

Calendar No. 117

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1062**

**A BILL**

To authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy, and for other purposes.

MAY 17 (legislative day, MAY 14), 1999  
Read twice and placed on the calendar

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## IN THE SENATE OF THE UNITED STATES

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Mr. WARNER, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2000 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 2000”.

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. Defense 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. Prohibition on use of funds for certain activities under Formerly Utilized Site Remedial Action Program.
- Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3133. Nuclear weapons stockpile life extension program.
- Sec. 3134. Tritium production.
- Sec. 3135. Independent cost estimate of Accelerator Production of Tritium.
- Sec. 3136. Nonproliferation initiatives and activities.

### **Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities**

- Sec. 3151. Short title.
- Sec. 3152. Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities.
- Sec. 3153. Background investigations of certain personnel at Department of Energy facilities.
- Sec. 3154. Plan for polygraph examinations of certain personnel at Department of Energy facilities.
- Sec. 3155. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and security of Restricted Data.
- Sec. 3156. Moratorium on laboratory-to-laboratory and foreign visitors and assignments programs.
- Sec. 3157. Increased penalties for misuse of Restricted Data.
- Sec. 3158. Organization of Department of Energy counterintelligence and intelligence programs and activities.

- Sec. 3159. Counterintelligence activities at certain Department of Energy facilities.
- Sec. 3160. Whistleblower protection.
- Sec. 3161. Investigation and remediation of alleged reprisals for disclosure of certain information to Congress.
- Sec. 3162. Notification to Congress of certain security and counterintelligence failures at Department of Energy facilities.
- Sec. 3163. Definition.

### **Subtitle E—Other Matters**

- Sec. 3171. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.
- Sec. 3172. Modification of budget and planning requirements for Department of Energy national security activities.
- Sec. 3173. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3174. Integrated fissile materials management plan.
- Sec. 3175. Authority of Department of Energy to accept loans from contractors for closure projects at Department of Energy defense facilities.
- Sec. 3176. Pilot program for project management oversight regarding Department of Energy construction projects.
- Sec. 3177. Extension of review of Waste Isolation Pilot Plant, New Mexico.
- Sec. 3178. Proposed schedule for shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Project, New Mexico.

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

- Sec. 3201. Defense Nuclear Facilities Safety Board.

### **TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

- Sec. 3301. Authorized uses of stockpile funds.
- Sec. 3302. Limitations on previous authority for disposal of stockpile materials.

### **TITLE XXXIV—PANAMA CANAL COMMISSION**

- Sec. 3401. Short title.
- Sec. 3402. Authorization of expenditures.
- Sec. 3403. Purchase of vehicles.
- Sec. 3404. Expenditures only in accordance with treaties.
- Sec. 3405. Office of Transition Administration.

## **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

1           (2) the Committee on National Security and the  
2           Committee on Appropriations of the House of Rep-  
3           resentatives.

4 **TITLE XXXI—DEPARTMENT OF**  
5 **ENERGY NATIONAL SECURITY**  
6 **PROGRAMS**

7 **Subtitle A—National Security**  
8 **Programs Authorizations**

9 **SEC. 3101. WEAPONS ACTIVITIES.**

10       Funds are hereby authorized to be appropriated to  
11 the Department of Energy for fiscal year 2000 for weap-  
12 ons activities in carrying out programs necessary for na-  
13 tional security in the amount of \$4,530,000,000, to be al-  
14 located as follows:

15           (1) **STOCKPILE STEWARDSHIP.**—Funds are  
16 hereby authorized to be appropriated to the Depart-  
17 ment of Energy for fiscal year 2000 for stockpile  
18 stewardship in carrying out weapons activities nec-  
19 essary for national security programs in the amount  
20 of \$2,248,700,000, to be allocated as follows:

21           (A) For core stockpile stewardship,  
22           \$1,748,500,000, to be allocated as follows:

23           (i) For operation and maintenance,  
24           \$1,615,355,000.

1 (ii) For plant projects (including  
2 maintenance, restoration, planning, con-  
3 struction, acquisition, modification of fa-  
4 cilities, and the continuation of projects  
5 authorized in prior years, and land acquisi-  
6 tion related thereto), \$133,145,000, to be  
7 allocated as follows:

8 Project 00–D–103, terascale sim-  
9 ulation facility, Lawrence Livermore  
10 National Laboratory, Livermore, Cali-  
11 fornia, \$8,000,000.

12 Project 00–D–105, strategic  
13 computing complex, Los Alamos Na-  
14 tional Laboratory, Los Alamos, New  
15 Mexico, \$26,000,000.

16 Project 00–D–107, joint com-  
17 putational engineering laboratory,  
18 Sandia National Laboratories, Albu-  
19 querque, New Mexico, \$1,800,000.

20 Project 99–D–102, rehabilitation  
21 of maintenance facility, Lawrence  
22 Livermore National Laboratory,  
23 Livermore, California, \$3,900,000.

24 Project 99–D–103, isotope  
25 sciences facilities, Lawrence Liver-

1 more National Laboratory, Livermore,  
2 California, \$2,000,000.

3 Project 99–D–104, protection of  
4 real property (roof reconstruction,  
5 Phase II), Lawrence Livermore Na-  
6 tional Laboratory, Livermore, Cali-  
7 fornia, \$2,400,000.

8 Project 99–D–105, central health  
9 physics calibration facility, Los Ala-  
10 mos National Laboratory, Los Ala-  
11 mos, New Mexico, \$1,000,000.

12 Project 99–D–106, model valida-  
13 tion and system certification test cen-  
14 ter, Sandia National Laboratories, Al-  
15 buquerque, New Mexico, \$6,500,000.

16 Project 99–D–108, renovate ex-  
17 isting roadways, Nevada Test Site,  
18 Nevada, \$7,005,000.

19 Project 97–D–102, dual-axis ra-  
20 diographic hydrotest facility, Los Ala-  
21 mos National Laboratory, Los Ala-  
22 mos, New Mexico, \$61,000,000.

23 Project 96–D–102, stockpile  
24 stewardship facilities revitalization,

1 Phase VI, various locations,  
2 \$2,640,000.

3 Project 96–D–104, processing  
4 and environmental technology labora-  
5 tory, Sandia National Laboratories,  
6 Albuquerque, New Mexico,  
7 \$10,900,000.

8 (B) For inertial fusion, \$465,700,000, to  
9 be allocated as follows:

10 (i) For operation and maintenance,  
11 \$217,600,000.

12 (ii) For the following plant project  
13 (including maintenance, restoration, plan-  
14 ning, construction, acquisition, and modi-  
15 fication of facilities, and land acquisition  
16 related thereto), \$248,100,000, to be allo-  
17 cated as follows:

18 Project 96–D–111, national igni-  
19 tion facility, Lawrence Livermore Na-  
20 tional Laboratory, Livermore, Cali-  
21 fornia, \$248,100,000.

22 (C) For technology partnership and edu-  
23 cation, \$34,500,000, to be allocated as follows:

24 (i) For technology partnership,  
25 \$15,200,000.

1 (ii) For education, \$19,300,000.

2 (2) STOCKPILE MANAGEMENT.—Funds are  
3 hereby authorized to be appropriated to the Depart-  
4 ment of Energy for fiscal year 2000 for stockpile  
5 management in carrying out weapons activities nec-  
6 essary for national security programs in the amount  
7 of \$2,039,300,000, to be allocated as follows:

8 (A) For operation and maintenance,  
9 \$1,880,621,000.

10 (B) For plant projects (including mainte-  
11 nance, restoration, planning, construction, ac-  
12 quisition, modification of facilities, and the con-  
13 tinuation of projects authorized in prior years,  
14 and land acquisition related thereto),  
15 \$158,679,000, to be allocated as follows:

16 Project 99–D–122, rapid reactivation,  
17 various locations, \$11,700,000.

18 Project 99–D–127, stockpile manage-  
19 ment restructuring initiative, Kansas City  
20 Plant, Kansas City, Missouri,  
21 \$17,000,000.

22 Project 99–D–128, stockpile manage-  
23 ment restructuring initiative, Pantex Plant  
24 consolidation, Amarillo, Texas, \$3,429,000.

1           Project 99–D–132, stockpile manage-  
2           ment restructuring initiative, nuclear mate-  
3           rial safeguards and security upgrades  
4           project, Los Alamos National Laboratory,  
5           Los Alamos, New Mexico, \$11,300,000.

6           Project 98–D–123, stockpile manage-  
7           ment restructuring initiative, tritium facil-  
8           ity modernization and consolidation, Sa-  
9           vannah River Site, Aiken, South Carolina,  
10          \$21,800,000.

11          Project 98–D–124, stockpile manage-  
12          ment restructuring initiative, Y–12 Plant  
13          consolidation, Oak Ridge, Tennessee,  
14          \$3,150,000.

15          Project 98–D–125, tritium extraction  
16          facility, Savannah River Site, Aiken, South  
17          Carolina, \$33,000,000.

18          Project 98–D–126, accelerator pro-  
19          duction of tritium, various locations,  
20          \$31,000,000.

21          Project 97–D–123, structural up-  
22          grades, Kansas City Plant, Kansas City,  
23          Missouri, \$4,800,000.

24          Project 95–D–102, chemistry and  
25          metallurgy research building upgrades, Los

1 Alamos National Laboratory, Los Alamos,  
2 New Mexico, \$18,000,000.

3 Project 88–D–123, security enhance-  
4 ments, Pantex Plant, Amarillo, Texas,  
5 \$3,500,000.

6 (3) PROGRAM DIRECTION.—Funds are hereby  
7 authorized to be appropriated to the Department of  
8 Energy for fiscal year 2000 for program direction in  
9 carrying out weapons activities necessary for na-  
10 tional security programs in the amount of  
11 \$242,000,000.

12 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**  
13 **WASTE MANAGEMENT.**

14 Funds are hereby authorized to be appropriated to  
15 the Department of Energy for fiscal year 2000 for envi-  
16 ronmental restoration and waste management in carrying  
17 out programs necessary for national security in the  
18 amount of \$5,532,868,000, to be allocated as follows:

19 (1) CLOSURE PROJECTS.—For closure projects  
20 carried out in accordance with section 3143 of the  
21 National Defense Authorization Act for Fiscal Year  
22 1997 (Public Law 104–201; 110 Stat. 2836; 42  
23 U.S.C. 7274n) in the amount of \$1,069,492,000.

24 (2) SITE PROJECT AND COMPLETION.—For site  
25 project and completion in carrying out environ-

1 mental restoration and waste management activities  
2 necessary for national security programs in the  
3 amount of \$980,919,000, to be allocated as follows:

4 (A) For operation and maintenance,  
5 \$892,629,000.

6 (B) For plant projects (including mainte-  
7 nance, restoration, planning, construction, ac-  
8 quisition, modification of facilities, and the con-  
9 tinuation of projects authorized in prior years,  
10 and land acquisition related thereto),  
11 \$88,290,000, to be allocated as follows:

12 Project 99-D-402, tank farm support  
13 services, F&H areas, Savannah River Site,  
14 Aiken, South Carolina, \$3,100,000.

15 Project 99-D-404, health physics in-  
16 strumentation laboratory, Idaho National  
17 Engineering and Environmental Labora-  
18 tory, Idaho, \$7,200,000.

