

“Grading, paving” and all that follows through “Airport” and inserting “Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio”.

SEC. 2852. HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) HIGH PRIORITY PROJECT.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking “Plan and construct, land acquisition, Detroit West Riverfront Greenway” and inserting “Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit”.

(b) TRANSPORTATION IMPROVEMENT PROJECT.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking “Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit” and inserting “Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit”.

SEC. 2853. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) The term “Barrier” means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term “City” means the city of Providence, Rhode Island.

(3) The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(b) RESPONSIBILITY FOR BARRIER.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) REQUIRED STRUCTURES.—

(1) IN GENERAL.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SEC. 2854. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the “Kast Hill” property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) WAIVER OF PAYMENT OF CONSIDERATION.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PROHIBITION ON RECONVEYANCE OF LAND.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

SEC. 2855. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration’s Dear Colleague letter dated April 29, 2005 (C-05-05), which requires fixed guideway projects to achieve a “medium” cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

DEPARTMENT OF ENERGY, NATIONAL SECURITY ACT FOR FISCAL YEAR 2007

On Thursday, June 22, 2006, the Senate passed S. 2769, as follows:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. 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

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Other Matters

Sec. 3111. Notice and wait requirement applicable to certain third party financing arrangements.

Sec. 3112. Utilization of international contributions to the Global Threat Reduction Initiative.

Sec. 3113. Utilization of international contributions to the Second Line of Defense Core Program.

Sec. 3114. Extension of Facilities and Infrastructure Recapitalization Program.

Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.

Sec. 3116. Extension of deadline for transfer of lands to Los Alamos County, New Mexico, and of lands in trust for the Pueblo of San Ildefonso.

Sec. 3117. Limitations on availability of funds for Waste Treatment and Immobilization Plant.

Sec. 3118. Limitation on availability of funds for implementation of the Russian Surplus Fissile Materials Disposition Program.

Sec. 3119. Limitation on availability of funds for construction of MOX Fuel Fabrication Facility.

Sec. 3120. Technical correction related to authorization of appropriations for fiscal year 2006.

Sec. 3121. Education of future nuclear engineers.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Transfer of government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Completion of equity finalization process for Naval Petroleum Reserve Numbered 1.

SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS****Subtitle A—National Security Programs****SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$9,333,311,000, to be allocated as follows:

- (1) For weapons activities, \$6,455,389,000.
- (2) For defense nuclear nonproliferation activities, \$1,726,213,000.
- (3) For naval reactors, \$795,133,000.
- (4) For the Office of the Administrator for Nuclear Security, \$356,576,000.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

- (1) For readiness in technical base and facilities, the following new plant projects:

Project 07-D-140, Readiness in Technical Base and Facilities Program, project engineering and design, various locations, \$4,977,000.

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

- (2) For facilities and infrastructure recapitalization, the following new plant project:

Project 07-D-253, Technical Area 1 heating systems modernization, Sandia National Laboratories, Albuquerque, New Mexico, \$14,500,000.

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

Project 07-SC-05, Physical Sciences Facility, Pacific Northwest National Laboratory, Richland, Washington, \$4,220,000.

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

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

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

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

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for other defense activities in carrying out programs necessary for national security in the amount of \$624,530,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

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

Subtitle B—Other Matters**SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.**

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

“SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.

“(a) **NOTICE AND WAIT REQUIREMENT.**—The Secretary of Energy may not enter into an arrangement described in subsection (b) until 30 days after the date on which the Secretary notifies the congressional defense committees in writing of the proposed arrangement.

“(b) COVERED ARRANGEMENTS.

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an arrangement referred to in subsection (a) is any alternative financing arrangement, third party financing arrangement, public-private partnership, privatization arrangement, private capital arrangement, or other financing arrangement that—

“(A) is entered into in connection with a project conducted using funds authorized to be appropriated to the Department of Energy to carry out programs necessary for national security; and

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

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

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

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

SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE GLOBAL THREAT REDUCTION INITIATIVE.

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

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) **INTERNATIONAL PARTICIPATION IN PROGRAM.**—(1) In order to achieve international participation in the program under subsection (b), the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the programs described in paragraph (2)(B).

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

“(B) The programs described in this subparagraph are the following programs within the Global Threat Reduction Initiative:

“(i) The International Radiological Threat Reduction program.

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

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

“(iv) The Russian Research Reactor Fuel Return program.

“(v) The Global Research Reactor Security program.

“(vi) The Kazakhstan Spent Fuel program.

“(3) The Secretary of Energy may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

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

“(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

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

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

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

“(7) The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.”.

SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE SECOND LINE OF DEFENSE CORE PROGRAM.

(a) **INTERNATIONAL CONTRIBUTIONS AUTHORIZED.**—In order to achieve international participation in the Second Line of Defense Core Program administered by the National Nuclear Security Administration, the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

(b) **UTILIZATION OF CONTRIBUTIONS.**—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Energy may retain and utilize for purposes of the program any amounts contributed by a person, government, or organization under an agreement under subsection (a) without further appropriation and without fiscal year limitation.

(c) **NOTICE AND WAIT REQUIREMENT.**—The Secretary of Energy may not utilize under subsection (b) any amount contributed under an agreement under subsection (a) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

(d) **RETURN OF UNUTILIZED AMOUNTS.**—If any amount contributed under subsection (a) has not been utilized within 5 years of such contribution, the Secretary of Energy shall return such amount to the person, government, or organization that contributed it.

(e) **NOTIFICATION REQUIREMENT.**—Not later than 30 days after the receipt of any amount contributed under subsection (a), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

(f) **ANNUAL REPORT.**—Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense

committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

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

(2) a statement of any amounts utilized under this section, including the purposes for which such amounts were utilized.

