

Calendar No. 365

105TH CONGRESS
2D SESSION

S. 2058

A BILL

To authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes.

MAY 11, 1998

Reported from the Committee on Armed Services, read
twice, and placed on the calendar

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To authorize appropriations for fiscal year 1999 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 1999”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Congressional defense committees defined.

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL
SECURITY PROGRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
 Sec. 3102. Environmental restoration and waste management.
 Sec. 3103. Other defense activities.
 Sec. 3104. Defense nuclear waste disposal.
 Sec. 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
 Sec. 3122. Limits on general plant projects.
 Sec. 3123. Limits on construction projects.
 Sec. 3124. Fund transfer authority.
 Sec. 3125. Authority for conceptual and construction design.
 Sec. 3126. Authority for emergency planning, design, and construction activities.
 Sec. 3127. Funds available for all national security programs of the Department of Energy.
 Sec. 3128. Availability of funds.
 Sec. 3129. Transfers of defense environmental management funds.

**Subtitle C—Program Authorizations, Restrictions, and
Limitations**

- Sec. 3131. International cooperative stockpile stewardship.
 Sec. 3132. Prohibition on use of funds for ballistic missile defense and theater missile defense.
 Sec. 3133. Licensing of certain mixed oxide fuel fabrication and irradiation facilities.
 Sec. 3134. Continuation of processing, treatment, and disposition of legacy nuclear materials.
 Sec. 3135. Authority for Department of Energy federally funded research and development centers to participate in merit-based technology research and development programs.
 Sec. 3136. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.

Subtitle D—Other Matters

- Sec. 3141. Repeal of fiscal year 1998 statement of policy on stockpile stewardship program.
 Sec. 3142. Increase in maximum rate of pay for scientific, engineering, and technical personnel responsible for safety at defense nuclear facilities.
 Sec. 3143. Sense of Senate regarding treatment of Formerly Utilized Sites Remedial Action Program under a nondefense discretionary budget function.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY
BOARD**

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Definitions.
 Sec. 3302. Authorized uses of stockpile funds.
 Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title; references to Panama Canal Act of 1979.
 Sec. 3502. Authorization of expenditures.
 Sec. 3503. Purchase of vehicles.
 Sec. 3504. Expenditures only in accordance with treaties.
 Sec. 3505. Donations to the Commission.
 Sec. 3506. Agreements for United States to provide post-transfer administrative services for certain employee benefits.
 Sec. 3507. Sunset of United States overseas benefits just before transfer.
 Sec. 3508. Central Examining Office.
 Sec. 3509. Liability for vessel accidents.
 Sec. 3510. Placement of United States citizens in positions with the United States Government.
 Sec. 3511. Panama Canal Board of Contract Appeals.
 Sec. 3512. Technical amendments.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 For purposes of this Act, the term “congressional de-
 3 fense committees” means—

4 (1) the Committee on Armed Services and the
 5 Committee on Appropriations of the Senate; and

6 (2) the Committee on National Security and the
 7 Committee on Appropriations of the House of Rep-
 8 resentatives.

1 **TITLE XXXI—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **PROGRAMS**

4 **Subtitle A—National Security**
5 **Programs Authorizations**

6 **SEC. 3101. WEAPONS ACTIVITIES.**

7 (a) IN GENERAL.—Funds are hereby authorized to
8 be appropriated to the Department of Energy for fiscal
9 year 1999 for weapons activities in carrying out programs
10 necessary for national security in the amount of
11 \$4,519,700,000, to be allocated as follows:

12 (1) STOCKPILE STEWARDSHIP.—Funds are
13 hereby authorized to be appropriated to the Depart-
14 ment of Energy for fiscal year 1999 for stockpile
15 stewardship in carrying out weapons activities nec-
16 essary for national security programs in the amount
17 of \$2,123,375,000, to be allocated as follows:

18 (A) For core stockpile stewardship,
19 \$1,556,375,000, to be allocated as follows:

20 (i) For operation and maintenance,
21 \$1,440,832,000.

22 (ii) For plant projects (including
23 maintenance, restoration, planning, con-
24 struction, acquisition, modification of fa-
25 cilities, and the continuation of projects

1 authorized in prior years, and land acqui-
2 sition related thereto), \$115,543,000, to be
3 allocated as follows:

4 Project 99–D–102, rehabilitation
5 of maintenance facility, Lawrence
6 Livermore National Laboratory,
7 Livermore, California, \$6,500,000.

8 Project 99–D–103, isotope
9 sciences facilities, Lawrence Liver-
10 more National Laboratory, Livermore,
11 California, \$4,000,000.

12 Project 99–D–104, protection of
13 real property (roof replacement-Phase
14 II), Lawrence Livermore National
15 Laboratory, Livermore, California,
16 \$7,300,000.

17 Project 99–D–105, central health
18 physics calibration facility, TA–36,
19 Los Alamos National Laboratory, Los
20 Alamos, New Mexico, \$3,900,000.

21 Project 99–D–106, model valida-
22 tion and system certification test cen-
23 ter, Sandia National Laboratories, Al-
24 buquerque, New Mexico, \$1,600,000.

1 Project 99–D–107, Joint Com-
2 putational Engineering Laboratory,
3 Sandia National Laboratories, Albu-
4 querque, New Mexico, \$1,800,000.

5 Project 99–D–108, renovate ex-
6 isting roadways, Nevada Test Site,
7 Nevada, \$2,000,000.

8 Project 97–D–102, dual-axis ra-
9 diographic hydrotest facility
10 (DARHT), Los Alamos National Lab-
11 oratory, Los Alamos, New Mexico,
12 \$36,000,000.

13 Project 96–D–102, stockpile
14 stewardship facilities revitalization,
15 Phase VI, various locations,
16 \$20,423,000.

17 Project 96–D–103, ATLAS, Los
18 Alamos National Laboratory, Los Ala-
19 mos, New Mexico, \$6,400,000.

20 Project 96–D–104, processing
21 and environmental technology labora-
22 tory (PETL), Sandia National Lab-
23 oratories, Albuquerque, New Mexico,
24 \$18,920,000.

1 Project 96–D–105, contained fir-
2 ing facility (CFF) addition, Lawrence
3 Livermore National Laboratory,
4 Livermore, California, \$6,700,000.

5 (B) For inertial fusion, \$498,000,000, to
6 be allocated as follows:

7 (i) For operation and maintenance,
8 \$213,800,000.

9 (ii) For the following plant project
10 (including maintenance, restoration, plan-
11 ning, construction, acquisition, and modi-
12 fication of facilities, and land acquisition
13 related thereto), \$284,200,000, to be allo-
14 cated as follows:

15 Project 96–D–111, national igni-
16 tion facility (NIF), Lawrence Liver-
17 more National Laboratory, Livermore,
18 California, \$284,200,000.

