile before that date.

5 (c) CERTIFICATION.—The Secretary of Defense may
6 dispose of ferromanganese under the authority of sub-
7 section (b) only if the Secretary submits written certifi-
8 cation to the Committee on Armed Services of the Senate
9 and the Committee on Armed Services of the House of
10 Representatives, not later than 30 days before the com-
11 mencement of disposal, that—

12 (1) the disposal of the additional
13 ferromanganese from the National Defense Stockpile
14 is in the interest of national defense;

15 (2) the disposal of the additional
16 ferromanganese will not cause undue disruption to
17 the usual markets of producers and processors of
18 ferromanganese in the United States; and

19 (3) the disposal of the additional
20 ferromanganese is consistent with the requirements
21 and purpose of the National Defense Stockpile.

22 (d) DELEGATION OF RESPONSIBILITY.—The Sec-
23 retary of Defense may delegate the responsibility of the
24 Secretary under subsection (c) to an appropriate official
25 within the Department of Defense.

1 (e) NATIONAL DEFENSE STOCKPILE DEFINED.—In
2 this section, the term “National Defense Stockpile” means
3 the stockpile provided for in section 4 of the Strategic and
4 Critical Materials Stock Piling Act (50 U.S.C. 98c).

Passed the Senate November 15, 2005.

Attest:

Secretary.

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To authorize appropriations for fiscal year 2006 for defense activities of the Department of Energy, and for other purposes.