19 Project 98-D-401, H-tank farm  
20 storm water systems upgrade, Savannah  
21 River Site, Aiken, South Carolina,  
22 \$2,977,000.

23 Project 98-D-453, plutonium sta-  
24 bilization and handling system for pluto-

1           nium finishing plant, Richland, Wash-  
2           ington, \$16,860,000.

3           Project 98-D-700, road rehabilita-  
4           tion, Idaho National Engineering and En-  
5           vironmental Laboratory, Idaho,  
6           \$2,590,000.

7           Project 97-D-450, Actinide pack-  
8           aging and storage facility, Savannah River  
9           Site, Aiken, South Carolina, \$4,000,000.

10          Project 97-D-470, regulatory moni-  
11          toring and bioassay laboratory, Savannah  
12          River Site, Aiken, South Carolina,  
13          \$12,220,000.

14          Project 96-D-406, spent nuclear fuels  
15          canister storage and stabilization facility,  
16          Richland, Washington, \$24,441,000.

17          Project 96-D-464, electrical and util-  
18          ity systems upgrade, Idaho National Engi-  
19          neering and Environmental Laboratory,  
20          Idaho, \$11,971,000.

21          Project 96-D-471, chlorofluorocarbon  
22          heating, ventilation, and air conditioning  
23          and chiller retrofit, Savannah River Site,  
24          Aiken, South Carolina, \$931,000.

1                   Project 86–D–103, decontamination  
2                   and waste treatment facility, Lawrence  
3                   Livermore National Laboratory, Liver-  
4                   more, California, \$2,000,0000.

5                   (3) POST-2006 COMPLETION.—For post-2006  
6                   project completion in carrying out environmental  
7                   restoration and waste management activities nec-  
8                   essary for national security programs in the amount  
9                   of \$2,902,548,000, to be allocated as follows:

10                   (A) For operation and maintenance,  
11                   \$2,847,997,000.

12                   (B) For plant projects (including mainte-  
13                   nance, restoration, planning, construction, ac-  
14                   quisition, modification of facilities, and the con-  
15                   tinuation of projects authorized in prior years,  
16                   and land acquisition related thereto),  
17                   \$54,551,000, to be allocated as follows:

18                   Project 00–D–401, spent nuclear fuel  
19                   treatment and storage facility, title I and  
20                   II, Savannah River Site, Aiken, South  
21                   Carolina, \$7,000,000.

22                   Project 99–D–403, privatization  
23                   phase I infrastructure support, Richland,  
24                   Washington, \$13,988,000.

1                   Project 97–D–402, tank farm restora-  
2                   tion and safe operations, Richland, Wash-  
3                   ington, \$20,516,000.

4                   Project 94–D–407, initial tank re-  
5                   trieval systems, Richland, Washington,  
6                   \$4,060,000.

7                   Project 93–D–187, high-level waste  
8                   removal from filled waste tanks, Savannah  
9                   River Site, Aiken, South Carolina,  
10                  \$8,987,000.

11                  (4) SCIENCE AND TECHNOLOGY.—For science  
12                  and technology in carrying out environmental res-  
13                  toration and waste management activities necessary  
14                  for national security programs in the amount of  
15                  \$235,500,000.

16                  (5) PROGRAM DIRECTION.—For program direc-  
17                  tion in carrying out environmental restoration and  
18                  waste management activities necessary for national  
19                  security programs in the amount of \$344,409,000.

20 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

21                  (a) IN GENERAL.—Funds are hereby authorized to  
22                  be appropriated to the Department of Energy for fiscal  
23                  year 2000 for other defense activities in carrying out pro-  
24                  grams necessary for national security in the amount of  
25                  \$1,821,000,000, to be allocated as follows:

1           (1) NONPROLIFERATION AND NATIONAL SECUR-  
2           RITY.—For nonproliferation and national security,  
3           \$744,300,000, to be allocated as follows:

4           (A) For verification and control tech-  
5           nology, \$497,000,000, to be allocated as fol-  
6           lows:

7           (i) For nonproliferation and  
8           verification research and development,  
9           \$215,000,000.

10          (ii) For arms control, \$276,000,000.

11          (iii) For plant projects (including  
12          maintenance, restoration, planning, con-  
13          struction, acquisition, modification of fa-  
14          cilities, and the continuation of projects  
15          authorized in prior years, and land acquisi-  
16          tion related thereto), \$6,000,000, to be al-  
17          located as follows:

18                   Project 00–D–192, Nonprolifera-  
19                   tion and International Security Cen-  
20                   ters (NISC), Los Alamos National  
21                   Laboratory, New Mexico, \$6,000,000.

22          (B) For nuclear safeguards and security,  
23          \$59,100,000.

24          (C) For security investigations,  
25          \$47,000,000.

1 (D) For emergency management,  
2 \$21,000,000.

3 (E) For program direction, \$90,450,000.

4 (F) For HEV Transparency implementa-  
5 tion, \$15,750,000.

6 (G) For international nuclear safety,  
7 \$34,000,000.

8 (2) INTELLIGENCE.—For intelligence,  
9 \$36,059,000.

10 (3) COUNTERINTELLIGENCE.—For counter-  
11 intelligence, \$66,200,000.

12 (4) WORKER AND COMMUNITY TRANSITION AS-  
13 SISTANCE.—For worker and community transition  
14 assistance, \$30,000,000, to be allocated as follows:

15 (A) For worker and community transition,  
16 \$26,500,000.

17 (B) For program direction, \$3,500,000.

18 (5) FISSILE MATERIALS CONTROL AND DISPOSI-  
19 TION.—For fissile materials control and disposition,  
20 \$200,000,000, to be allocated as follows:

21 (A) For operation and maintenance,  
22 \$129,766,000.

23 (B) For program direction, \$7,343,000.

24 (C) For plant projects (including mainte-  
25 nance, restoration, planning, construction, ac-

1           quisition, modification of facilities, and the con-  
2           tinuation of projects authorized in prior years,  
3           and land acquisition related thereto),  
4           \$62,891,000, to be allocated as follows:

5                   Project 00–D–142, Immobilization  
6                   and associated processing facility, various  
7                   locations, \$21,765,000.

8                   Project 99–D–141, pit disassembly  
9                   and conversion facility, various locations,  
10                  \$28,751,000.

11                  Project 99–D–143, mixed oxide fuel  
12                  fabrication facility, various locations,  
13                  \$12,375,000.

14           (6) ENVIRONMENT, SAFETY, AND HEALTH.—  
15           For environment, safety, and health, defense,  
16           \$79,000,000, to be allocated as follows:

17                   (A) For the Office of Environment, Safety,  
18                   and Health (Defense), \$54,231,000.

19                   (B) For program direction, \$24,769,000.

20           (7) OFFICE OF HEARINGS AND APPEALS.—For  
21           the Office of Hearings and Appeals, \$3,000,000.

22           (8) NAVAL REACTORS.—For naval reactors,  
23           \$675,000,000, to be allocated as follows:

24                   (A) For naval reactors development,  
25                   \$654,400,000, to be allocated as follows:

1 (i) For operation and maintenance,  
2 \$630,400,000.

3 (ii) For plant projects (including  
4 maintenance, restoration, planning, con-  
5 struction, acquisition, modification of fa-  
6 cilities, and the continuation of projects  
7 authorized in prior years, and land acquisi-  
8 tion related thereto), \$24,000,000, to be  
9 allocated as follows:

10 GPN-101, general plant projects,  
11 various locations, \$9,000,000.

12 Project 98-D-200, site labora-  
13 tory/facility upgrade, various loca-  
14 tions, \$3,000,000.

15 Project 90-N-102, expended core  
16 facility dry cell project, Naval Reac-  
17 tors Facility, Idaho, \$12,000,000.

18 (B) For program direction, \$20,600,000.

19 (b) ADJUSTMENT.—(1) The total amount authorized  
20 to be appropriated pursuant to this section is the sum of  
21 the amounts authorized to be appropriated in paragraphs  
22 (1) through (7) of subsection (a) reduced by \$12,559,000.

23 (2) The amount authorized to be appropriated pursu-  
24 ant to subsection (a)(1)(C) is reduced by \$20,000,000 to

1 reflect an offset provided by user organizations for secu-  
2 rity investigations.

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

4 (a) DEFENSE NUCLEAR WASTE DISPOSAL.—Funds  
5 are hereby authorized to be appropriated to the Depart-  
6 ment of Energy for fiscal year 2000 for payment to the  
7 Nuclear Waste Fund established in section 302(c) of the  
8 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e))  
9 in the amount of \$112,000,000.

10 (b) ADJUSTMENT.—The amount authorized to be ap-  
11 propriated pursuant to subsection (a) is reduced by  
12 \$39,000,000.

13 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**  
14 **VATIZATION.**

15 (a) IN GENERAL.—Funds are hereby authorized to  
16 be appropriated to the Department of Energy for fiscal  
17 year 2000 for privatization initiatives in carrying out envi-  
18 ronmental restoration and waste management activities  
19 necessary for national security programs in the amount  
20 of \$241,000,000, to be allocated as follows:

21 Project 98–PVT–2, spent nuclear fuel dry stor-  
22 age, Idaho Falls, Idaho, \$5,000,000.

23 Project 98–PVT–5, waste disposal, Oak Ridge,  
24 Tennessee, \$20,000,000.

1           Project 97–PVT–1, tank waste remediation sys-  
2           tem phase I, Hanford, Washington, \$106,000,000.

3           Project 97–PVT–2, advanced mixed waste  
4           treatment facility, Idaho Falls, Idaho, \$110,000,000.

5           (b) ADJUSTMENT.—The amount authorized to be ap-  
6           propriated in subsection (a) is the sum of the amounts  
7           authorized to be appropriated for the projects set forth  
8           in that subsection, reduced by \$25,000,000 for use of  
9           prior year balances of funds for defense environmental  
10          management privatization.

## 11           **Subtitle B—Recurring General** 12           **Provisions**

### 13          **SEC. 3121. REPROGRAMMING.**

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

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

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

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

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

3           (b) REPORT.—(1) The report referred to in sub-  
4           section (a) is a report containing a full and complete state-  
5           ment of the action proposed to be taken and the facts and  
6           circumstances relied upon in support of such proposed ac-  
7           tion.

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

12          (c) LIMITATIONS.—(1) In no event may the total  
13          amount of funds obligated pursuant to this title exceed  
14          the total amount authorized to be appropriated by this  
15          title.

16          (2) Funds appropriated pursuant to this title may not  
17          be used for an item for which Congress has specifically  
18          denied funds.

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

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

24          (b) REPORT TO CONGRESS.—If, at any time during  
25          the construction of any general plant project authorized

1 by this title, the estimated cost of the project is revised  
2 because of unforeseen cost variations and the revised cost  
3 of the project exceeds \$5,000,000, the Secretary shall im-  
4 mediately furnish a complete report to the congressional  
5 defense committees explaining the reasons for the cost  
6 variation.

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

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

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

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

22 (2) An action described in paragraph (1) may be  
23 taken if—

24 (A) the Secretary of Energy has submitted to  
25 the congressional defense committees a report on the

1 actions and the circumstances making such action  
2 necessary; and

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

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

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

13 **SEC. 3124. FUND TRANSFER AUTHORITY.**

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

23 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—  
24 (1) Subject to paragraph (2), the Secretary of Energy may  
25 transfer funds authorized to be appropriated to the De-

1 partment of Energy pursuant to this title between any  
2 such authorizations. Amounts of authorizations so trans-  
3 ferred may be merged with and be available for the same  
4 purposes and for the same period as the authorization to  
5 which the amounts are transferred.