19 (C) For technology partnerships and edu-
20 cation, \$69,000,000, to be allocated as follows:

21 (i) For technology partnerships,
22 \$60,000,000.

23 (ii) For education, \$9,000,000.

24 (2) STOCKPILE MANAGEMENT.—Funds are
25 hereby authorized to be appropriated to the Depart-

1 ment of Energy for fiscal year 1999 for stockpile
2 management in carrying out weapons activities nec-
3 essary for national security programs in the amount
4 of \$2,140,825,000, to be allocated as follows:

5 (A) For operation and maintenance,
6 \$2,040,803,000.

7 (B) For plant projects (including mainte-
8 nance, restoration, planning, construction, ac-
9 quisition, modification of facilities, and the con-
10 tinuation of projects authorized in prior years,
11 and land acquisition related thereto),
12 \$100,022,000, to be allocated as follows:

13 Project 99–D–122, rapid reactivation,
14 various locations, \$11,200,000.

15 Project 99–D–123, replace mechanical
16 utility systems, Y–12 Plant, Oak Ridge,
17 Tennessee, \$1,900,000.

18 Project 99–D–125, replace boilers and
19 controls, Kansas City Plant, Kansas City,
20 Missouri, \$1,000,000.

21 Project 99–D–127, stockpile manage-
22 ment restructuring initiative, Kansas City
23 Plant, Kansas City, Missouri,
24 \$13,700,000.

1 Project 99–D–128, stockpile manage-
2 ment restructuring initiative, Pantex
3 Plant, Amarillo, Texas, \$1,108,000.

4 Project 99–D–132, nuclear materials
5 safeguards and security upgrades project,
6 Los Alamos National Laboratory, Los Ala-
7 mos, New Mexico, \$9,700,000.

8 Project 98–D–123, stockpile manage-
9 ment restructuring initiative, tritium fac-
10 tory modernization and consolidation, Sa-
11 vannah River Site, Aiken, South Carolina,
12 \$27,500,000.

13 Project 98–D–124, stockpile manage-
14 ment restructuring initiative, Y–12 Plant
15 consolidation, Oak Ridge, Tennessee,
16 \$10,700,000.

17 Project 97–D–122, nuclear materials
18 storage facility renovation, Los Alamos
19 National Laboratory, Los Alamos, New
20 Mexico, \$4,864,000.

21 Project 97–D–123, structural up-
22 grades, Kansas City Plant, Kansas City,
23 Missouri, \$6,400,000.

1 Project 96–D–122, sewage treatment
2 quality upgrade (STQU), Pantex Plant,
3 Amarillo, Texas, \$3,700,000.

4 Project 95–D–102, chemistry and
5 metallurgy research building (CMR) up-
6 grades project, Los Alamos National Lab-
7 oratory, Los Alamos, New Mexico,
8 \$5,000,000.

9 Project 93–D–122, life safety up-
10 grades, Y–12 Plant, Oak Ridge, Ten-
11 nessee, \$3,250,000.

12 (3) PROGRAM DIRECTION.—Funds are hereby
13 authorized to be appropriated to the Department of
14 Energy for fiscal year 1999 for program direction in
15 carrying out weapons activities necessary for na-
16 tional security programs in the amount of
17 \$255,500,000.

18 (b) ADJUSTMENT.—The total amount authorized to
19 be appropriated in paragraphs (1), (2), and (3) of sub-
20 section (a) is the sum of the amounts authorized to be
21 appropriated by such paragraphs reduced by the sum of
22 \$145,000,000 for use of prior year balances.

1 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
2 **MANAGEMENT.**

3 (a) IN GENERAL.—Funds are hereby authorized to
4 be appropriated to the Department of Energy for fiscal
5 year 1999 for environmental restoration and waste man-
6 agement in carrying out programs necessary for national
7 security in the amount of \$5,323,143,000, to be allocated
8 as follows:

9 (1) SITE AND PROJECT COMPLETION.—Funds
10 are hereby authorized to be appropriated to the De-
11 partment of Energy for fiscal year 1999 for site
12 project and completion in carrying out environ-
13 mental restoration and waste management activities
14 necessary for national security programs in the
15 amount of \$1,047,253,000, to be allocated as fol-
16 lows:

17 (A) For operation and maintenance,
18 \$848,090,000.

19 (B) For plant projects (including mainte-
20 nance, restoration, planning, construction, ac-
21 quisition, modification of facilities, and the con-
22 tinuation of projects authorized in prior years,
23 and land acquisition related thereto),
24 \$199,163,000, to be allocated as follows:

1 Project 99–D–402, tank farm support
2 services, F&H area, Savannah River Site,
3 Aiken, South Carolina, \$2,745,000.

4 Project 99–D–404, health physics in-
5 strumentation laboratory, Idaho National
6 Engineering and Environmental Labora-
7 tory, Idaho Falls, Idaho, \$950,000.

8 Project 98–D–401, H-tank farm
9 storm water systems upgrade, Savannah
10 River Site, Aiken, South Carolina,
11 \$3,120,000.

12 Project 98–D–453, plutonium sta-
13 bilization and handling system for pluto-
14 nium finishing plant, Richland, Washing-
15 ton, \$26,814,000.

16 Project 98–D–700, road rehabilita-
17 tion, Idaho National Engineering and En-
18 vironmental Laboratory, Idaho Falls,
19 Idaho, \$7,710,000.

20 Project 97–D–450, actinide packaging
21 and storage facility, Savannah River Site,
22 Aiken, South Carolina, \$79,184,000.

23 Project 97–D–470, regulatory mon-
24 itoring and bioassay laboratory, Savannah

1 River Site, Aiken, South Carolina,
2 \$7,000,000.

3 Project 96–D–406, spent nuclear fuels
4 canister storage and stabilization facility,
5 Richland, Washington, \$38,680,000.

6 Project 96–D–408, waste manage-
7 ment upgrades, Kansas City Plant, Kansas
8 City, Missouri, and Savannah River Site,
9 Aiken, South Carolina, \$4,512,000.

10 Project 96–D–464, electrical and util-
11 ity systems upgrade, Idaho Chemical Proc-
12 essing Plant, Idaho National Engineering
13 and Environmental Laboratory, Idaho
14 Falls, Idaho, \$11,544,000.

15 Project 96–D–471, chlorofluorocarbon
16 heating, ventilation, and air conditioning
17 and chiller retrofit, Savannah River Site,
18 Aiken, South Carolina, \$8,000,000.

19 Project 95–D–456, security facilities
20 consolidation, Idaho Chemical Processing
21 Plant, Idaho National Engineering and
22 Environmental Laboratory, Idaho Falls,
23 Idaho, \$485,000.

1 Project 92–D–140, F-canyon and H-
2 canyon exhaust upgrades, Savannah River
3 Site, Aiken, South Carolina, \$3,667,000.

