

PUBLIC LAW 115–232—AUG. 13, 2018

JOHN S. MCCAIN NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2019

★ (Star Print)

“(C) for each such application, an identification of any officer to which the authorization under such section 57 b. was delegated pursuant to section 161 n. of that Act (42 U.S.C. 2201(n));”.

SEC. 3117. EXTENSION OF ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.

(a) EXTENSION.—Subsection (g) of section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended to read as follows:

“(g) TERMINATION.—The authority under this section shall terminate on June 30, 2023.”.

(b) TECHNICAL AMENDMENT.—Subsection (f)(5)(A) of such section is amended by striking “section 3542(b) of title 44” and inserting “section 3552(b) of title 44”.

SEC. 3118. HANFORD WASTE TANK CLEANUP PROGRAM.

Section 4442(e) of the Atomic Energy Defense Act (50 U.S.C. 2622(e)) is amended by striking “2019” and inserting “2024”.

SEC. 3119. USE OF FUNDS FOR CONSTRUCTION AND PROJECT SUPPORT ACTIVITIES RELATING TO MOX FACILITY.

(a) IN GENERAL.—Except as provided by subsection (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2019 for the National Nuclear Security Administration for the MOX facility.

(b) WAIVER.—The Secretary may waive the requirement under subsection (a) if the Secretary submits to the congressional defense committees the matters specified in section 3121(b)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1892).

(c) DEFINITIONS.—In this section:

(1) MOX FACILITY.—The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) PROJECT SUPPORT ACTIVITIES.—The term “project support activities” means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

SEC. 3120. PLUTONIUM PIT PRODUCTION.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) Los Alamos National Laboratory, Los Alamos, New Mexico, is the Plutonium Science and Production Center of Excellence for the United States; and

(2) Los Alamos National Laboratory will produce a minimum of 30 pits per year for the national pit production mission and will implement surge efforts to exceed 30 pits per year to meet Nuclear Posture Review and national policy.

(b) INDEPENDENT ASSESSMENT OF PLUTONIUM STRATEGY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall seek to enter into a contract with a federally funded research

and development center to conduct an assessment of the plutonium strategy of the National Nuclear Security Administration. The assessment shall include—

(A) an analysis of the engineering assessment and analysis of alternatives, including an analysis of each of the four major options contained within the engineering assessment;

(B) an assessment of the risks and benefits involved in each such option, including risks and benefits related to cost, schedule, licensing, labor availability, and workforce development, and effects on and from other programs;

(C) a description of the strategies considered by the National Nuclear Security Administration to reduce those risks; and

(D) an assessment of the strategy considered for manufacturing up to 80 pits per year at Los Alamos National Laboratory through the use of multiple labor shifts and additional equipment at PF-4 until modular facilities are completed to provide a long-term, single-labor shift capacity.

(2) SELECTION.—The Secretary may not enter into the contract under paragraph (1) with a federally funded research and development center for which the Department of Energy or the National Nuclear Security Administration is the primary sponsor.

(3) ACCESS TO INFORMATION.—The federally funded research and development center with which the Secretary enters into the contract under paragraph (1) shall have full and direct access to all information related to pit production, including information of the National Nuclear Security Administration and its management and operating contractors.

(4) REPORT REQUIRED.—Not later than April 1, 2019, the federally funded research and development center with which the Secretary enters into the contract under paragraph (1) shall submit to the Secretary, the Administrator, and the Nuclear Weapons Council established under section 179 of title 10, United States Code, a report containing the assessment required by paragraph (1).

(5) SUBMISSION TO CONGRESS.—Not later than April 15, 2019, the Secretary shall submit to the congressional defense committees the report required by paragraph (4), without change.

(c) REPORT ON PIT PRODUCTION AT LOS ALAMOS NATIONAL LABORATORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report containing—

(A) a detailed plan to produce 30 pits per year at Los Alamos National Laboratory by 2026, including—

(i) equipment and other construction already planned at the Chemistry and Metallurgy Research Replacement Facility;

(ii) additional equipment or labor necessary to produce such pits; and

(iii) effects on and from other ongoing programs at Los Alamos National Laboratory; and

(B) a detailed plan for designing and carrying out production of plutonium pits 31–80 at Los Alamos National Laboratory, in case the MOX facility is not operational and producing pits by 2030.