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

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

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

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

20 (d) NOTICE TO CONGRESS.—The Secretary of En-  
21 ergy shall promptly notify the Committee on Armed Serv-  
22 ices of the Senate and the Committee on Armed Services  
23 of the House of Representatives of any transfer of funds  
24 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 2002.

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) A program referred to or a project list-  
11 ed in paragraph (2) or (3) of section 3102.

12 (B) A program or project 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 the 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, 1999, and ending on September 30, 2000.

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

10 **SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN**  
11 **ACTIVITIES UNDER FORMERLY UTILIZED**  
12 **SITE REMEDIAL ACTION PROGRAM.**

13 Notwithstanding any other provision of law, no funds  
14 authorized to be appropriated or otherwise made available  
15 by this Act, or by any Act authorizing appropriations for  
16 the military activities of the Department of Defense or the  
17 defense activities of the Department of Energy for a fiscal  
18 year after fiscal year 2000, may be obligated or expended  
19 to conduct treatment, storage, or disposal activities at any  
20 site designated as a site under the Formerly Utilized Site  
21 Remedial Action Program as of the date of the enactment  
22 of this Act.

1 **SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT,**  
2 **AND DISPOSITION OF LEGACY NUCLEAR MA-**  
3 **TERIALS.**

4 The Secretary of Energy shall continue operations  
5 and maintain a high state of readiness at the F-canyon  
6 and H-canyon facilities at the Savannah River Site, Aiken,  
7 South Carolina, and shall provide the technical staff nec-  
8 essary to operate and so maintain such facilities.

9 **SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTEN-**  
10 **SION PROGRAM.**

11 (a) PROGRAM REQUIRED.—The Secretary of Energy  
12 shall, in consultation with the Secretary of Defense, carry  
13 out a program to provide for the extension of the effective  
14 life of the weapons in the nuclear weapons stockpile.

15 (b) ADMINISTRATIVE RESPONSIBILITY FOR PRO-  
16 GRAM.—The program under subsection (a) shall be a pro-  
17 gram within the Office of Defense Programs of the De-  
18 partment of Energy.

19 (c) PROGRAM PLAN.—As part of the program under  
20 subsection (a), the Secretary shall develop a long-term  
21 plan for the extension of the life of the weapons in the  
22 nuclear weapons stockpile. The plan shall provide the fol-  
23 lowing:

24 (1) Mechanisms to provide for the remanufac-  
25 ture of each weapon design designated by the Sec-

1       retary for inclusion in the enduring nuclear weapons  
2       stockpile as of the date of the enactment of this Act.

3           (2) Mechanisms to expedite the collection of  
4       data necessary for carrying out the program, includ-  
5       ing data relating to the aging of materials and com-  
6       ponents, new manufacturing techniques, and the re-  
7       placement or substitution of materials.

8           (3) Mechanisms to ensure the appropriate as-  
9       signment of roles and missions for each Department  
10      nuclear weapons laboratory and production plant, in-  
11      cluding mechanisms for allocation of workload,  
12      mechanisms to ensure the carrying out of appro-  
13      priate modernization activities, and mechanisms to  
14      ensure the retention of skilled personnel.

15          (4) Mechanisms for allocating funds for activi-  
16      ties under the program, including allocations of  
17      funds by weapon type and facility.

18      (d) ANNUAL SUBMITTAL OF PLAN.—(1) The Sec-  
19      retary shall submit to the Committees on Armed Services  
20      of the Senate and the House of Representatives the plan  
21      developed under subsection (c) not later than January 1,  
22      2000. The plan shall contain the maximum level of detail  
23      practicable.

24          (2) The Secretary shall submit to the committees re-  
25      ferred to in paragraph (1) each year after 2000, at the

1 same time as the submission of the budget for the fiscal  
2 year beginning in such year under section 1105 of title  
3 31, United States Code, an update of the plan submitted  
4 under paragraph (1). Each update shall contain the same  
5 level of detail as the plan submitted under paragraph (1).

6 (e) SENSE OF CONGRESS REGARDING FUNDING OF  
7 PROGRAM.—It is the sense of Congress that the President  
8 should include in each budget for a fiscal year submitted  
9 to Congress under section 1105 of title 31, United States  
10 Code, sufficient funds to carry out in the fiscal year cov-  
11 ered by such budget the activities under the program  
12 under subsection (a) that are specified in the most current  
13 version of the plan for the program under this section.

14 **SEC. 3134. TRITIUM PRODUCTION.**

15 (a) PRODUCTION OF NEW TRITIUM.—The Secretary  
16 of Energy shall produce new tritium to meet the require-  
17 ments of the Nuclear Weapons Stockpile Memorandum at  
18 the Tennessee Valley Authority Watts Bar or Sequoyah  
19 nuclear power plants consistent with the Secretary's De-  
20 cember 22, 1998, decision document designating the Sec-  
21 retary's preferred tritium production technology.

22 (b) SUPPORT.—To support the method of tritium  
23 production set forth in subsection (a), the Secretary shall  
24 design and construct a new tritium extraction facility in

1 the H–Area of the Savannah River Site, Aiken, South  
2 Carolina.

3 (c) DESIGN AND ENGINEERING DEVELOPMENT.—

4 The Secretary shall—

5 (1) complete preliminary design and engineer-  
6 ing development of the Accelerator Production of  
7 Tritium technology design as a backup source of  
8 tritium to the source set forth in subsection (a) and  
9 consistent with the Secretary’s December 22, 1998,  
10 decision document; and

11 (2) make available those funds necessary to  
12 complete engineering development and demonstra-  
13 tion, preliminary design, and detailed design of key  
14 elements of the system consistent with the Sec-  
15 retary’s decision document of December 22, 1998.

16 **SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCEL-**  
17 **ERATOR PRODUCTION OF TRITIUM.**

18 (a) INDEPENDENT COST ESTIMATE.—(1) The Sec-  
19 retary of Energy shall secure an independent cost estimate  
20 of the Accelerator Production of Tritium.

21 (2) The estimate shall be conducted at the highest  
22 possible level, but in no event at a level below that cur-  
23 rently defined by the Secretary as Type III, “Sampling  
24 Technique”.

1 (b) REPORT.—Not later than April 1, 2000, the Sec-  
2 retary shall submit to the congressional defense commit-  
3 tees a report on the independent cost estimate conducted  
4 under subsection (a).

5 **SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVI-**  
6 **TIES.**

7 (a) INITIATIVE FOR PROLIFERATION PREVENTION  
8 PROGRAM.—(1) Not more than 40 percent of the funds  
9 available in any fiscal year after fiscal year 1999 for the  
10 Initiative for Proliferation Prevention program (IPP) may  
11 be obligated or expended by the Department of Energy  
12 national laboratories to carry out or provide oversight of  
13 any activities under that program.

14 (2)(A) None of the funds available in any fiscal year  
15 after fiscal year 1999 for the Initiative for Proliferation  
16 Prevention program may be used to increase or otherwise  
17 supplement the pay or benefits of a scientist or engineer  
18 if the scientist or engineer—

19 (i) is currently engaged in activities directly re-  
20 lated to the design, development, production, or test-  
21 ing of chemical or biological weapons or a missile  
22 system to deliver such weapons; or

23 (ii) was not formerly engaged in activities di-  
24 rectly related to the design, development, production,

1 or testing of weapons of mass destruction or a mis-  
2 sile system to deliver such weapons.

3 (B) None of the funds available in any fiscal year  
4 after fiscal year 1999 for the Initiative for Proliferation  
5 Prevention program may be made available to an institute  
6 if the institute—

7 (i) is currently involved in activities described in  
8 subparagraph (A)(i); or

9 (ii) was not formerly involved in activities de-  
10 scribed in subparagraph (A)(ii).

11 (3)(A) No funds available for the Initiative for Pro-  
12 liferation Prevention program may be provided to an insti-  
13 tute or scientist under the program if the Secretary of En-  
14 ergy determines that the institute or scientist has made  
15 a scientific or business contact in any way associated with  
16 or related to weapons of mass destruction with a rep-  
17 resentative of a country of proliferation concern.

18 (B) For purposes of this paragraph, the term “coun-  
19 try of proliferation concern” means any country so des-  
20 ignated by the Director of Central Intelligence for pur-  
21 poses of the Initiative for Proliferation Prevention pro-  
22 gram.

23 (4)(A) The Secretary of Energy shall prescribe proce-  
24 dures for the review of projects under the Initiative for

1 Proliferation Prevention program. The purpose of the re-  
2 view shall be to ensure the following:

3 (i) That the military applications of such  
4 projects, and any information relating to such appli-  
5 cations, is not inadvertently transferred or utilized  
6 for military purposes.

7 (ii) That activities under the projects are not  
8 redirected toward work relating to weapons of mass  
9 destruction.

10 (iii) That the national security interests of the  
11 United States are otherwise fully considered before  
12 the commencement of the projects.

13 (B) Not later than 30 days after the date on which  
14 the Secretary prescribes the procedures required by sub-  
15 paragraph (A), the Secretary shall submit to Congress a  
16 report on the procedures. The report shall set forth a  
17 schedule for the implementation of the procedures.

18 (5)(A) The Secretary shall evaluate the projects car-  
19 ried out under the Initiative for Proliferation Prevention  
20 program for commercial purposes to determine whether or  
21 not such projects are likely to achieve their intended com-  
22 mercial objectives.

23 (B) If the Secretary determines as a result of the  
24 evaluation that a project is not likely to achieve its in-

1 tended commercial objective, the Secretary shall terminate  
2 the project.

3 (6) It is the sense of Congress that the President  
4 should enter into negotiations with the Russian Govern-  
5 ment for purposes of concluding an agreement between the  
6 United States Government and the Russian Government  
7 to provide for the permanent exemption from taxation by  
8 the Russian Government of the nonproliferation activities  
9 of the Department of Energy under the Initiative for Pro-  
10 liferation Prevention program.

11 (b) NUCLEAR CITIES INITIATIVE.—(1) No amounts  
12 authorized to be appropriated by this title for the Nuclear  
13 Cities Initiative may be obligated or expended for purposes  
14 of the initiative until the Secretary of Energy certifies to  
15 Congress that Russia has agreed to close some of its facili-  
16 ties engaged in work on weapons of mass destruction.

17 (2) Notwithstanding a certification under paragraph  
18 (1), amounts authorized to be appropriated by this title  
19 for the Nuclear Cities Initiative may not be obligated or  
20 expended for purposes of providing assistance under the  
21 initiative to more than three nuclear cities, and more than  
22 two serial production facilities, in Russia in fiscal year  
23 2000.

24 (3)(A) The Secretary shall conduct a study of the po-  
25 tential economic effects of each commercial program pro-

1 posed under the Nuclear Cities Initiative before providing  
2 assistance for the conduct of the program. The study shall  
3 include an assessment regarding whether or not the mech-  
4 anisms for job creation under the program are likely to  
5 lead to the creation of the jobs intended to be created by  
6 the program.