4 Project 86–D–103, decontamination
5 and waste treatment facility, Lawrence
6 Livermore National Laboratory, Liver-
7 more, California, \$4,752,000.

8 (2) POST 2006 COMPLETION.—Funds are hereby
9 authorized to be appropriated to the Department of
10 Energy for fiscal year 1999 for post 2006 project
11 completion in carrying out environmental restoration
12 and waste management activities necessary for na-
13 tional security programs in the amount of
14 \$2,683,451,000, to be allocated as follows:

15 (A) For operation and maintenance,
16 \$2,602,195,000.

17 (B) For plant projects (including mainte-
18 nance, restoration, planning, construction, ac-
19 quisition, modification of facilities, and the con-
20 tinuation of projects authorized in prior years,
21 and land acquisition related thereto),
22 \$81,256,000, to be allocated as follows:

23 Project 99–D–403, privatization
24 phase I infrastructure support, Richland,
25 Washington, \$14,800,000.

1 Project 97–D–402, tank farm restora-
2 tion and safe operations, Richland, Wash-
3 ington, \$22,723,000.

4 Project 96–D–408, waste manage-
5 ment upgrades, Richland, Washington,
6 \$171,000.

7 Project 94–D–407, initial tank re-
8 trieval systems, Richland, Washington,
9 \$32,860,000.

10 Project 93–D–187, high-level waste
11 removal from filled waste tanks, Savannah
12 River Site, Aiken, South Carolina,
13 \$10,702,000.

14 (3) CLOSURE PROJECTS.—Funds are hereby
15 authorized to be appropriated to the Department of
16 Energy for fiscal year 1999 for closure projects car-
17 ried out in accordance with section 3143 of the Na-
18 tional Defense Authorization Act for Fiscal Year
19 1997 (Public Law 104–201; 110 Stat. 2836; 42
20 U.S.C. 7274n) in the amount of \$1,006,240,000.

21 (4) TECHNOLOGY DEVELOPMENT.—Funds are
22 hereby authorized to be appropriated to the Depart-
23 ment of Energy for fiscal year 1999 for science and
24 technology in carrying out environmental restoration
25 and waste management activities necessary for na-

1 tional security programs in the amount of
2 \$250,000,000.

3 (5) PROGRAM DIRECTION.—Funds are hereby
4 authorized to be appropriated to the Department of
5 Energy for fiscal year 1999 for program direction in
6 carrying out environmental restoration and waste
7 management activities necessary for national secu-
8 rity programs in the amount of \$336,199,000.

9 (b) ADJUSTMENT.—The total amount authorized to
10 be appropriated in paragraphs (1), (2), (3), and (5) of
11 subsection (a) is the sum of the amounts authorized to
12 be appropriated by such paragraphs reduced by the sum
13 of \$21,000,000 for use of prior year balances.

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 1999 for other
17 defense activities in carrying out programs necessary for
18 national security in the amount of \$1,672,160,000, to be
19 allocated as follows:

20 (1) VERIFICATION AND CONTROL TECH-
21 NOLOGY.—For verification and control technology,
22 \$483,500,000, to be allocated as follows:

23 (A) For nonproliferation and verification
24 research and development, \$210,000,000.

25 (B) For arms control, \$236,900,000.

1 (C) For intelligence, \$36,600,000.

2 (2) NUCLEAR SAFEGUARDS AND SECURITY.—

3 For nuclear safeguards and security, \$53,200,000.

4 (3) SECURITY INVESTIGATIONS.—For security
5 investigations, \$30,000,000.

6 (4) EMERGENCY MANAGEMENT.—For emer-
7 gency management, \$23,700,000.

8 (5) PROGRAM DIRECTION.—For program direc-
9 tion, nonproliferation and national security,
10 \$84,900,000.

11 (6) WORKER AND COMMUNITY TRANSITION AS-
12 SISTANCE.—For worker and community transition
13 assistance, \$40,000,000, to be allocated as follows:

14 (A) For worker and community transition,
15 \$36,000,000.

16 (B) For program direction, worker and
17 community transition assistance, \$4,000,000.

18 (7) FISSILE MATERIALS CONTROL AND DISPOSI-
19 TION.—For fissile materials control and disposition,
20 \$168,960,000, to be allocated as follows:

21 (A) For operation and maintenance,
22 \$111,372,000.

23 (B) For program direction, fissile mate-
24 rials control and disposition, \$4,588,000.

1 (C) For plant projects (including maintenance,
2 nance, restoration, planning, construction, acquisition,
3 modification of facilities, and land acquisition related thereto), \$53,000,000, to be
4 allocated as follows:
5

6 Project 99–D–141, pit disassembly
7 and conversion facility, location to be determined, \$25,000,000.
8

9 Project 99–D–143, mixed oxide fuel
10 fabrication facility, location to be determined, \$28,000,000.
11

12 (8) ENVIRONMENT, SAFETY, AND HEALTH.—
13 For environment, safety, and health, defense,
14 \$69,000,000, to be allocated as follows:

15 (A) For the Office of Environment, Safety,
16 and Health (Defense), \$64,231,000.

17 (B) For program direction, environment,
18 safety, and health (defense), \$4,769,000.

19 (9) OFFICE OF HEARINGS AND APPEALS.—For
20 the Office of Hearings and Appeals, \$2,400,000.

21 (10) INTERNATIONAL NUCLEAR SAFETY.—For
22 international nuclear safety, \$35,000,000.

23 (11) NAVAL REACTORS.—For naval reactors,
24 \$681,500,000, to be allocated as follows:

1 (A) For naval reactors development,
2 \$661,400,000, to be allocated as follows:

3 (i) For operation and maintenance,
4 \$639,600,000.

5 (ii) For plant projects (including
6 maintenance, restoration, planning, con-
7 struction, acquisition, modification of fa-
8 cilities, and the continuation of projects
9 authorized in prior years, and land acquisi-
10 tion related thereto), \$12,800,000, to be
11 allocated as follows:

12 Project 98-D-200, site labora-
13 tory/facility upgrade, various loca-
14 tions, \$7,000,000.

15 Project 90-N-102, expended core
16 facility dry cell project, Naval Reac-
17 tors facility, Idaho Falls, Idaho,
18 \$5,800,000.

19 (iii) For general plant projects,
20 \$9,000,000, to be allocated as follows:

21 Project GPN-101, general plant
22 projects, various locations,
23 \$9,000,000.

24 (B) For program direction, naval reactors,
25 \$20,100,000.

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

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 1999 for pay-
4 ment to the Nuclear Waste Fund established in section
5 302(c) of the Nuclear Waste Policy Act of 1982 (42
6 U.S.C. 10222(c)) in the amount of \$190,000,000.