(g) TERMINATION.—The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.

SEC. 3114. EXTENSION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 50 U.S.C. 2453 note) is amended by striking “2011” both places it appears and inserting “2013”.

SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “September 30, 2006” and inserting “September 30, 2008”.

SEC. 3116. EXTENSION OF DEADLINE FOR TRANSFER OF LANDS TO LOS ALAMOS COUNTY, NEW MEXICO, AND OF LANDS IN TRUST FOR THE PUEBLO OF SAN ILDEFONSO.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2523; 42 U.S.C. 2391 note) is amended—

(1) in subsection (d)(2), by striking “10 years after the date of enactment of this Act” and inserting “November 26, 2012”; and

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

SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

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

(1) not more than 30 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the Defense Contract Management Agency has certified the earned value management system used to track and report costs of the Waste Treatment and Immobilization Plant; and

(2) not more than 60 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the final seismic and ground motion criteria have been approved by the Secretary and that the contracting officer of the Waste Treatment and Immobilization Plant Project has formally directed that the final criteria be used for the final design of the Pretreatment Facility and the High-Level Waste Facility of the Waste Treatment and Immobilization Plant.

SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR IMPLEMENTATION OF THE RUSSIAN SURPLUS FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION.—(1) Except as provided in subsection (b), none of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for the implementation of the Russian Surplus Fissile Materials Disposition Program (in this sec-

tion referred to as the “Program”) until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees written recommendations regarding whether and in what manner the Program should proceed.

(2) The recommendations submitted under paragraph (1) shall include—

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

(B) a description of the assistance the United States Government plans to provide under the Program;

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

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

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

SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR CONSTRUCTION OF MOX FUEL FABRICATION FACILITY.

None of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for construction project 99-D-143, the Mixed-Oxide (MOX) Fuel Fabrication Facility, until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees—

(1) an independent cost estimate for the United States Surplus Fissile Materials Disposition Program and facilities; and

(2) a written certification that the Department of Energy intends to use the MOX Fuel Fabrication Facility for United States plutonium disposition regardless of the future direction of the Russian Surplus Fissile Materials Disposition Program.

SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

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

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

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

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

(4) The Department of Defense’s successful Science, Math and Research for Transformation (SMART) scholarship-for-service

program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) REPORT ON EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(1) STUDY.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

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

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

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

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.

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

(b) SOURCE OF FUNDS.—Funds authorized to be appropriated by section 301(1) for the Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) LIABILITY.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

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

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

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

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

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

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

“(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer’s ‘Shallow Oil Zone Provisional Recommendation of Equity Participation,’ which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum

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

“(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

“(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

“(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by its gross negligence or willful misconduct.

“(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.”.

G.V. “SONNY” MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

On Thursday, June 22, 2006, the Senate passed H.R. 5122, as follows:

H.R. 5122

Resolved, That the bill from the House of Representatives (H.R. 5122) entitled “An Act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; FINDINGS.

(a) **SHORT TITLE.**—This Act may be cited as the “John Warner National Defense Authorization Act for Fiscal Year 2007”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner’s service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee

University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Director of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation’s founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that his Act, the last annual authorization Act for the national defense that Senator Warner manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

(1) **Division A—Department of Defense Authorizations.**

(2) **Division B—Military Construction Authorizations.**

(3) **Division C—Department of Energy National Security Authorizations and Other Authorizations.**

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Limitation on availability of funds for the Joint Network Node.

Sec. 112. Comptroller General report on the contract for the Future Combat Systems program.

Sec. 113. Reports on Army Modularity Initiative.

Sec. 114. Replacement equipment.

Subtitle C—Navy Programs

Sec. 121. CVN-21 class aircraft carrier procurement.

Sec. 122. Construction of first two vessels under the next-generation destroyer program.

Sec. 123. Modification of limitation on total cost of procurement of CVN-77 aircraft carrier.

Subtitle D—Air Force Programs

Sec. 141. Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006.

Sec. 142. Prohibition on retirement of C-130E/H tactical airlift aircraft.

Sec. 143. Limitation on retirement of KC-135E aircraft.

Sec. 144. Limitation on retirement of B-52H bomber aircraft.

Sec. 145. Retirement of B-52H bomber aircraft.

Sec. 146. Funding for procurement of F-22A fighter aircraft.

Sec. 147. Multiyear procurement of F-119 engines for F-22A fighter aircraft.

Sec. 148. Multi-spectral imaging capabilities.

Sec. 149. Minuteman III Intercontinental Ballistic Missiles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for science and technology.

Sec. 203. Amount for development and validation of warfighter rapid awareness processing technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Independent estimate of costs of the Future Combat Systems.

Sec. 212. Funding of defense science and technology programs.

Sec. 213. Hypersonics development.

Sec. 214. Trident sea-launched ballistic missiles.

Sec. 215. Arrow ballistic missile defense system.

Sec. 216. High Energy Laser Low Aspect Target Tracking.

Sec. 217. Advanced Aluminum Aerostructures Initiative.

Sec. 218. Legged mobility robotic research.

Sec. 219. Wideband Digital Airborne Electronic Sensing Array.

Sec. 220. Science and technology.

Subtitle C—Missile Defense Programs

Sec. 231. Availability of research, development, test, and evaluation funds for fielding ballistic missile defense capabilities.

Sec. 232. Policy of the United States on priorities in the development, testing, and fielding of missile defense capabilities.

Sec. 233. One-year extension of Comptroller General assessments of ballistic missile defense programs.