7 (B) If the Secretary determines as a result of the  
8 study that the intended commercial benefits of a program  
9 are not likely to be achieved, the Secretary may not pro-  
10 vide assistance for the conduct of the program.

11 (4) Not later than January 1, 2000, the Secretary  
12 shall submit to Congress a report describing the participa-  
13 tion in or contribution to the Nuclear Cities Initiative of  
14 each department and agency of the United States Govern-  
15 ment that participates in or contributes to the initiative.  
16 The report shall describe separately any interagency par-  
17 ticipation in or contribution to the initiative.

18 (c) REPORT.—(1) Not later than January 1, 2000,  
19 the Secretary of Energy shall submit to the Committees  
20 on Armed Services of the Senate and House of Represent-  
21 atives a report on the Initiative for Proliferation Preven-  
22 tion program (IPP) and the Nuclear Cities Initiative.

23 (2) The report shall include the following:

24 (A) A strategic plan for the Initiative for Pro-  
25 liferation Prevention program and for the Nuclear

1 Cities Initiative, which shall establish objectives for  
2 the program or initiative, as the case may be, and  
3 means for measuring the achievement of such objec-  
4 tives.

5 (B) A list of the most successful projects under  
6 the Initiative for Proliferation Prevention program,  
7 including for each such project the name of the in-  
8 stitute and scientists who are participating or have  
9 participated in the project, the number of jobs cre-  
10 ated through the project, and the manner in which  
11 the project has met the nonproliferation objectives of  
12 the United States.

13 (C) A list of the institutes and scientists associ-  
14 ated with weapons of mass destruction programs or  
15 other defense-related programs in the states of the  
16 former Soviet Union that the Department seeks to  
17 engage in commercial work under the Initiative for  
18 Proliferation Prevention program or the Nuclear  
19 Cities Initiative, including—

20 (i) a description of the work performed by  
21 such institutes and scientists under such weap-  
22 ons of mass destruction programs or other de-  
23 fense-related programs; and

24 (ii) a description of any work proposed to  
25 be performed by such institutes and scientists

1           under the Initiative for Proliferation Prevention  
2           program or the Nuclear Cities Initiative.

3           (d) **NUCLEAR CITIES INITIATIVE DEFINED.**—For  
4 purposes of this section, the term “Nuclear Cities Initia-  
5 tive” means the initiative arising pursuant to the March  
6 1998 discussions between the Vice President of the United  
7 States and the Prime Minister of the Russian Federation  
8 and between the Secretary of Energy of the United States  
9 and the Minister of Atomic Energy of the Russian Federa-  
10 tion.

11 **Subtitle D—Safeguards, Security,**  
12 **and Counterintelligence at De-**  
13 **partment of Energy Facilities**

14 **SEC. 3151. SHORT TITLE.**

15           This subtitle may be cited as the “Department of En-  
16 ergy Facilities Safeguards, Security, and Counterintel-  
17 ligence Enhancement Act of 1999”.

18 **SEC. 3152. COMMISSION ON SAFEGUARDS, SECURITY, AND**  
19 **COUNTERINTELLIGENCE AT DEPARTMENT**  
20 **OF ENERGY FACILITIES.**

21           (a) **ESTABLISHMENT.**—There is hereby established a  
22 commission to be known as the “Commission on Safe-  
23 guards, Security, and Counterintelligence at Department  
24 of Energy Facilities” (in this section referred to as the  
25 “Commission”).

1 (b) ORGANIZATIONAL MATTERS.—(1) The Commis-  
2 sion shall be composed of nine members appointed from  
3 among individuals in the public and private sectors who  
4 have significant experience in matters related to the secu-  
5 rity of nuclear weapons and materials, the classification  
6 of information, or counterintelligence matters, as follows:

7 (A) Two shall be appointed by the Chairman of  
8 the Committee on Armed Services of the Senate, in  
9 consultation with the ranking member of that Com-  
10 mittee.

11 (B) One shall be appointed by the ranking  
12 member of the Committee on Armed Services of the  
13 Senate, in consultation with the Chairman of that  
14 Committee.

15 (C) Two shall be appointed by the Chairman of  
16 the Committee on Armed Services of the House of  
17 Representatives, in consultation with the ranking  
18 member of that Committee.

19 (D) One shall be appointed by the ranking  
20 member of the Committee on Armed Services of the  
21 House of Representatives, in consultation with the  
22 Chairman of that Committee.

23 (E) One shall be appointed by the Secretary of  
24 Defense.

1           (F) One shall be appointed by the Director of  
2           the Federal Bureau of Investigation.

3           (G) One shall be appointed by the Director of  
4           Central Intelligence.

5           (2) Members of the Commission shall be appointed  
6           for four year terms, except as follows:

7           (A) One member initially appointed under para-  
8           graph (1)(A) shall serve a term of two years.

9           (B) One member initially appointed under para-  
10          graph (1)(C) shall serve a term of two years.

11          (C) The member initially appointed under para-  
12          graph (1)(E) shall serve a term of two years.

13          (3) Any vacancy in the Commission shall be filled in  
14          the same manner as the original appointment and shall  
15          not affect the powers of the Commission.

16          (4) The Chairman of the Committee on Armed Serv-  
17          ices of the Senate, in consultation with the Chairman of  
18          the Committee on Armed Services of the House of Rep-  
19          resentatives, shall designate the chairman of the Commis-  
20          sion from among the members appointed under paragraph  
21          (1)(A).

22          (5) The members of the Commission shall be ap-  
23          pointed not later than 60 days after the date of the enact-  
24          ment of this Act.

1           (6) The members of the Commission shall establish  
2 procedures for the activities of the Commission, including  
3 procedures for calling meetings, requirements for  
4 quorums, and the manner of taking votes.

5           (7) The Commission shall meet not less often than  
6 once every three months.

7           (c) DUTIES.—(1) The Commission shall, in accord-  
8 ance with this section, review the safeguards, security, and  
9 counterintelligence activities (including activities relating  
10 to information management, computer security, and per-  
11 sonnel security) at Department of Energy facilities to—

12                   (A) determine the adequacy of those activities  
13 to ensure the security of sensitive information, proc-  
14 esses, and activities under the jurisdiction of the De-  
15 partment against threats to the disclosure of such  
16 information, processes, and activities; and

17                   (B) make recommendations for actions the  
18 Commission determines as being necessary to ensure  
19 that such security is achieved and maintained.

20           (2) The activities of the Commission under paragraph  
21 (1) shall include the following:

22                   (A) An analysis of the sufficiency of the Design  
23 Threat Basis documents as a basis for the allocation  
24 of resources for safeguards, security, and counter-  
25 intelligence activities at the Department facilities in

1 light of applicable guidance with respect to such ac-  
2 tivities, including applicable laws, Department of  
3 Energy orders, Presidential Decision Directives, and  
4 Executive Orders.

5 (B) Visits to Department facilities to assess the  
6 adequacy of the safeguards, security, and counter-  
7 intelligence activities at such facilities.

8 (C) Evaluations of specific concerns set forth in  
9 Department reports regarding the status of safe-  
10 guards, security, or counterintelligence activities at  
11 particular Department facilities or at facilities  
12 throughout the Department.

13 (D) Reviews of relevant laws, Department or-  
14 ders, and other requirements relating to safeguards,  
15 security, and counterintelligence activities at Depart-  
16 ment facilities.

17 (E) Any other activities relating to safeguards,  
18 security, and counterintelligence activities at Depart-  
19 ment facilities that the Secretary of Energy con-  
20 siders appropriate.

21 (d) REPORT.—(1) Not later than February 15 each  
22 year, the Commission shall submit to the Secretary of En-  
23 ergy and to the congressional defense committees a report  
24 on the activities of the Commission during the preceding

1 year. The report shall be submitted in unclassified form,  
2 but may include a classified annex.

3 (2) Each report—

4 (A) shall describe the activities of the Commis-  
5 sion during the year covered by the report;

6 (B) shall set forth proposals for any changes in  
7 safeguards, security, or counterintelligence activities  
8 at Department of Energy facilities that the Commis-  
9 sion considers appropriate in light of such activities;  
10 and

11 (C) may include any other recommendations for  
12 legislation or administrative action that the Commis-  
13 sion considers appropriate.

14 (e) PERSONNEL MATTERS.—(1)(A) Each member of  
15 the Commission who is not an officer or employee of the  
16 Federal Government shall be compensated at a rate equal  
17 to the daily equivalent of the annual rate of basic pay pre-  
18 scribed for level V of the Executive Schedule under section  
19 5316 of title 5, United States Code, for each day (includ-  
20 ing travel time) during which such member is engaged in  
21 the performance of the duties of the Commission.

22 (B) All members of the Commission who are officers  
23 or employees of the United States shall serve without com-  
24 pensation in addition to that received for their services as  
25 officers or employees of the United States.

1           (2) The members of the Commission shall be allowed  
2 travel expenses, including per diem in lieu of subsistence,  
3 at rates authorized for employees of agencies under sub-  
4 chapter I of chapter 57 of title 5, United States Code,  
5 while away from their homes or regular places of business  
6 in the performance of services for the Commission.

7           (3)(A) The Commission may, without regard to the  
8 civil service laws and regulations, appoint and terminate  
9 such personnel as may be necessary to enable the Commis-  
10 sion to perform its duties.

11          (B) The Commission may fix the compensation of the  
12 personnel of the Commission without regard to the provi-  
13 sions of chapter 51 and subchapter III of chapter 53 of  
14 title 5, United States Code, relating to classification of  
15 positions and General Schedule pay rates.

16          (4) Any officer or employee of the United States may  
17 be detailed to the Commission without reimbursement,  
18 and such detail shall be without interruption or loss of  
19 civil service status or privilege.

20          (5) The members and employees of the Commission  
21 shall hold security clearances appropriate for the matters  
22 considered by the Commission in the discharge of its du-  
23 ties under this section.

1 (f) APPLICABILITY OF FACCA.—The provisions of the  
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
3 apply to the activities of the Commission.

4 (g) FUNDING.—(1) From amounts authorized to be  
5 appropriated by sections 3101 and 3103, the Secretary of  
6 Energy shall make available to the Commission not more  
7 than \$1,000,000 for the activities of the Commission  
8 under this section.

9 (2) Amounts made available to the Commission under  
10 this subsection shall remain available until expended.

11 (h) TERMINATION OF DEPARTMENT OF ENERGY SE-  
12 CURITY MANAGEMENT BOARD.—(1) Section 3161 of the  
13 National Defense Authorization Act for Fiscal Year 1998  
14 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251  
15 note) is repealed.

16 (2) The Secretary of Energy shall take appropriate  
17 actions to conclude the affairs of the Department of En-  
18 ergy Security Management Board as soon as practicable  
19 after the date of the enactment of this Act.

20 (3) Section 3162 of the National Defense Authoriza-  
21 tion Act for Fiscal Year 1998 (Public Law 105–85; 111  
22 Stat. 2049; 42 U.S.C. 7274 note) is amended—

23 (A) by striking “(a) IN GENERAL.—”; and

24 (B) by striking subsection (b).