7 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
8 **VATIZATION.**

9 (a) IN GENERAL.—Funds are hereby authorized to
10 be appropriated to the Department of Energy for fiscal
11 year 1999 for privatization initiatives in carrying out envi-
12 ronmental restoration and waste management activities
13 necessary for national security programs in the amount
14 of \$273,857,000, to be allocated as follows:

15 Project 99–PVT–1, remote handled transuranic
16 waste transportation, Carlsbad, New Mexico,
17 \$19,605,000.

18 Project 98–PVT–2, spent nuclear fuel dry stor-
19 age, Idaho Falls, Idaho, \$20,000,000.

20 Project 98–PVT–5, waste disposal, Oak Ridge,
21 Tennessee, \$33,500,000.

22 Project 97–PVT–1, tank waste remediation sys-
23 tem phase I, Hanford, Washington, \$113,500,000.

24 Project 97–PVT–2, advanced mixed waste
25 treatment facility, Idaho Falls, Idaho, \$87,252,000.

1 (b) ADJUSTMENT.—The amount authorized to be ap-
2 propriated in subsection (a) is the sum of the amounts
3 authorized to be appropriated for the projects set forth
4 in that subsection reduced by the sum of \$32,000,000 for
5 use of prior year balances of funds for defense environ-
6 mental management privatization.

7 **Subtitle B—Recurring General** 8 **Provisions**

9 **SEC. 3121. REPROGRAMMING.**

10 (a) IN GENERAL.—Until the Secretary of Energy
11 submits to the congressional defense committees the re-
12 port referred to in subsection (b) and a period of 30 days
13 has elapsed after the date on which such committees re-
14 ceive the report, the Secretary may not use amounts ap-
15 propriated pursuant to this title for any program—

16 (1) in amounts that exceed, in a fiscal year—

17 (A) 110 percent of the amount authorized
18 for that program by this title; or

19 (B) \$1,000,000 more than the amount au-
20 thorized for that program by this title; or

21 (2) which has not been presented to, or re-
22 quested of, Congress.

23 (b) REPORT.—(1) The report referred to in sub-
24 section (a) is a report containing a full and complete state-
25 ment of the action proposed to be taken and the facts and

1 circumstances relied upon in support of such proposed ac-
2 tion.

3 (2) In the computation of the 30-day period under
4 subsection (a), there shall be excluded any day on which
5 either House of Congress is not in session because of an
6 adjournment of more than 3 days to a day certain.

7 (c) LIMITATIONS.—(1) In no event may the total
8 amount of funds obligated pursuant to this title exceed
9 the total amount authorized to be appropriated by this
10 title.

11 (2) Funds appropriated pursuant to this title may not
12 be used for an item for which Congress has specifically
13 denied funds.

14 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

15 (a) IN GENERAL.—The Secretary of Energy may
16 carry out any construction project under the general plant
17 projects authorized by this title if the total estimated cost
18 of the construction project does not exceed \$5,000,000.

19 (b) REPORT TO CONGRESS.—If, at any time during
20 the construction of any general plant project authorized
21 by this title, the estimated cost of the project is revised
22 because of unforeseen cost variations and the revised cost
23 of the project exceeds \$5,000,000, the Secretary shall im-
24 mediately furnish a complete report to the congressional

1 defense committees explaining the reasons for the cost
2 variation.

3 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

4 (a) IN GENERAL.—(1) Except as provided in para-
5 graph (2), construction on a construction project may not
6 be started or additional obligations incurred in connection
7 with the project above the total estimated cost, whenever
8 the current estimated cost of the construction project,
9 which is authorized by section 3101, 3102, or 3103, or
10 which is in support of national security programs of the
11 Department of Energy and was authorized by any pre-
12 vious Act, exceeds by more than 25 percent the higher
13 of—

14 (A) the amount authorized for the project; or

15 (B) the amount of the total estimated cost for
16 the project as shown in the most recent budget jus-
17 tification data submitted to Congress.

18 (2) An action described in paragraph (1) may be
19 taken if—

20 (A) the Secretary of Energy has submitted to
21 the congressional defense committees a report on the
22 actions and the circumstances making such action
23 necessary; and

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

4 (3) In the computation of the 30-day period under
5 paragraph (2), there shall be excluded any day on which
6 either House of Congress is not in session because of an
7 adjournment of more than 3 days to a day certain.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 any construction project which has a current estimated
10 cost of less than \$5,000,000.

11 **SEC. 3124. FUND TRANSFER AUTHORITY.**

12 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
13 The Secretary of Energy may transfer funds authorized
14 to be appropriated to the Department of Energy pursuant
15 to this title to other Federal agencies for the performance
16 of work for which the funds were authorized. Funds so
17 transferred may be merged with and be available for the
18 same purposes and for the same period as the authoriza-
19 tions of the Federal agency to which the amounts are
20 transferred.

21 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—
22 (1) Subject to paragraph (2), the Secretary of Energy may
23 transfer funds authorized to be appropriated to the De-
24 partment of Energy pursuant to this title between any
25 such authorizations. Amounts of authorizations so trans-

1 ferred may be merged with and be available for the same
2 purposes and for the same period as the authorization to
3 which the amounts are transferred.

4 (2) Not more than five percent of any such authoriza-
5 tion may be transferred between authorizations under
6 paragraph (1). No such authorization may be increased
7 or decreased by more than five percent by a transfer under
8 such paragraph.

9 (c) LIMITATION.—The authority provided by this sec-
10 tion to transfer authorizations—

11 (1) may only be used to provide funds for items
12 relating to activities necessary for national security
13 programs that have a higher priority than the items
14 from which the funds are transferred; and

15 (2) may not be used to provide funds for an
16 item for which Congress has specifically denied
17 funds.

18 (d) NOTICE TO CONGRESS.—The Secretary of En-
19 ergy shall promptly notify the Committee on Armed Serv-
20 ices of the Senate and the Committee on National Security
21 of the House of Representatives of any transfer of funds
22 to or from authorizations under this title.

1 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.**
2

3 (a) **REQUIREMENT FOR CONCEPTUAL DESIGN.—**(1)
4 Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for
5 funds for a construction project that is in support of a
6 national security program of the Department of Energy,
7 the Secretary of Energy shall complete a conceptual design for that project.
8
9

10 (2) If the estimated cost of completing a conceptual
11 design for a construction project exceeds \$3,000,000, the
12 Secretary shall submit to Congress a request for funds for
13 the conceptual design before submitting a request for
14 funds for the construction project.

15 (3) The requirement in paragraph (1) does not apply
16 to a request for funds—

17 (A) for a construction project the total estimated cost of which is less than \$5,000,000; or

18 (B) for emergency planning, design, and construction activities under section 3126.

