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103D CONGRESS
2D SESSION

H. R. 4684

To authorize and provide program direction for high energy and nuclear physics research at the Department of Energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mr. BOUCHER (for himself, Mr. BROWN of California, Mr. BOEHLERT, Mr. TRAFICANT, Mr. FAWELL, Mr. EHLERS, and Mrs. LLOYD) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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A BILL

To authorize and provide program direction for high energy and nuclear physics research at the Department of Energy, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Energy High Energy and Nuclear Physics Authorization Act of 1994''.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term ''CERN'' means the European Organization for Nuclear Research;

(2) the term ''construction'' means all activities necessary for completion of a project and its supporting infrastructure, and includes conventional construction and the research, development, design, fabrication, installation, testing, and preoperation of technical sytems;

(3) the term ''conventional construction'' means the design and construction of civil works, facilities, and other infrastructure necessary to construct a project, including tunnels, buildings, and roads, necessary to house and support the technical systems, and utilities as necessary for the direct support of elements of a project;

(4) the term ''Department'' means the Department of Energy;

(5) the term ''Large Hadron Collider project'' means the Large Hadron Collider project at CERN; and

(6) the term ''Secretary'' means the Secretary of Energy.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) HIGH ENERGY PHYSICS.—There are authorized to be appropriated to the Secretary for high energy physics activities of the Department—

(1) $695,400,000 for fiscal year 1996;

(2) $719,700,000 for fiscal year 1997;

(3) $744,900,000 for fiscal year 1998; and

(4) $713,600,000 for fiscal year 1999.

Funds authorized under paragraphs (1) through (4) may be expended for the B-factory at the Stanford Linear Accelerator Center and the Fermilab Main Injector. No funds are authorized for United States participation in the planning and construction of the Large Hadron Collider project until the Secretary certifies to the Congress that there is an international agreement that includes the provisions described in section 4(a).

(b) NUCLEAR PHYSICS.—There are authorized to be appropriated to the Secretary for nuclear physics activities of the Department—

(1) $337,100,000 for fiscal year 1996, of which not more than $15,000,000 shall be used for preparation for decontamination and decommissioning of the Los Alamos Meson Physics Facility;

(2) $348,900,000 for fiscal year 1997;

(3) $361,100,000 for fiscal year 1998; and

(4) $373,700,000 for fiscal year 1999.

None of the funds authorized under paragraph (2), (3), or (4) are authorized to be appropriated for the operation of the Los Alamos Meson Physics Facility. Funds authorized under paragraphs (1) through (4) may be expended for the Relativistic Heavy Ion Collider at Brookhaven National Laboratory.

(c) LIMITATION ON MAJOR CONSTRUCTION PROJECTS.—No funds may be expended for any high energy and nuclear physics facility construction project of the Department, with total project expenditures projected to be in excess of $100,000,000, unless funds are specifically authorized for such purposes in an Act that is not an appropriations Act.

SEC. 4. THE LARGE HADRON COLLIDER PROJECT.

(a) NEGOTIATIONS.—The Secretary shall enter into negotiations with CERN concerning United States participation in the planning and construction of the Large Hadron Collider project, and shall seek to ensure that any agreement incorporates provisions to protect the United States investment in the project, including provisions for—

(1) fair allocation of costs and benefits among project participants;

(2) a limitation on the amount of United States contribution to project construction and subsequent operating costs;

(3) a cost and schedule control system for the total project;

(4) the projected cost and schedule for all component design, testing, and fabrication, including technical goals and milestones;

(5) the projected cost and schedule for total project construction and operation, including technical goals and milestones;

(6) reconsideration of the extent of United States participation if technical or operational milestones described in paragraphs (4) and (5) are not met, or if the project falls significantly behind schedule; and

(7) conditions of access for United States and other scientists to the facility.

(b) OTHER INTERNATIONAL NEGOTIATIONS.—Nothing in this Act shall be construed to preclude the President from entering into negotiations with respect to international science agreements.

SEC. 5. OPERATING PLAN.

Within 30 days after the date of the enactment of any Act appropriating funds for the high energy or nuclear

physics activities of the Department, the Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan for the operations of the high energy and nuclear physics activities of the Department, as adjusted to reflect the amounts appropriated for such purposes by such Act.

SEC. 6. LONG-RANGE PLANNING AND GOVERNANCE.

(a) PROGRAM GOVERNANCE REVIEW.—

(1) REQUIREMENT.—The Secretary shall contract with an appropriate independent organization to review the governance of all elements of the Department's high energy and nuclear physics programs. Such review shall include—

(A) a performance review of the effectiveness of the Department's management policies and procedures, including an evaluation of departmental staff allocation and the staff allocation and funding balance among facility operations, construction, and research support;

(B) an evaluation of the appropriateness of the current application of administrative, environmental, health, and safety regulations to the high energy and nuclear physics laboratories of the Department; and

(C) an analysis of the extent to which the Department's high energy and nuclear physics advisory groups represent the diversity of, and the full range of interests among, high energy and nuclear physics researchers.

(2) REPORT TO CONGRESS.—The Secretary shall submit a report to Congress within 9 months after the date of enactment of this Act detailing the results of the review required by this section, including recommendations for implementing the results and schedules for such implementation.

(b) LONG-RANGE PLAN.—

(1) REQUIREMENT.—The Secretary and the Director of the National Science Foundation shall jointly prepare, in consultation with the high energy physics and nuclear physics communities, a long-range plan for Federal high energy and nuclear physics programs based on current and projected program funding levels. The plan shall be modified every two years. The long-range plan shall include—

(A) a list of research opportunities to be pursued, including both ongoing and proposed activities, listed in order of priority;

(B) an analysis of the relevance of each research facility to the research opportunities listed under subparagraph (A);

(C) a statement of the optimal balance among facility operations, construction, and research support and the optimal balance between university and laboratory research programs;

(D) schedules for continuation, consolidation, or termination of each research program, and continuation, upgrade, transfer, or closure of each research facility;

(E) a statement by project of efforts to coordinate research projects with the international community to maximize the use of limited resources and avoid unproductive duplication of efforts; and

(F) a description of the extent to which the biennial plan modifications differ from previous plans submitted under this subsection, along with an explanation for such differences.

(2) REPORTS TO CONGRESS.—(A) The Secretary shall transmit a copy of the original long-range plan with the President's annual budget request to Congress for fiscal year 1997. The plan as modified shall be submitted with the President's

budget request to Congress for each subsequent fiscal year ending in an odd number.

(B) The Secretary shall transmit with the President's budget request to Congress each year a report demonstrating the consistency of the current long-range plan with the budget being requested for the Department's high energy and nuclear physics programs.

(c) CAPITAL BUDGET ACCOUNT.—Each of the President's annual budget requests to the Congress for high energy physics activities of the Department, and for nuclear physics activities of the Department, shall distinguish between the budget for capital expenditures, including all ongoing and planned major construction and capital equipment items, and other activities.

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