1 **SEC. 3153. BACKGROUND INVESTIGATIONS OF CERTAIN**  
2 **PERSONNEL AT DEPARTMENT OF ENERGY**  
3 **FACILITIES.**

4 (a) IN GENERAL.—The Secretary of Energy shall en-  
5 sure that an investigation meeting the requirements of  
6 section 145 of the Atomic Energy Act of 1954 (42 U.S.C.  
7 2165) is made for each Department of Energy employee,  
8 or contractor employee, at a Department of Energy facil-  
9 ity who—

10 (1) carries out duties or responsibilities in or  
11 around a location where Restricted Data is or may  
12 be present; or

13 (2) has or may have regular access to a location  
14 where Restricted Data is present.

15 (b) COMPLIANCE.—The Secretary shall have one year  
16 from the date of the enactment of this Act to meet the  
17 requirement in subsection (a).

18 **SEC. 3154. PLAN FOR POLYGRAPH EXAMINATIONS OF CER-**  
19 **TAIN PERSONNEL AT DEPARTMENT OF EN-**  
20 **ERGY FACILITIES.**

21 (a) PLAN.—(1) Not later than 120 days after the  
22 date of the enactment of this Act, the Secretary of Energy  
23 shall submit to the congressional defense committees a  
24 plan for conducting, as part of the Department of Energy  
25 personnel assurance programs, periodic polygraph exami-  
26 nations of each Department of Energy employee, or con-

1 tractor employee, at a Department of Energy facility who  
 2 has or may have access to Restricted Data or Sensitive  
 3 Compartmented Information. The purpose of the examina-  
 4 tions is to minimize the potential for release or disclosure  
 5 of such data or information by such employees.

6 (2) The plan shall include recommendations for any  
 7 legislative action necessary to implement the plan.

8 (b) LIMITATION ON USE OF FUNDS PENDING SUB-  
 9 MITTAL OF PLAN.—Not more than 50 percent of the  
 10 amounts authorized to be appropriated or otherwise made  
 11 available for the Department of Energy for fiscal year  
 12 2000 for travel expenses may be obligated or expended  
 13 until the date of the submittal of the plan required by sub-  
 14 section (a).

15 **SEC. 3155. CIVIL MONETARY PENALTIES FOR VIOLATIONS**  
 16 **OF DEPARTMENT OF ENERGY REGULATIONS**  
 17 **RELATING TO THE SAFEGUARDING AND SE-**  
 18 **CURITY OF RESTRICTED DATA.**

19 (a) IN GENERAL.—Chapter 18 of title I of the Atomic  
 20 Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended  
 21 by inserting after section 234A the following new section:

22 “SEC. 234B. CIVIL MONETARY PENALTIES FOR VIO-  
 23 LATIONS OF DEPARTMENT OF ENERGY REGULATIONS  
 24 REGARDING SECURITY OF CLASSIFIED OR SENSITIVE IN-  
 25 FORMATION OR DATA.—

1       “a. Any person who has entered into a contract or  
2 agreement with the Department of Energy, or a sub-  
3 contract or subagreement thereto, and who violates (or  
4 whose employee violates) any applicable rule, regulation,  
5 or order prescribed or otherwise issued by the Secretary  
6 pursuant to this Act relating to the safeguarding or secu-  
7 rity of Restricted Data or other classified or sensitive in-  
8 formation shall be subject to a civil penalty of not to ex-  
9 ceed \$100,000 for each such violation.

10       “b. The Secretary shall include in each contract with  
11 a contractor of the Department provisions which provide  
12 an appropriate reduction in the fees or amounts paid to  
13 the contractor under the contract in the event of a viola-  
14 tion by the contractor or contractor employee of any rule,  
15 regulation, or order relating to the safeguarding or secu-  
16 rity of Restricted Data or other classified or sensitive in-  
17 formation. The provisions shall specify various degrees of  
18 violations and the amount of the reduction attributable to  
19 each degree of violation.

20       “c. The powers and limitations applicable to the as-  
21 sessment of civil penalties under section 234A shall apply  
22 to the assessment of civil penalties under this section.”.

23       (b) CLARIFYING AMENDMENT.—The section heading  
24 of section 234A of that Act (42 U.S.C. 2282a) is amended  
25 by inserting “SAFETY” before “REGULATIONS”.

1           (c) CLERICAL AMENDMENT.—The table of sections  
2 for that Act is amended by inserting after the item relat-  
3 ing to section 234 the following new items:

“234A. Civil Monetary Penalties for Violations of Department of Energy Safety  
Regulations.

“234B. Civil Monetary Penalties for Violations of Department of Energy Regu-  
lations Regarding Security of Classified or Sensitive Informa-  
tion or Data.”.

4 **SEC. 3156. MORATORIUM ON LABORATORY-TO-LABORA-**  
5 **TORY AND FOREIGN VISITORS AND ASSIGN-**  
6 **MENTS PROGRAMS.**

7           (a) CERTIFICATION.—(1) The Secretary of Energy,  
8 the Director of Central Intelligence, and the Director of  
9 the Federal Bureau of Investigation shall jointly submit  
10 to the committees referred to in paragraph (3) a certifi-  
11 cation that each program referred to in paragraph (2)  
12 meets the following conditions:

13           (A) That the program complies with applicable  
14 orders, regulations, and policies of the Department  
15 of Energy relating to the safeguarding and security  
16 of sensitive information and fulfills any counterintel-  
17 ligence requirements arising under such orders, reg-  
18 ulations, and policies.

19           (B) That the program complies with Presi-  
20 dential Decision Directives and similar requirements  
21 relating to the safeguarding and security of sensitive  
22 information and fulfills any counterintelligence re-

1 requirements arising under such Directives or require-  
2 ments.

3 (C) That the program includes adequate protec-  
4 tions against the inadvertent release of Restricted  
5 Data, information important to the national security  
6 of the United States, and any other sensitive infor-  
7 mation the disclosure of which might harm the inter-  
8 ests of the United States.

9 (D) That the program does not pose an undue  
10 risk to the national security interests of the United  
11 States.

12 (2) A program referred to in this paragraph is any  
13 program as follows:

14 (A) A cooperative program carried out between  
15 the Department of Energy and the People's Repub-  
16 lic of China.

17 (B) A cooperative program carried out between  
18 the Department of Energy and an independent state  
19 of the former Soviet Union.

20 (C) A cooperative program carried out between  
21 the Department of Energy and any nation des-  
22 ignated as sensitive by the Secretary of State.

23 (3) The committees referred to in this paragraph are  
24 the following:

1           (A) The Committees on Armed Services and  
2           Appropriations and the Select Committee on Intel-  
3           ligence of the Senate.

4           (B) The Committees on Armed Services and  
5           Appropriations and the Permanent Select Committee  
6           on Intelligence of the House of Representatives.

7           (b) LIMITATION ON USE OF FUNDS PENDING CER-  
8           TIFICATION.—(1) Except as provided in paragraph (2), no  
9           amounts authorized to be appropriated by section 3101  
10          or 3103 or otherwise made available to the Department  
11          of Energy for fiscal year 2000 may be obligated or ex-  
12          pended to conduct a program referred to in subsection  
13          (a)(2), or any studies or planning in anticipation of such  
14          program, beginning on the date that is 45 days after the  
15          date of the enactment of this Act and continuing until 30  
16          days after the date on which the Director of Central Intel-  
17          ligence submits to the committees referred to in subsection  
18          (a)(3) the certification referred to in subsection (a)(1).  
19          The certification shall be submitted in unclassified form,  
20          but may include a classified annex.

21          (2)(A) The 30-day wait period specified in paragraph  
22          (1) for the obligation and expenditure of funds for a pro-  
23          gram referred to in subsection (a)(2) shall not apply if  
24          the certification with respect to the program under sub-

1 section (a)(1) is submitted during the 45-day period begin-  
2 ning on the date of the enactment of this Act.

3 (B) The limitation in paragraph (1) shall not apply—

4 (i) to the obligation or expenditure of funds au-  
5 thORIZED to be appropriated by title III for activities  
6 relating to cooperative threat reduction with states  
7 of the former Soviet Union; or

8 (ii) to the obligation or expenditure of funds au-  
9 thORIZED to be appropriated by section  
10 3103(a)(1)(A)(ii) for the materials protection control  
11 and accounting program of the Department.

12 **SEC. 3157. INCREASED PENALTIES FOR MISUSE OF RE-**  
13 **STRICTED DATA.**

14 (a) COMMUNICATION OF RESTRICTED DATA.—Sec-  
15 tion 224 of the Atomic Energy Act of 1954 (42 U.S.C.  
16 2274) is amended—

17 (1) in clause a., by striking “\$20,000” and in-  
18 serting “\$40,000”; and

19 (2) in clause b., by striking “\$10,000” and in-  
20 serting “\$20,000”.

21 (b) RECEIPT OF RESTRICTED DATA.—Section 225 of  
22 the Atomic Energy Act of 1954 (42 U.S.C. 2275) is  
23 amended by striking “\$20,000” and inserting “\$40,000”.

1 (c) DISCLOSURE OF RESTRICTED DATA.—Section  
2 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2277)  
3 is amended by striking “\$2,500” and inserting “\$5,000”.

4 **SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY**  
5 **COUNTERINTELLIGENCE AND INTELLIGENCE**  
6 **PROGRAMS AND ACTIVITIES.**

7 (a) OFFICE OF COUNTERINTELLIGENCE.—Title II of  
8 the Department of Energy Organization Act (42 U.S.C.  
9 7131 et seq.) is amended by adding at the end the fol-  
10 lowing:

11 “OFFICE OF COUNTERINTELLIGENCE

12 “SEC. 213. (a) There is within the Department an  
13 Office of Counterintelligence.

14 “(b)(1) The head of the Office shall be the Director  
15 of the Office of Counterintelligence.

16 “(2) The Secretary shall, with the concurrence of the  
17 Director of the Federal Bureau of Investigation, designate  
18 the head of the office from among senior executive service  
19 employees of the Federal Bureau of Investigation who  
20 have expertise in matters relating to counterintelligence.

21 “(3) The Director of the Federal Bureau of Inves-  
22 tigation may detail, on a reimbursable basis, any employee  
23 of the Bureau to the Department for service as Director  
24 of the Office. The service of an employee of the Bureau  
25 as Director of the Office shall not result in any loss of

1 status, right, or privilege by the employee within the Bu-  
2 reau.

3 “(4) The Director of the Office shall report directly  
4 to the Secretary.

5 “(c)(1) The Director of the Office shall develop and  
6 ensure the implementation of security and counterintel-  
7 ligence programs and activities at Department facilities in  
8 order to reduce the threat of disclosure or loss of classified  
9 and other sensitive information at such facilities.

10 “(2) The Director of the Office shall be responsible  
11 for the administration of the personnel assurance pro-  
12 grams of the Department.

13 “(3) The Director shall inform the Secretary, the Di-  
14 rector of Central Intelligence, and the Director of the Fed-  
15 eral Bureau of Investigation on a regular basis, and upon  
16 specific request by any such official, regarding the status  
17 and effectiveness of the security and counterintelligence  
18 programs and activities at Department facilities.

19 “(d)(1) Not later than March 1 each year, the Direc-  
20 tor of the Office shall submit to the Secretary, the Direc-  
21 tor of Central Intelligence, and the Director of the Federal  
22 Bureau of Investigation and to the Committees on Armed  
23 Services of the Senate and House of Representatives a re-  
24 port on the status and effectiveness of the security and

1 counterintelligence programs and activities at Department  
2 facilities during the preceding year.