19 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.—**(1)
20 Within the amounts authorized by this title, the Secretary
21 of Energy may carry out construction design (including
22 architectural and engineering services) in connection with
23 any proposed construction project if the total estimated
24 cost for such design does not exceed \$600,000.
25
26

1 (2) If the total estimated cost for construction design
2 in connection with any construction project exceeds
3 \$600,000, funds for such design must be specifically au-
4 thorized by law.

5 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
6 **SIGN, AND CONSTRUCTION ACTIVITIES.**

7 (a) **AUTHORITY.**—The Secretary of Energy may use
8 any funds available to the Department of Energy pursuant
9 to an authorization in this title, including those funds au-
10 thorized to be appropriated for advance planning and con-
11 struction design under sections 3101, 3102, and 3103, to
12 perform planning, design, and construction activities for
13 any Department of Energy national security program con-
14 struction project that, as determined by the Secretary,
15 must proceed expeditiously in order to protect public
16 health and safety, to meet the needs of national defense,
17 or to protect property.

18 (b) **LIMITATION.**—The Secretary may not exercise
19 the authority under subsection (a) in the case of any con-
20 struction project until the Secretary has submitted to the
21 congressional defense committees a report on the activities
22 that the Secretary intends to carry out under this section
23 and the circumstances making such activities necessary.

24 (c) **SPECIFIC AUTHORITY.**—The requirement of sec-
25 tion 3125(b)(2) does not apply to emergency planning, de-

1 sign, and construction activities conducted under this sec-
2 tion.

3 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
4 **RITY PROGRAMS OF THE DEPARTMENT OF**
5 **ENERGY.**

6 Subject to the provisions of appropriations Acts and
7 section 3121, amounts appropriated pursuant to this title
8 for management and support activities and for general
9 plant projects are available for use, when necessary, in
10 connection with all national security programs of the De-
11 partment of Energy.

12 **SEC. 3128. AVAILABILITY OF FUNDS.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), when so specified in an appropriations Act, amounts
15 appropriated for operation and maintenance or for plant
16 projects may remain available until expended.

17 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
18 Amounts appropriated for program direction pursuant to
19 an authorization of appropriations in subtitle A shall re-
20 main available to be expended only until the end of fiscal
21 year 2001.

22 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL**
23 **MANAGEMENT FUNDS.**

24 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
25 MENTAL MANAGEMENT FUNDS.—The Secretary of En-

1 ergy shall provide the manager of each field office of the
2 Department of Energy with the authority to transfer de-
3 fense environmental management funds from a program
4 or project under the jurisdiction of the office to another
5 such program or project.

6 (b) LIMITATIONS.—(1) Only one transfer may be
7 made to or from any program or project under subsection
8 (a) in a fiscal year.

9 (2) The amount transferred to or from a program
10 or project under subsection (a) may not exceed \$5,000,000
11 in a fiscal year.

12 (3) A transfer may not be carried out by a manager
13 of a field office under subsection (a) unless the manager
14 determines that the transfer is necessary to address a risk
15 to health, safety, or the environment or to assure the most
16 efficient use of defense environmental management funds
17 at the field office.

18 (4) Funds transferred pursuant to subsection (a)
19 may not be used for an item for which Congress has spe-
20 cifically denied funds or for a new program or project that
21 has not been authorized by Congress.

22 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
23 MENTS.—The requirements of section 3121 shall not
24 apply to transfers of funds pursuant to subsection (a).

1 (d) NOTIFICATION.—The Secretary, acting through
2 the Assistant Secretary of Energy for Environmental
3 Management, shall notify Congress of any transfer of
4 funds pursuant to subsection (a) not later than 30 days
5 after such transfer occurs.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “program or project” means, with
8 respect to a field office of the Department of En-
9 ergy, any of the following:

10 (A) An activity carried out pursuant to
11 paragraph (1), (2), or (3) of section 3102(a).

12 (B) A project or program not described in
13 subparagraph (A) that is for environmental res-
14 toration or waste management activities nec-
15 essary for national security programs of the De-
16 partment, that is being carried out by the of-
17 fice, and for which defense environmental man-
18 agement funds have been authorized and appro-
19 priated before the date of enactment of this
20 Act.

21 (2) The term “defense environmental manage-
22 ment funds” means funds appropriated to the De-
23 partment of Energy pursuant to an authorization for
24 carrying out environmental restoration and waste

1 management activities necessary for national secu-
2 rity programs.

3 (f) DURATION OF AUTHORITY.—The managers of the
4 field offices of the Department may exercise the authority
5 provided under subsection (a) during the period beginning
6 on October 1, 1998, and ending on September 30, 1999.

7 **Subtitle C—Program Authoriza-**
8 **tions, Restrictions, and Limita-**
9 **tions**

10 **SEC. 3131. INTERNATIONAL COOPERATIVE STOCKPILE**
11 **STEWARDSHIP.**

12 (a) FUNDING PROHIBITION.—No funds authorized to
13 be appropriated or otherwise available to the Department
14 of Energy for fiscal year 1999 may be obligated or ex-
15 pended to conduct any activities associated with inter-
16 national cooperative stockpile stewardship.

17 (b) EXCEPTIONS.—Subsection (a) does not apply to
18 the following:

19 (1) Activities conducted between the United
20 States and the United Kingdom.

21 (2) Activities conducted between the United
22 States and France.

23 (3) Activities carried out under title III of this
24 Act relating to cooperative threat reduction with
25 states of the former Soviet Union.

1 **SEC. 3132. PROHIBITION ON USE OF FUNDS FOR BALLISTIC**
2 **MISSILE DEFENSE AND THEATER MISSILE**
3 **DEFENSE.**

4 No funds authorized to be appropriated or otherwise
5 made available to the Department of Energy by this title
6 for fiscal year 1999 may be obligated or expended for any
7 activities (including research, development, test, and eval-
8 uation activities, demonstration activities, or studies) re-
9 lating to ballistic missile defense or theater missile de-
10 fense.

11 **SEC. 3133. LICENSING OF CERTAIN MIXED OXIDE FUEL**
12 **FABRICATION AND IRRADIATION FACILITIES.**

13 (a) LICENSE REQUIREMENT.—Notwithstanding sec-
14 tion 110 a. of the Atomic Energy Act of 1954 (42 U.S.C.
15 2140(a)), no person may construct or operate a facility
16 referred to in subsection (b) without obtaining a license
17 from the Nuclear Regulatory Commission.

18 (b) COVERED FACILITIES.—(1) Except as provided
19 in paragraph (2), subsection (a) applies to any facility
20 under a contract with and for the account of the Depart-
21 ment of Energy that fabricates mixed plutonium-uranium
22 oxide nuclear reactor fuel for use in a commercial nuclear
23 reactor.

24 (2) Subsection (a) does not apply to any such facility
25 that is utilized for research, development, demonstration,
26 testing, or analysis purposes.

