

AMENDMENT TO H.R. 4310
OFFERED BY MR. TURNER OF OHIO

At the end of subtitle A of title XXVIII, add the following new section:

1 **SEC. 2804. TREATMENT OF CERTAIN DEFENSE NUCLEAR**
2 **FACILITY CONSTRUCTION PROJECTS AS**
3 **MILITARY CONSTRUCTION PROJECTS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) According to a memorandum of agreement
6 between the Secretary of Defense and the Secretary
7 of Energy dated May 2010 and a subsequent adden-
8 dum to such memorandum, the Secretary of Defense
9 plans to transfer \$8,300,000,000 of the budgetary
10 authority of the Department of Defense to the Ad-
11 ministrator for Nuclear Security of the National Nu-
12 clear Security Administration between fiscal years
13 2011 and 2016 to fund activities of the Administra-
14 tion that the Secretary determines to be high prior-
15 ities.

16 (2) Such funding has directly supported defense
17 activities at the National Nuclear Security Adminis-
18 tration, including design and construction activities
19 for the Chemistry and Metallurgy Research Building

1 Replacement project and the Uranium Processing
2 Facility project specified in paragraphs (2) and (3)
3 of subsection (b).

4 (b) COVERED FACILITIES.—This section applies to
5 the following construction projects of the National Nuclear
6 Security Administration:

7 (1) Any project to build a nuclear facility, initi-
8 ated on or after October 1, 2013, that is estimated
9 to cost in excess of \$1,000,000,000 and is intended
10 to be primarily utilized to support the nuclear weap-
11 ons activities of the National Nuclear Security Ad-
12 ministration.

13 (2) The Chemistry and Metallurgy Research
14 Building Replacement project, Los Alamos, New
15 Mexico.

16 (3) The Uranium Processing Facility project,
17 Oak Ridge, Tennessee.

18 (c) TREATMENT AS MILITARY CONSTRUCTION
19 PROJECTS.—In the case of the construction projects of the
20 National Nuclear Security Administration specified in
21 subsection (b), the projects are deemed to be military con-
22 struction projects to be carried out with respect to a mili-
23 tary installation and therefore subject to the following:

24 (1) The advance-project authorization require-
25 ment of section 2802(a) of title 10, United States

1 Code, and other requirements of chapter 169 of such
 2 title related to military construction projects carried
 3 out by the Secretary of Defense with respect to the
 4 Defense Agencies.

5 (2) Annual Acts authorizing military construc-
 6 tion projects (and authorizing the appropriation of
 7 funds therefor) for a fiscal year.

8 (d) MILITARY CONSTRUCTION AUTHORIZATION FOR
 9 CERTAIN DEFENSE NUCLEAR FACILITY PROJECTS.—The
 10 Secretary of Defense may acquire real property and carry
 11 out military construction projects for the installations or
 12 locations, and in the amounts, set forth in the following
 13 table:

Defense Nuclear Facility Projects

State	Installation or Location	Amount
New Mexico	Los Alamos	\$3,500,000,000
Tennessee	Onk Ridge	\$4,200,000,000

14 (e) REGULATION, REQUIREMENTS, AND COORDINA-
 15 TION.—For each project specified in subsection (b)—

16 (1) the Administrator for Nuclear Security of
 17 the National Nuclear Security Administration and
 18 the Secretary of Energy shall retain authority to
 19 regulate design and construction activities pursuant
 20 to the Atomic Energy Act and other applicable laws;

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1 (2) the Secretary of Defense shall coordinate
2 with the Administrator for Nuclear Security regard-
3 ing requirements for the facility; and

4 (3) the Administrator for Nuclear Security shall
5 make available to the Secretary of Defense the ex-
6 pertise of the National Nuclear Security Administra-
7 tion to support design and construction activities.

8 (f) TRANSFER OF FACILITIES.—Upon completion of
9 construction of a project specified in subsection (b), the
10 Secretary of Defense shall negotiate with the Adminis-
11 trator for Nuclear Security of the National Nuclear Secu-
12 rity Administration to transfer the constructed facility to
13 the authority of the Administrator for operations.

14 (g) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that during fiscal year 2014 and thereafter, the
16 budgetary authority provided by the Secretary of Defense
17 to the Administrator for Nuclear Security of the National
18 Nuclear Security Administration under the memorandum
19 described in subsection (a)(1) should be reduced by the
20 amount needed to fund the design and construction of the
21 projects specified in paragraphs (2) and (3) of subsection
22 (b).

23 (h) INFORMATION TRANSFER AND LEGAL EFFECT
24 OF TRANSFER.—Not later than September 30, 2013, the
25 Administrator for Nuclear Security of the National Nu-

1 clear Security Administration shall transfer to the Sec-
2 retary of Defense all information in the possession of the
3 Administrator related to architectural and engineering
4 services and construction design for the construction
5 projects specified in subsection (b). All environmental im-
6 pact statements and legal rulings in effect before that date
7 related to the projects shall be considered valid upon
8 transfer of responsibility for the projects to the Secretary
9 of Defense under subsection (c).

10 (i) EFFECTIVE DATE.—This section shall apply to
11 the construction projects specified in subsection (b) effec-
12 tive for fiscal year 2014 and fiscal years thereafter.