3 “(2) Each report shall include for the year covered  
4 by the report the following:

5 “(A) A description of the status and effective-  
6 ness of the security and counterintelligence pro-  
7 grams and activities at Department facilities.

8 “(B) A description of any violation of law or  
9 other requirement relating to intelligence, counter-  
10 intelligence, or security at such facilities, including—

11 “(i) the number of violations that were in-  
12 vestigated; and

13 “(ii) the number of violations that remain  
14 unresolved.

15 “(C) A description of the number of foreign  
16 visitors to Department facilities, including the loca-  
17 tions of the visits of such visitors.

18 “(3) Each report submitted under this subsection to  
19 the committees referred to in paragraph (1) shall be sub-  
20 mitted in unclassified form, but may include a classified  
21 annex.”.

22 (b) OFFICE OF INTELLIGENCE.—That title is further  
23 amended by adding at the end the following:

24 “OFFICE OF INTELLIGENCE

25 “SEC. 214. (a) There is within the Department an  
26 Office of Intelligence.

1       “(b)(1) The head of the Office shall be the Director  
2 of the Office of Intelligence.

3       “(2) The Director of the Office shall be a senior execu-  
4 tive service employee of the Department.

5       “(3) The Director of the Office shall report directly  
6 to the Secretary.

7       “(c) The Director of the Office shall be responsible  
8 for the programs and activities of the Department relating  
9 to the analysis of intelligence with respect to nuclear weap-  
10 ons and materials, other nuclear matters, and energy secu-  
11 rity.”.

12       (c) CLERICAL AMENDMENT.—The table of contents  
13 for that Act is amended by inserting after the item relat-  
14 ing to section 212 the following items:

“213. Office of Counterintelligence.

“214. Office of Intelligence.”.

15 **SEC. 3159. COUNTERINTELLIGENCE ACTIVITIES AT CER-**  
16 **TAIN DEPARTMENT OF ENERGY FACILITIES.**

17       (a) ASSIGNMENT OF COUNTERINTELLIGENCE PER-  
18 SONNEL.—(1) The Secretary of Energy shall assign to  
19 each Department of Energy facility at which Restricted  
20 Data is located an individual who shall assess security and  
21 counterintelligence matters at that facility.

22       (2) An individual assigned to a facility under this  
23 subsection shall be stationed at the facility.

1           (b) SUPERVISION.—Each individual assigned under  
2 subsection (a) shall report directly to the Director of the  
3 Office of Counterintelligence of the Department of En-  
4 ergy.

5 **SEC. 3160. WHISTLEBLOWER PROTECTION.**

6           (a) PROGRAM.—The Secretary of Energy shall estab-  
7 lish a program to ensure that an employee of the Depart-  
8 ment of Energy, or a contractor employee, may not be dis-  
9 charged, demoted, or otherwise discriminated against as  
10 a reprisal for disclosing to a person or entity referred to  
11 in subsection (b) information relating to the protection of  
12 classified information which the employee or contractor  
13 employee reasonably believes to provide direct and specific  
14 evidence of a violation described in subsection (c).

15           (b) COVERED PERSONS AND ENTITIES.—A person or  
16 entity referred to in this subsection is the following:

17               (1) A Member of a committee of Congress hav-  
18 ing primary responsibility for oversight of the de-  
19 partment, agency, or element of the Federal Govern-  
20 ment to which the disclosed information relates.

21               (2) An employee of Congress who—

22                     (A) is a staff member of a committee of  
23 Congress having primary responsibility for over-  
24 sight of the department, agency, or element of

1 the Federal Government to which the disclosed  
2 information relates; and

3 (B) has an appropriate security clearance  
4 for access to the information.

5 (3) The Inspector General of the Department of  
6 Energy.

7 (4) The Federal Bureau of Investigation.

8 (5) Any other element of the Federal Govern-  
9 ment designated by the Secretary as authorized to  
10 receive information of the type disclosed.

11 (c) COVERED VIOLATIONS.—A violation referred to  
12 in subsection (a) is—

13 (1) a violation of law or Federal regulation;

14 (2) gross mismanagement, a gross waste of  
15 funds, or abuse of authority; or

16 (3) a false statement to Congress on an issue  
17 of material fact.

18 **SEC. 3161. INVESTIGATION AND REMEDIATION OF AL-**  
19 **LEGED REPRISALS FOR DISCLOSURE OF CER-**  
20 **TAIN INFORMATION TO CONGRESS.**

21 (a) SUBMITTAL OF ALLEGATIONS TO INSPECTOR  
22 GENERAL.—A Department of Energy employee or con-  
23 tractor employee who believes that the employee has been  
24 discharged, demoted, or otherwise discriminated against  
25 as a reprisal for disclosing information referred to in sub-

1 section (a) of section 3160 in accordance with the provi-  
2 sions of that section may submit a complaint relating to  
3 such action to the Inspector General of the Department  
4 of Energy.

5 (b) INVESTIGATION.—(1) For each complaint sub-  
6 mitted under subsection (a), the Inspector General shall—

7 (A) determine whether or not the complaint is  
8 frivolous; and

9 (B) if the Inspector General determines the  
10 complaint is not frivolous, conduct an investigation  
11 of the complaint.

12 (2) The Inspector General shall submit a report on  
13 each investigation undertaken under paragraph (1)(B)  
14 to—

15 (A) the employee who submitted the complaint  
16 on which the investigation is based;

17 (B) the contractor concerned, if any; and

18 (C) the Secretary of Energy.

19 (c) REMEDIAL ACTIONS.—(1) If the Secretary deter-  
20 mines that an employee has been subjected to an adverse  
21 personnel action referred to in subsection (a) in contraven-  
22 tion of the provisions of section 3160(a), the Secretary  
23 shall—

24 (A) in the case of a Department employee, take  
25 appropriate actions to abate the action; or

1           (B) in the case of a contractor employee, order  
2           the contractor concerned to take appropriate actions  
3           to abate the action.

4           (2)(A) If a contractor fails to comply with an order  
5           issued under paragraph (1)(B), the Secretary may file an  
6           action for enforcement of the order in the appropriate  
7           United States district court.

8           (B) In any action brought under subparagraph (A),  
9           the court may grant appropriate relief, including injunc-  
10          tive relief and compensatory and exemplary damages.

11          (d) QUARTERLY REPORT.—(1) Not later than 30  
12          days after the commencement of each fiscal quarter, the  
13          Inspector General shall submit to the congressional de-  
14          fense committees a report on the investigations under-  
15          taken under subsection (b)(1)(B) during the preceding fis-  
16          cal quarter, including a summary of the results of such  
17          investigations.

18          (2) A report under paragraph (1) shall not identify  
19          or otherwise provide any information on a person submit-  
20          ting a complaint under this section without the consent  
21          of the person.

1 **SEC. 3162. NOTIFICATION TO CONGRESS OF CERTAIN SECU-**  
2 **RITY AND COUNTERINTELLIGENCE FAIL-**  
3 **URES AT DEPARTMENT OF ENERGY FACILI-**  
4 **TIES.**

5 (a) **REQUIREMENT.**—The Secretary of Energy, after  
6 consultation with the Director of Central Intelligence and  
7 the Director of the Federal Bureau of Investigation, as  
8 appropriate, shall submit to the congressional defense  
9 committees a notification of each serious security or coun-  
10 terintelligence failure at a Department of Energy facility  
11 that the Secretary considers likely to cause significant  
12 harm or damage to the national security interests of the  
13 United States.

14 (b) **DEADLINE.**—The Secretary shall submit a notice  
15 under subsection (a) for a failure covered by that sub-  
16 section not later than 30 days after learning of the failure.

17 (c) **PROCEDURES.**—The Secretary and the congress-  
18 sional defense committees shall each establish such proce-  
19 dures as may be necessary to carry out the provisions of  
20 this title.

21 (d) **PROTECTION OF CLASSIFIED AND OTHER SEN-**  
22 **SITIVE INFORMATION.**—(1) The House of Representatives  
23 and the Senate shall each establish, by rule or resolution  
24 of such House, procedures to protect from unauthorized  
25 disclosure classified information, all information relating  
26 to intelligence sources and methods, and sensitive law en-

1 enforcement information that is furnished to the congres-  
2 sional defense committees pursuant to this section.

3 (2) Such procedures shall be established in consulta-  
4 tion with the Secretary of Energy, the Director of Central  
5 Intelligence, and the Director of the Federal Bureau of  
6 Investigation.

7 (e) SAVINGS PROVISIONS.—(1) Nothing in this sec-  
8 tion shall be construed as authority to withhold informa-  
9 tion from the congressional defense committees on the  
10 grounds that providing the information to such commit-  
11 tees would constitute the unauthorized disclosure of classi-  
12 fied information, information relating to intelligence  
13 sources or methods, or sensitive law enforcement informa-  
14 tion.

15 (2) Nothing in this section shall be construed to mod-  
16 ify or supersede any other requirement to report informa-  
17 tion on intelligence activities to Congress, including the  
18 requirement under section 501 of the National Security  
19 Act of 1947 (50 U.S.C. 413) for the President to ensure  
20 that the intelligence committees are kept fully and cur-  
21 rently informed of the intelligence activities of the United  
22 States and for the intelligence committees to notify  
23 promptly other congressional committees of any matter re-  
24 lating to intelligence activities requiring the attention of  
25 such committees.

1 **SEC. 3163. DEFINITION.**

2 In this subtitle, the term “Restricted Data” has the  
3 meaning given that term in section 11 y. of the Atomic  
4 Energy Act of 1954 (42 U.S.C. 2014(y)).

5 **Subtitle E—Other Matters**

6 **SEC. 3171. MAINTENANCE OF NUCLEAR WEAPONS EXPER-**  
7 **TISE IN THE DEPARTMENT OF DEFENSE AND**  
8 **DEPARTMENT OF ENERGY.**

9 (a) ADMINISTRATION OF JOINT NUCLEAR WEAPONS  
10 COUNCIL.—(1) Subsection (b) of section 179 of title 10,  
11 United States Code, is amended by adding at the end the  
12 following new paragraph:

13 “(3) The Council shall meet not less often than once  
14 every three months.”.

15 (2) Subsection (c) of that section is amended by add-  
16 ing at the end the following new paragraph:

17 “(3) If the position of Assistant to the Secretary of  
18 Defense for Nuclear and Chemical and Biological Defense  
19 Programs remains vacant for a period of more than 9  
20 months, the Secretary of Energy shall appoint a qualified  
21 individual to serve as acting staff director of the Council  
22 until the position of Assistant to the Secretary of Defense  
23 for Nuclear and Chemical and Biological Defense Pro-  
24 grams is filled.”.

25 (b) REVITALIZATION OF JOINT NUCLEAR WEAPONS  
26 COUNCIL.—(1) The Secretary of Defense and the Sec-

1   retary of Energy shall jointly prepare and submit to the  
2   Committees on Armed Services of the Senate and the  
3   House of Representatives a plan to revitalize the Joint  
4   Nuclear Weapons Council established by section 179 of  
5   title 10, United States Code.

6       (2) The plan shall include any proposed modification  
7   to the membership or responsibilities of the Council that  
8   the Secretaries jointly determine advisable to enhance the  
9   capability of the Council to ensure the integration of De-  
10  partment of Defense requirements for nuclear weapons  
11  into the programs and budget processes of the Depart-  
12  ment of Energy.