1 **SEC. 3135. AUTHORITY FOR DEPARTMENT OF ENERGY FED-**
2 **ERALLY FUNDED RESEARCH AND DEVELOP-**
3 **MENT CENTERS TO PARTICIPATE IN MERIT-**
4 **BASED TECHNOLOGY RESEARCH AND DEVEL-**
5 **OPMENT PROGRAMS.**

6 Section 217(f)(1) of the National Defense Authoriza-
7 tion Act for Fiscal Year 1995 (Public Law 103–337; 108
8 Stat. 2695) is amended by inserting “or of the Depart-
9 ment of Energy” after “the Department of Defense”.

10 **SEC. 3136. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**
11 **CINITY OF LOS ALAMOS NATIONAL LABORA-**
12 **TORY, NEW MEXICO.**

13 (a) AVAILABILITY OF FUNDS.—Of the funds author-
14 ized to be appropriated or otherwise made available to the
15 Department of Energy by this title, \$5,000,000 shall be
16 available for payment by the Secretary of Energy to the
17 educational foundation chartered to enhance educational
18 activities in the public schools in the vicinity of Los Ala-
19 mos National Laboratory, New Mexico (in this section re-
20 ferred to as the “Foundation”).

21 (b) USE OF FUNDS.—(1) The Foundation shall uti-
22 lize funds provided under subsection (a) as a contribution
23 to an endowment fund for the Foundation.

24 (2) The Foundation shall use the income generated
25 from investments in the endowment fund that are attrib-
26 utable to the payment made under subsection (a) to fund

1 programs to support the educational needs of children in
 2 public schools in the vicinity of Los Alamos National Lab-
 3 oratory.

4 **Subtitle D—Other Matters**

5 **SEC. 3141. REPEAL OF FISCAL YEAR 1998 STATEMENT OF** 6 **POLICY ON STOCKPILE STEWARDSHIP PRO-** 7 **GRAM.**

8 Section 3156 of the National Defense Authorization
 9 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
 10 2045; 42 U.S.C. 2121 note) is repealed.

11 **SEC. 3142. INCREASE IN MAXIMUM RATE OF PAY FOR SCI-** 12 **ENTIFIC, ENGINEERING, AND TECHNICAL** 13 **PERSONNEL RESPONSIBLE FOR SAFETY AT** 14 **DEFENSE NUCLEAR FACILITIES.**

15 Section 3161(a)(2) of the National Defense Author-
 16 ization Act for Fiscal Year 1995 (42 U.S.C. 7231 note)
 17 is amended by striking out “level IV of the Executive
 18 Schedule under section 5315” and inserting in lieu thereof
 19 “level III of the Executive Schedule under section 5314”.

20 **SEC. 3143. SENSE OF SENATE REGARDING TREATMENT OF** 21 **FORMERLY UTILIZED SITES REMEDIAL AC-** 22 **TION PROGRAM UNDER A NONDEFENSE DIS-** 23 **CRETIONARY BUDGET FUNCTION.**

24 It is the sense of the Senate that the Office of Man-
 25 agement and Budget should, beginning with fiscal year

1 2000, transfer the Formerly Utilized Sites Remedial Ac-
 2 tion Program from the 050 budget function to a non-
 3 defense discretionary budget function.

4 **TITLE XXXII—DEFENSE NU-**
 5 **CLEAR FACILITIES SAFETY**
 6 **BOARD**

7 **SEC. 3201. AUTHORIZATION.**

8 There are authorized to be appropriated for fiscal
 9 year 1999, \$17,500,000 for the operation of the Defense
 10 Nuclear Facilities Safety Board under chapter 21 of the
 11 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

12 **TITLE XXXIII—NATIONAL**
 13 **DEFENSE STOCKPILE**

14 **SEC. 3301. DEFINITIONS.**

15 In this title:

16 (1) The term “National Defense Stockpile”
 17 means the stockpile provided for in section 4 of the
 18 Strategic and Critical Materials Stock Piling Act (50
 19 U.S.C. 98e).

20 (2) The term “National Defense Stockpile
 21 Transaction Fund” means the fund in the Treasury
 22 of the United States established under section 9(a)
 23 of the Strategic and Critical Materials Stock Piling
 24 Act (50 U.S.C. 98h(a)).

1 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

2 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
3 cal year 1999, the National Defense Stockpile Manager
4 may obligate up to \$83,000,000 of the funds in the Na-
5 tional Defense Stockpile Transaction Fund for the author-
6 ized uses of such funds under section 9(b)(2) of the Stra-
7 tegic and Critical Materials Stock Piling Act (50 U.S.C.
8 98h(b)(2)), including the disposal of hazardous materials
9 that are environmentally sensitive.

10 (b) ADDITIONAL OBLIGATIONS.—The National De-
11 fense Stockpile Manager may obligate amounts in excess
12 of the amount specified in subsection (a) if the National
13 Defense Stockpile Manager notifies Congress that extraor-
14 dinary or emergency conditions necessitate the additional
15 obligations. The National Defense Stockpile Manager may
16 make the additional obligations described in the notifica-
17 tion after the end of the 45-day period beginning on the
18 date Congress receives the notification.

19 (c) LIMITATIONS.—The authorities provided by this
20 section shall be subject to such limitations as may be pro-
21 vided in appropriations Acts.

22 **SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
23 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

24 (a) DISPOSAL REQUIRED.—Subject to subsection (c),
25 the President shall dispose of materials contained in the
26 National Defense Stockpile and specified in the table in

1 subsection (b) so as to result in receipts to the United
 2 States in the amount of \$100,000,000 by the end of fiscal
 3 year 1999.

4 (b) **LIMITATION ON DISPOSAL QUANTITY.**—The total
 5 quantities of materials authorized for disposal by the
 6 President under subsection (a) may not exceed the
 7 amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Columbium Carbide Powder	21,372 pounds contained
Columbium Ferro High Carbon	249,395 pounds contained
Columbium Concentrates	1,733,454 pounds con- tained
Chromium Ferrous Alloy Low Carbons	92,000 short tons
Chromium Metal—EL	8,511 short tons
Diamond, Stones	3,000,000 carats
Germanium Metal	28,198 kilograms
Indium	14,248 troy ounces
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces
Tantalum Carbide Powder	22,687 pounds contained
Tantalum Metal Powder	50,000 pounds contained
Tantalum Minerals	1,751,364 pounds con- tained
Tantalum Oxide	122,730 pounds contained
Tungsten Ferro	2,024,143 pounds
Tungsten Carbide Powder	2,024,143 pounds
Tungsten Metal Powder	1,898,009 pounds
Tungsten Ores & Concentrates	76,358,230 pounds.