(2) ASSESSMENT.—Not later than 120 days after the submission of the report required by paragraph (1), the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall submit to the congressional defense committees an assessment of that report, including an assessment of the effect of increased ARIES activity in support of the dilute and dispose program on the plutonium pit production mission.

(d) BRIEFING.—Not later than March 1, 2019, the Chairman of the Nuclear Weapons Council and the Administrator shall jointly provide to the congressional defense committees a briefing detailing the implementation plan for the plutonium strategy of the National Nuclear Security Administration, including milestones, accountable personnel for such milestones, and mechanisms for ensuring transparency into the progress of such strategy for the Department of Defense and the congressional defense committees.

(e) ANNUAL CERTIFICATION.—Not later than April 1, 2019, and each year thereafter through 2025, the Chairman shall submit to the Secretary, the Administrator, and the congressional defense committees a written certification that the plutonium pit production plan of the National Nuclear Security Administration is on track to meet—

(1) the military requirement of 80 pits per year by 2030, or such other military requirement as determined by the Secretary;

(2) the statutory requirements for pit production timelines under section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a); and

(3) all milestones and deliverables described in the plans required by subsection (c)(1).

(f) FAILURE TO CERTIFY.—

(1) NWC NOTIFICATION.—If in any year the Chairman is unable to submit the certification under subsection (e), the Chairman shall submit to the congressional defense committees, the Secretary, and the Administrator written notification describing why the Chairman is unable to make such certification.

(2) NNSA RESPONSE.—Not later than 180 days after the date on which the Chairman makes a notification under paragraph (1), the Administrator shall submit to the congressional defense committees, the Secretary, and the Chairman a report that—

(A) addresses the reasons identified in the notification with respect to the failure to make the certification under subsection (e); and

(B) includes presentation of either a concurrent backup plan or a recovery plan, and the associated implementation schedules for such plan.

(g) DEFINITIONS.—In this section:

(1) ARIES.—The term “ARIES” means the Advanced Recovery and Integrated Extraction System method, developed and piloted at Los Alamos National Laboratory, Los Alamos, New Mexico, for disassembling surplus defense plutonium pits

and converting the plutonium from such pits into plutonium oxide.

(2) **DILUTE AND DISPOSE APPROACH.**—The term “dilute and dispose approach” means a method of blending plutonium oxide made from surplus defense plutonium with an inert mixture, then packaging and indefinitely disposing of the combined material in a geologic repository.

(3) **MOX FACILITY.**—The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

SEC. 3121. PILOT PROGRAM ON CONDUCT BY DEPARTMENT OF ENERGY OF BACKGROUND REVIEWS FOR ACCESS BY CERTAIN INDIVIDUALS TO NATIONAL SECURITY LABORATORIES.

50 USC 2652
note.

(a) **IN GENERAL.**—The Secretary of Energy shall establish a pilot program to assess the feasibility and advisability of conducting background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) within the Department of Energy.

(b) **REQUIREMENTS.**—Under the pilot program established under subsection (a), the Secretary may admit an individual described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) to a facility of a national security laboratory described in that section if, in addition to the conduct of a background review under subsection (a) with respect to that individual—

(1) the Secretary determines that the admission of that individual to that facility is in the national interest and will further science, technology, and engineering capabilities in support of the mission of the Department of Energy; and

(2) a security plan is developed and implemented to mitigate the risks associated with the admission of that individual to that facility.

(c) **ROLES OF SECRETARY AND DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.**—

(1) **ROLE OF SECRETARY.**—Under the pilot program under subsection (a), the Secretary shall conduct background reviews for all individuals described in section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)) seeking admission to facilities of national security laboratories described in that section. Such reviews by the Secretary shall be conducted independent of and in addition to background reviews conducted by the Director of National Intelligence and the Director of the Federal Bureau of Investigation under that section.

(2) **ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE AND DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.**—Notwithstanding paragraph (1), during the period during which the pilot program established under subsection (a) is being carried out, the Director of National Intelligence and the Director of the Federal Bureau of Investigation shall retain primary responsibility for the conduct of all background reviews required by section 4502(a) of the Atomic Energy Defense Act (50 U.S.C. 2652(a)).

(d) **TERMINATION.**—The pilot program established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.