13       (c) ANNUAL REPORT ON COUNCIL ACTIVITIES.—The  
14  Secretary of Defense, shall, after consultation with the  
15  Secretary of Energy, submit to the Committees on Armed  
16  Services of the Senate and the House of Representatives  
17  on an annual basis a report on the activities of the Joint  
18  Nuclear Weapons Council. Each report shall include the  
19  following:

20           (1) A description of the activities of the Council  
21   during the 12-month period ending on the date of  
22   the report together with any assessments or studies  
23   conducted by the Council during that period.

24           (2) A description of the highest priority require-  
25   ments of the Department of Defense with respect to

1 the Department of Energy stockpile stewardship and  
2 management program as of that date.

3 (3) An assessment of the extent to which the  
4 requirements referred to in paragraph (2) are being  
5 addressed by the Department of Energy as of that  
6 date.

7 (d) NUCLEAR MISSION MANAGEMENT PLAN.—The  
8 Secretary of Defense shall develop and implement a plan  
9 to ensure the continued reliability of the capability of the  
10 Department of Defense to carry out its nuclear deterrent  
11 mission. The plan shall—

12 (1) articulate the current policy of the United  
13 States on the role of nuclear weapons and nuclear  
14 deterrence in the conduct of defense and foreign re-  
15 lations matters;

16 (2) establish stockpile viability and capability  
17 requirements with respect to that mission, including  
18 the number and variety of warheads required;

19 (3) establish requirements relating to the con-  
20 tractor industrial base, support infrastructure, and  
21 surveillance, testing, assessment, and certification of  
22 nuclear weapons necessary to support that mission;

23 (4) take into account requirements for the crit-  
24 ical skills, readiness, training, exercise, and testing  
25 of personnel necessary to meet that mission; and

1           (5) take into account the relevant programs and  
2           plans of the military departments and the defense  
3           agencies with respect to readiness, sustainment (in-  
4           cluding research and development), and moderniza-  
5           tion of the strategic deterrent forces.

6           (e) NUCLEAR EXPERTISE RETENTION MEASURES.—

7           (1) The Secretary of Energy and Secretary of Defense  
8           shall jointly submit to the committees referred to in sub-  
9           section (c) a plan setting forth the actions that the Secre-  
10          taries consider necessary to retain core scientific, engi-  
11          neering, and technical skills and capabilities within the  
12          Department of Energy, the Department of Defense, and  
13          their contractors in order to maintain the United States  
14          nuclear deterrent force indefinitely.

15          (2) The plan shall include the following elements:

16                (A) A baseline of current skills and capabilities  
17                by location.

18                (B) A statement of the skills or capabilities that  
19                are at risk of being lost within the next ten years.

20                (C) A proposal for recruitment and retention  
21                measures to address the loss of such skills or capa-  
22                bilities.

23                (D) A proposal for the training and evaluation  
24                of personnel with core scientific, engineering, and  
25                technical skills and capabilities.

1           (E) A statement of the additional advanced  
2           manufacturing programs and process engineering  
3           programs that are required to maintain the nuclear  
4           deterrent force indefinitely.

5           (F) An assessment of the desirability of estab-  
6           lishing a nuclear weapons workforce reserve to en-  
7           sure the availability of the skills and capabilities of  
8           present and former employees of the Department in  
9           the event of an urgent future need for such skills  
10          and capabilities.

11          (f) REPORTS ON CRITICAL DIFFICULTIES AT NU-  
12          CLEAR WEAPONS LABORATORIES.—Section 3159 of the  
13          National Defense Authorization Act for Fiscal Year 1997  
14          (Public Law 104–201; 110 Stat. 2842; 42 U.S.C. 7274o)  
15          is amended—

16               (1) by redesignating subsection (d) as sub-  
17               section (e); and

18               (2) by inserting after subsection (c) the fol-  
19               lowing new subsection (d):

20               “(d) INCLUSION OF REPORTS IN ANNUAL STOCKPILE  
21          CERTIFICATION.—Any report submitted pursuant to sub-  
22          section (a) shall also be included with the decision docu-  
23          ments that accompany the annual certification of the safe-  
24          ty and reliability of the United States nuclear weapons

1 stockpile which is provided to the President for the year  
2 in which such report is submitted.”.

3 (g) TECHNICAL AMENDMENT.—Section 179(f) of  
4 title 10, United States Code, is amended by striking “the  
5 Committee on Armed Services” and all that follows  
6 through “House of Representatives” and inserting “the  
7 Committees on Armed Services and Appropriations of the  
8 Senate and the Committees on Armed Services and Appro-  
9 priations of the House of Representatives”.

10 **SEC. 3172. MODIFICATION OF BUDGET AND PLANNING RE-**  
11 **QUIREMENTS FOR DEPARTMENT OF ENERGY**  
12 **NATIONAL SECURITY ACTIVITIES.**

13 (a) ENHANCEMENT OF ANNUAL FIVE-YEAR BUDG-  
14 ET.—(1) Section 3155 of the National Defense Authoriza-  
15 tion Act for Fiscal Year 1997 (Public Law 104–201; 110  
16 Stat. 2841; 42 U.S.C. 7271b) is amended—

17 (A) by redesignating subsection (b) as sub-  
18 section (c);

19 (B) by striking subsection (a) and inserting the  
20 following new subsections:

21 “(a) REQUIREMENT.—The Secretary of Energy shall  
22 prepare for each fiscal year after fiscal year 2000 a pro-  
23 gram and budget plan for the national security programs  
24 of the Department of Energy for the five-fiscal year period

1 beginning in the year the program and budget plan is pre-  
2 pared.

3 “(b) ELEMENTS.—Each program and budget plan  
4 shall contain the following:

5 “(1) The estimated expenditures and proposed  
6 appropriations necessary to support the programs,  
7 projects, and activities of the national security pro-  
8 grams of the Department during the five-fiscal year  
9 period covered by the program and budget plan, ex-  
10 pressed in a level of detail comparable to that con-  
11 tained in the budget submitted by the President to  
12 Congress under section 1105 of title 31, United  
13 States Code.

14 “(2) A description of the anticipated workload  
15 requirements for each Department site during that  
16 five-fiscal year period.”; and

17 (C) in subsection (c), as so redesignated, by  
18 striking “the budget required” and inserting “the  
19 program and budget plan required”.

20 (2) The section heading of such section is amended  
21 by striking “ **FIVE-YEAR BUDGET**” and inserting  
22 “**FIVE-FISCAL YEAR PROGRAM AND BUDG-**  
23 **ET PLAN**”.

24 (b) ADDITIONAL REQUIREMENTS FOR WEAPONS AC-  
25 TIVITIES BUDGETS.—Section 3156 of the National De-

1 fense Authorization Act for Fiscal Year 1997 (Public Law  
2 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is amended—

3 (1) by redesignating subsection (c) as sub-  
4 section (d); and

5 (2) by inserting after subsection (b) the fol-  
6 lowing new subsection (c):

7 “(c) **IMPACT OF BUDGET ON STOCKPILE.**—The Sec-  
8 retary shall include in the materials the Secretary submits  
9 to Congress in support of the budget for any fiscal year  
10 after fiscal year 2000 that is submitted by the President  
11 pursuant to section 1105 of title 31, United States Code,  
12 a description of how the funds identified for each program  
13 element in the weapons activities budget of the Depart-  
14 ment for such fiscal year will help ensure that the nuclear  
15 weapons stockpile is safe and reliable as determined in ac-  
16 cordance with the criteria established under 3158 of the  
17 National Defense Authorization Act for Fiscal Year 1999  
18 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121  
19 note).”.

20 **SEC. 3173. EXTENSION OF AUTHORITY OF DEPARTMENT OF**  
21 **ENERGY TO PAY VOLUNTARY SEPARATION**  
22 **INCENTIVE PAYMENTS.**

23 (a) **EXTENSION.**—Notwithstanding subsection  
24 (c)(2)(D) of section 663 of the Treasury, Postal Service,  
25 and General Government Appropriations Act, 1997 (Pub-

1 lie Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597  
2 note), the Department of Energy may pay voluntary sepa-  
3 ration incentive payments to qualifying employees who vol-  
4 untarily separate (whether by retirement or resignation)  
5 before January 1, 2003.

6 (b) EXERCISE OF AUTHORITY.—The Department  
7 shall pay voluntary separation incentive payments under  
8 subsection (a) in accordance with the provisions of such  
9 section 663.

10 **SEC. 3174. INTEGRATED FISSILE MATERIALS MANAGEMENT**  
11 **PLAN.**

12 (a) PLAN.—The Secretary of Energy shall develop a  
13 long-term plan for the integrated management of fissile  
14 materials by the Department of Energy. The plan shall—

15 (1) identify means of consolidating or inte-  
16 grating the responsibilities of the Office of Environ-  
17 mental Management, the Office of Fissile Materials  
18 Disposition, the Office of Nuclear Energy, and the  
19 Office of Defense Programs for the treatment, stor-  
20 age and disposition of fissile materials, and for the  
21 waste streams containing fissile materials, in order  
22 to achieve budgetary and other efficiencies in the  
23 discharge of those responsibilities; and

24 (2) identify any expenditures necessary at the  
25 sites that are anticipated to have an enduring mis-

1 sion for plutonium management in order to achieve  
2 the integrated management of fissile materials by  
3 the Department.

4 (b) SUBMITTAL TO CONGRESS.—The Secretary shall  
5 submit the plan required by subsection (a) to the congres-  
6 sional defense committees not later than February 1,  
7 2000.

8 **SEC. 3175. AUTHORITY OF DEPARTMENT OF ENERGY TO**  
9 **ACCEPT LOANS FROM CONTRACTORS FOR**  
10 **CLOSURE PROJECTS AT DEPARTMENT OF EN-**  
11 **ERGY DEFENSE FACILITIES.**

12 (a) AUTHORITY TO ACCEPT LOANS.—Notwith-  
13 standing any other provision of law, the Secretary of En-  
14 ergy may accept a loan from a contractor carrying out  
15 closure projects at a Department of Energy defense facil-  
16 ity for purposes of funding additional closure projects at  
17 Department defense facilities.

18 (b) LIMITATION ON SOURCE OF LOAN AMOUNT.—  
19 The amount for a loan by a contractor under this section  
20 shall be derived only from amounts paid the contractor  
21 by the Secretary as fees for carrying out closure projects  
22 at Department defense facilities.

23 (c) LIMITATION ON LOAN TERMS.—(1) A loan under  
24 this section shall not accrue any monetary interest.

1           (2) A loan under this section shall not be secured by  
2 an interest in any property or other asset of the United  
3 States

4           (d) AGREEMENT.—A loan under this section shall be  
5 governed by the terms of an agreement between the Sec-  
6 retary and the contractor concerned for purposes of the  
7 loan.

8 **SEC. 3176. PILOT PROGRAM FOR PROJECT MANAGEMENT**  
9                           **OVERSIGHT REGARDING DEPARTMENT OF**  
10                           **ENERGY CONSTRUCTION PROJECTS.**

11           (a) REQUIREMENT.—(1) The Secretary of Energy  
12 shall carry out a pilot program on use of project manage-  
13 ment oversight (PMO) services for Department of Energy  
14 construction projects.