8 (c) **MINIMIZATION OF DISRUPTION AND LOSS.**—The
 9 President may not dispose of materials under subsection
 10 (a) to the extent that the disposal will result in—

- 11 (1) undue disruption of the usual markets of
 12 producers, processors, and consumers of the mate-
 13 rials proposed for disposal; or
 14 (2) avoidable loss to the United States.

15 (d) **RELATIONSHIP TO OTHER DISPOSAL AUTHOR-**
 16 **ITY.**—The disposal authority provided in subsection (a) is

1 new disposal authority and is in addition to, and shall not
2 affect, any other disposal authority provided by law re-
3 garding the materials specified in such subsection.

4 **TITLE XXXIV—NAVAL**
5 **PETROLEUM RESERVES**

6 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AMOUNT.—There is hereby authorized to be ap-
8 propriated to the Secretary of Energy \$117,000,000 for
9 fiscal year 1999 for the purposes of carrying out—

10 (1) activities under chapter 641 of title 10,
11 United States Code, relating to the naval petroleum
12 reserves (as defined in section 7420(2) of such title);
13 and

14 (2) activities necessary to terminate the admin-
15 istration of Naval Petroleum Reserve Numbered 1
16 by the Secretary after the sale of that reserve under
17 subtitle B of title XXXIV of the National Defense
18 Authorization Act for Fiscal Year 1996 (Public Law
19 104–106; 10 U.S.C. 7420 note).

20 (b) AVAILABILITY.—Funds appropriated pursuant to
21 the authorization in subsection (a) shall remain available
22 until expended.

1 **TITLE XXXV—PANAMA CANAL**
2 **COMMISSION**

3 **SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL**
4 **ACT OF 1979.**

5 (a) **SHORT TITLE.**—This title may be cited as the
6 “Panama Canal Commission Authorization Act for Fiscal
7 Year 1999”.

8 (b) **REFERENCES TO PANAMA CANAL ACT OF**
9 1979.—Except as otherwise expressly provided, whenever
10 in this title an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion, the reference shall be considered to be made to a
13 section or other provision of the Panama Canal Act of
14 1979 (22 U.S.C. 3601 et seq.).

15 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

16 (a) **IN GENERAL.**—Subject to subsection (b), the
17 Panama Canal Commission is authorized to use amounts
18 in the Panama Canal Revolving Fund to make such ex-
19 penditures within the limits of funds and borrowing au-
20 thority available to it in accordance with law, and to make
21 such contracts and commitments, as may be necessary
22 under the Panama Canal Act of 1979 (22 U.S.C. 3601
23 et seq.) for the operation, maintenance, improvement, and
24 administration of the Panama Canal for fiscal year 1999.

1 (b) LIMITATIONS.—For fiscal year 1999, the Panama
2 Canal Commission may expend from funds in the Panama
3 Canal Revolving Fund not more than \$90,000 for official
4 reception and representation expenses, of which—

5 (1) not more than \$28,000 may be used for of-
6 ficial reception and representation expenses of the
7 Supervisory Board of the Commission;

8 (2) not more than \$14,000 may be used for of-
9 ficial reception and representation expenses of the
10 Secretary of the Commission; and

11 (3) not more than \$48,000 may be used for of-
12 ficial reception and representation expenses of the
13 Administrator of the Commission.

14 **SEC. 3503. PURCHASE OF VEHICLES.**

15 Notwithstanding any other provision of law, the
16 funds available to the Commission shall be available for
17 the purchase and transportation to the Republic of Pan-
18 ama of passenger motor vehicles, the purchase price of
19 which shall not exceed \$23,000 per vehicle.

20 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
21 **TREATIES.**

22 Expenditures authorized under this title may be made
23 only in accordance with the Panama Canal Treaties of
24 1977 and any law of the United States implementing
25 those treaties.

1 **SEC. 3505. DONATIONS TO THE COMMISSION.**

2 Section 1102b (22 U.S.C. 3612b) is amended by add-
3 ing at the end the following new subsection:

4 “(f)(1) The Commission may seek and accept dona-
5 tions of funds, property, and services from individuals,
6 foundations, corporations, and other private and public en-
7 tities for the purpose of carrying out its promotional ac-
8 tivities.

9 “(2) The Commission shall establish written guide-
10 lines setting forth the criteria to be used in determining
11 whether the acceptance of funds, property, or services au-
12 thorized by paragraph (1) would reflect unfavorably upon
13 the ability of the Commission (or any employee of the
14 Commission) to carry out its responsibilities or official du-
15 ties in a fair and objective manner or would compromise
16 the integrity or the appearance of the integrity of its pro-
17 grams or of any official in those programs.”.

18 **SEC. 3506. AGREEMENTS FOR UNITED STATES TO PROVIDE**
19 **POST-TRANSFER ADMINISTRATIVE SERVICES**
20 **FOR CERTAIN EMPLOYEE BENEFITS.**

21 Section 1110 (22 U.S.C. 3620) is amended by adding
22 at the end the following new subsection:

23 “(c)(1) The Secretary of State may enter into one
24 or more agreements to provide for the United States to
25 furnish administrative services relating to the benefits de-
26 scribed in paragraph (2) after December 31, 1999, and

1 to establish appropriate procedures for providing advance
2 funding for the services.

3 “(2) The benefits referred to in paragraph (1) are
4 the following:

5 “(A) Pension, disability, and medical benefits
6 provided by the Panama Canal Commission pursu-
7 ant to section 1245.

8 “(B) Compensation for work injuries covered by
9 chapter 81 of title 5, United States Code.”.

10 **SEC. 3507. SUNSET OF UNITED STATES OVERSEAS BENE-**
11 **FITS JUST BEFORE TRANSFER.**

12 (a) REPEALS.—Effective 11:59 p.m. (Eastern Stand-
13 ard Time), December 30, 1999, the following provisions
14 are repealed and any right or condition of employment
15 provided for in, or arising from, those provisions is termi-
16 nated: sections 1206 (22 U.S.C. 3646), 1207 (22 U.S.C.
17 3647), 1217(a), (22 U.S.C. 3657(a)), and 1224(11) (22
18 U.S.C. 3664(11)), subparagraphs (A), (B), (F), (G), and
19 (H) of section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and sec-
20 tion 1321(e) (22 U.S.C. 3731(e)).

21 (b) SAVINGS PROVISION FOR BASIC PAY.—Notwith-
22 standing subsection (a), benefits based on basic pay, as
23 listed in paragraphs (1), (2), (3), (5), and (6) of section
24 1218 of the Panama Canal Act of 1979, shall be paid as
25 if sections 1217(a) and 1231(a)(2) (A) and (B) of that

1 Act had been repealed effective 12:00 p.m., December 31,
2 1999. The exception under the preceding sentence shall
3 not apply to any pay for hours of work performed on De-
4 cember 31, 1999.

5 (c) NONAPPLICABILITY TO AGENCIES IN PANAMA
6 OTHER THAN PANAMA CANAL COMMISSION.—Section
7 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking
8 out “the Panama Canal Transition Facilitation Act of
9 1997” and inserting in lieu thereof “the Panama Canal
10 Transition Facilitation Act of 1997 (subtitle B of title
11 XXXV of Public Law 105–85; 110 Stat. 2062), or the
12 Panama Canal Commission Authorization Act for Fiscal
13 Year 1999”.

14 **SEC. 3508. CENTRAL EXAMINING OFFICE.**

15 Section 1223 (22 U.S.C. 3663) is repealed.

16 **SEC. 3509. LIABILITY FOR VESSEL ACCIDENTS.**

17 (a) COMMISSION LIABILITY SUBJECT TO CLAIMANT
18 INSURANCE.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is
19 amended by inserting “to section 1419(b) of this Act and”
20 after “Subject” in the first sentence.

21 (2) Section 1412 (22 U.S.C. 3772) is amended by
22 striking out “The Commission” in the first sentence and
23 inserting in lieu thereof “Subject to section 1419(b) of this
24 Act, the Commission”.

1 (3) Section 1416 (22 U.S.C. 3776) is amended by
2 striking out “A claimant” in the first sentence and insert-
3 ing in lieu thereof “Subject to section 1419(b) of this Act,
4 a claimant”.

5 (b) LIMITATION ON LIABILITY.—Section 1419 (22
6 U.S.C. 3779) is amended by designating the text as sub-
7 section (a) and by adding at the end the following:

8 “(b) The Commission may not consider or pay any
9 claim under section 1411 or 1412 of this Act, nor may
10 an action for damages lie thereon, unless the claimant is
11 covered by one or more valid policies of insurance totalling
12 at least \$1,000,000 against the injuries specified in those
13 sections. The Commission’s liability on any such claim
14 shall be limited to damages in excess of all amounts recov-
15 ered or recoverable by the claimant from its insurers. The
16 Commission may not consider or pay any claim by an in-
17 surer or subrogee of a claimant under section 1411 or
18 1412 of this Act.”.

19 **SEC. 3510. PLACEMENT OF UNITED STATES CITIZENS IN**
20 **POSITIONS WITH THE UNITED STATES GOV-**
21 **ERNMENT.**

22 Section 1232 (22 U.S.C. 3672) is amended—

23 (1) by striking out subsection (d);

24 (2) by redesignating subsection (c) as sub-
25 section (d); and

1 (3) by inserting after subsection (b) the follow-
2 ing new subsection (c):

3 “(c)(1) Upon the request of an employee or former
4 employee of the Panama Canal Commission described in
5 paragraph (2), the employee shall be afforded eligibility
6 for appointment on a noncompetitive basis to vacant posi-
7 tions in the competitive service of the civil service within—

8 “(A) an area determined by the Director of the
9 Office of Personnel Management as being within a
10 reasonable commuting distance of the employee’s
11 residence; or

12 “(B) in the case of an employee in the Republic
13 of Panama who chooses to so designate, any Stand-
14 ard Federal Region designated by the employee.

15 “(2) Paragraph (1) applies to a person who—

16 “(A) is a citizen of the United States;

17 “(B) was an employee of the Panama Canal
18 Commission on or after July 1, 1998; and

19 “(C) is in receipt of a notice of separation by
20 reason of a reduction in force.

21 “(3) A person’s eligibility for a noncompetitive ap-
22 pointment under paragraph (1) expires one year after the
23 date of the separation of that person from employment
24 by the Panama Canal Commission.

1 “(4) For the purposes of paragraph (2)(B), an em-
2 ployee of the dissolution office established to manage Pan-
3 ama Canal Commission Dissolution Fund established by
4 section 1305 is an employee of the Panama Canal Com-
5 mission.

6 “(5) In this subsection, the terms ‘civil service’ and
7 ‘competitive service’ have the meanings given such terms
8 in sections 2101(1) and 2102, respectively, of title 5,
9 United States Code.”.

10 **SEC. 3511. PANAMA CANAL BOARD OF CONTRACT APPEALS.**

11 (a) ESTABLISHMENT AND PAY OF BOARD.—Section
12 3102(a) (22 U.S.C. 3862(a)) is amended—

13 (1) in paragraph (1), by striking out “shall” in
14 the first sentence and inserting in lieu thereof
15 “may”; and

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

18 “(3) Compensation for members of the Board of Con-
19 tract Appeals shall be established by the Commission’s su-
20 pervisory board. The annual compensation established for
21 members may not exceed the rate of basic pay established
22 for level IV of the Executive Schedule under section 5315
23 of title 5, United States Code. The compensation of a
24 member may not be reduced during the member’s term

1 of office from the level established at the time of the ap-
2 pointment of the member.”.

3 (b) DEADLINE FOR COMMENCEMENT OF BOARD.—
4 Section 3102(e) (22 U.S.C. 3862(e)) is amended by strik-
5 ing out “, but not later than January 1, 1999”.

6 **SEC. 3512. TECHNICAL AMENDMENTS.**

7 (a) PANAMA CANAL ACT OF 1979.—The Panama
8 Canal Act of 1979 is amended as follows:

9 (1) Section 1202(c) (22 U.S.C. 3642(c)) is
10 amended—

11 (A) by striking out “the day before the
12 date of the enactment of the Panama Canal
13 Transition Facilitation Act of 1997” and insert-
14 ing in lieu thereof “November 17, 1997”;

15 (B) by striking out “on or after that
16 date”; and

17 (C) by striking out “the day before the
18 date of enactment” and inserting in lieu thereof
19 “that date”.

20 (2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3))
21 is amended by inserting “the” after “by the head
22 of”.

23 (3) Section 1313 (22 U.S.C. 3723) is amended
24 by striking out “subsection (d)” in each of sub-

1 sections (a), (b), and (d) and inserting in lieu there-
2 of “subsection (c)”.

3 (4) Sections 1411(a) and 1412 (22 U.S.C.
4 3771(a), 3772) are amended by striking out “the
5 date of the enactment of the Panama Canal Transi-
6 tion Facilitation Act of 1997” and inserting in lieu
7 thereof “by November 18, 1998”.

8 (5) Section 1416 (22 U.S.C. 3776) is amended
9 by striking out “the date of the enactment of the
10 Panama Canal Transition Facilitation Act of 1997”
11 and inserting in lieu thereof “by May 17, 1998”.

12 (b) PUBLIC LAW 104–201.—Effective as of Septem-
13 ber 23, 1996, and as if included therein as enacted, section
14 3548(b)(3) of the Panama Canal Act Amendments of
15 1996 (subtitle B of title XXXV of Public Law 104–201;
16 110 Stat. 2869) is amended by striking out “section” in
17 both items of quoted matter and inserting in lieu thereof
18 “sections”.