15           (2) The purpose of the pilot program is to provide  
16 a basis for determining whether or not the use of competi-  
17 tively procured, external project management oversight  
18 services on construction projects would permit the Depart-  
19 ment to control excessive costs and schedule delays associ-  
20 ated with Department construction projects having large  
21 capital costs.

22           (b) PROJECTS COVERED BY PROGRAM.—(1) Subject  
23 to paragraph (2), the Secretary shall carry out the pilot  
24 program at construction projects selected by the Sec-  
25 retary. The projects shall include one or more construction

1 projects authorized pursuant to section 3101 and one con-  
2 struction project authorized pursuant to section 3102.

3 (2) The Secretary shall select projects that have cap-  
4 ital construction costs anticipated to be not less than  
5 \$25,000,000.

6 (c) SERVICES UNDER PROGRAM.—The project man-  
7 agement oversight services utilized under the pilot pro-  
8 gram shall include the following services:

9 (1) Monitoring the overall progress of a project.

10 (2) Determining whether or not a project is on  
11 schedule.

12 (3) Determining whether or not a project is  
13 within budget.

14 (4) Determining whether or not a project con-  
15 forms with plans and specifications approved by the  
16 Department.

17 (5) Determining whether or not a project is  
18 being carried out efficiently and effectively.

19 (6) Any other management oversight services  
20 that the Secretary considers appropriate for pur-  
21 poses of the pilot program.

22 (d) PROCUREMENT OF SERVICES UNDER PRO-  
23 GRAM.—Any services procured under the pilot program  
24 shall be acquired—

25 (1) on a competitive basis; and

1 (2) from among commercial entities that—

2 (A) do not currently manage or operate fa-  
3 cilities at a location where the pilot program is  
4 being conducted; and

5 (B) have an expertise in the management  
6 of large construction projects.

7 (e) REPORT.—Not later than February 1, 2000, the  
8 Secretary shall submit to the Committees on Armed Serv-  
9 ices of the Senate and the House of Representatives a re-  
10 port on pilot program. The report shall include the Sec-  
11 retary’s assessment of the feasibility and desirability of  
12 utilizing project management oversight services for De-  
13 partment of Energy construction projects.

14 **SEC. 3177. EXTENSION OF REVIEW OF WASTE ISOLATION**  
15 **PILOT PLANT, NEW MEXICO.**

16 Section 1433(a) of the National Defense Authoriza-  
17 tion Act, Fiscal Year 1989 (Public Law 100–456; 102  
18 Stat. 2073) is amended in the second sentence by striking  
19 “nine additional one-year periods” and inserting “fourteen  
20 additional one-year periods”.

1 **SEC. 3178. PROPOSED SCHEDULE FOR SHIPMENTS OF**  
2 **WASTE FROM THE ROCKY FLATS PLANT, COL-**  
3 **ORADO, TO THE WASTE ISOLATION PILOT**  
4 **PROJECT, NEW MEXICO.**

5 (a) SUBMITTAL OF PROPOSED SCHEDULE.—Not  
6 later than 60 days after the date of the enactment of this  
7 Act, the Secretary of Energy shall submit to the Commit-  
8 tees on Armed Services of the Senate and House of Rep-  
9 resentatives a proposed schedule for the commencement  
10 of shipments of waste from the Rocky Flats Plant, Colo-  
11 rado, to the Waste Isolation Pilot Project, New Mexico.

12 (b) ELEMENTS.—The schedule under subsection (a)  
13 shall set forth—

14 (1) the proposed commencement date of ship-  
15 ments of mixed transuranic waste from the Rocky  
16 Flats Plant to the Waste Isolation Pilot Project; and

17 (2) the proposed commencement date of ship-  
18 ments of unmixed transuranic waste from the Rocky  
19 Flats Plant to the Waste Isolation Pilot Project.

20 (c) REQUIREMENTS REGARDING SCHEDULE.—In  
21 preparing the schedule, the Secretary shall assume the fol-  
22 lowing:

23 (1) A closure date for the Rocky Flats Plant in  
24 2006.

25 (2) That all waste that is transferable from the  
26 Rocky Flats Plant to the Waste Isolation Pilot

1 Project will be removed from the Rocky Flats Plant  
2 by that closure date as specified in the current 2006  
3 Rocky Flats Plant Closure Plan.

4 (3) That, to the maximum extent practicable,  
5 shipments of waste from the Rocky Flats Plant to  
6 the Waste Isolation Pilot Project will not interfere  
7 with other shipments of waste to the Waste Isolation  
8 Pilot Project.

9 **TITLE XXXII—DEFENSE NU-**  
10 **CLEAR FACILITIES SAFETY**  
11 **BOARD**

12 **SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

13 There are authorized to be appropriated for fiscal  
14 year 2000, \$17,500,000 for the operation of the Defense  
15 Nuclear Facilities Safety Board under chapter 21 of the  
16 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

17 **TITLE XXXIII—NATIONAL**  
18 **DEFENSE STOCKPILE**

19 **SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.**

20 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-  
21 cal year 2000, the National Defense Stockpile Manager  
22 may obligate up to \$78,700,000 of the funds in the Na-  
23 tional Defense Stockpile Transaction Fund for the author-  
24 ized uses of such funds under section 9(b)(2) of the Stra-  
25 tegic and Critical Materials Stock Piling Act (50 U.S.C.

1 98h(b)(2)), including the disposal of hazardous materials  
2 that are environmentally sensitive.

3 (b) **ADDITIONAL OBLIGATIONS.**—The National De-  
4 fense Stockpile Manager may obligate amounts in excess  
5 of the amount specified in subsection (a) if the National  
6 Defense Stockpile Manager notifies Congress that extraor-  
7 dinary or emergency conditions necessitate the additional  
8 obligations. The National Defense Stockpile Manager may  
9 make the additional obligations described in the notifica-  
10 tion after the end of the 45-day period beginning on the  
11 date on which Congress receives the notification.

12 (c) **LIMITATIONS.**—The authorities provided by this  
13 section shall be subject to such limitations as may be pro-  
14 vided in appropriations Acts.

15 **SEC. 3302. LIMITATIONS ON PREVIOUS AUTHORITY FOR**  
16 **DISPOSAL OF STOCKPILE MATERIALS.**

17 (a) **PUBLIC LAW 105–261 AUTHORITY.**—Section  
18 3303(b) of the Strom Thurmond National Defense Au-  
19 thorization Act for Fiscal Year 1999 (Public Law 105–  
20 261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

21 (1) by striking “(b) **LIMITATION ON DISPOSAL**  
22 **QUANTITY.**—” and inserting “(b) **LIMITATIONS ON**  
23 **DISPOSAL AUTHORITY.**—(1)”;

24 (2) by adding at the end the following:

1       “(2) The President may not dispose of materials  
2 under this section in excess of the disposals necessary to  
3 result in receipts in the amounts specified in subsection  
4 (a).”.

5       (b) PUBLIC LAW 105–85 AUTHORITY.—Section  
6 3305(b) of the National Defense Authorization Act for  
7 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2058;  
8 50 U.S.C. 98d note) is amended—

9           (1) by striking “(b) LIMITATION ON DISPOSAL  
10       QUANTITY.—” and inserting “(b) LIMITATIONS ON  
11       DISPOSAL AUTHORITY.—(1)”;

12           (2) by adding at the end the following:

13       “(2) The President may not dispose of cobalt under  
14 this section in excess of the disposals necessary to result  
15 in receipts in the amounts specified in subsection (a).”.

16       (c) PUBLIC LAW 104–201 AUTHORITY.—Section  
17 3305(b) of the National Defense Authorization Act for  
18 Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2855;  
19 50 U.S.C. 98d note) is amended—

20           (1) by striking “(b) LIMITATION ON DISPOSAL  
21       QUANTITY.—” and inserting “(b) LIMITATIONS ON  
22       DISPOSAL AUTHORITY.—(1)”;

23           (2) by adding at the end the following:

24       “(2) The President may not dispose of materials  
25 under this section in excess of the disposals necessary to

1 result in receipts in the amounts specified in subsection  
2 (a).”.

3 **TITLE XXXIV—PANAMA CANAL**  
4 **COMMISSION**

5 **SEC. 3401. SHORT TITLE.**

6 This title may be cited as the “Panama Canal Com-  
7 mission Authorization Act for Fiscal Year 2000”.

8 **SEC. 3402. AUTHORIZATION OF EXPENDITURES.**

9 (a) IN GENERAL.—Subject to subsection (b), the  
10 Panama Canal Commission is authorized to use amounts  
11 in the Panama Canal Revolving Fund to make such ex-  
12 penditures within the limits of funds and borrowing au-  
13 thority available to it in accordance with law, and to make  
14 such contracts and commitments, as may be necessary  
15 under the Panama Canal Act of 1979 (22 U.S.C. 3601  
16 et seq.) for the operation, maintenance, improvement, and  
17 administration of the Panama Canal for the period Octo-  
18 ber 1, 1999, through noon on December 31, 1999.

19 (b) LIMITATIONS.—For the period described in sub-  
20 section (a), the Panama Canal Commission may expend  
21 from funds in the Panama Canal Revolving Fund not  
22 more than \$25,000 for official reception and representa-  
23 tion expenses, of which—

1           (1) not more than \$7,000 may be used for offi-  
2           cial reception and representation expenses of the Su-  
3           pervisory Board of the Commission;

4           (2) not more than \$3,500 may be used for offi-  
5           cial reception and representation expenses of the  
6           Secretary of the Commission; and

7           (3) not more than \$14,500 may be used for of-  
8           ficial reception and representation expenses of the  
9           Administrator of the Commission.

10 **SEC. 3403. PURCHASE OF VEHICLES.**

11           Notwithstanding any other provision of law, the  
12 funds available to the Commission shall be available for  
13 the purchase and transportation to the Republic of Pan-  
14 ama of replacement passenger motor vehicles, the pur-  
15 chase price of which shall not exceed \$26,000 per vehicle.

16 **SEC. 3404. EXPENDITURES ONLY IN ACCORDANCE WITH**  
17 **TREATIES.**

18           Expenditures authorized under this title may be made  
19 only in accordance with the Panama Canal Treaties of  
20 1977 and any law of the United States implementing  
21 those treaties.

22 **SEC. 3405. OFFICE OF TRANSITION ADMINISTRATION.**

23           (a) EXPENDITURES FROM PANAMA CANAL COMMIS-  
24 SION DISSOLUTION FUND.—The Office of Transition Ad-  
25 ministration established under subsection (b) of section

1 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a)  
2 is authorized to obligate and expend funds from the Pan-  
3 ama Canal Commission Dissolution Fund established  
4 under subsection (c) of such section for the purposes enu-  
5 merated in such subsection until the fund terminates.

6 (b) ADMINISTRATIVE OFFICES.—The Office of Tran-  
7 sition Administration shall have offices in the Republic of  
8 Panama and in Washington, District of Columbia. The of-  
9 fice in Panama shall be subject to the authority of the  
10 United States chief of mission in the Republic of Panama.

11 (c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The  
12 Panama Canal Commission shall enter into an agreement  
13 with the head of a department or agency of the Federal  
14 Government to supervise the close out of the affairs of  
15 the Commission under section 1305 of the Panama Canal  
16 Act of 1979 and to certify the completion of that function.