

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2552

---

## AN ACT

To authorize appropriations for fiscal year 2001 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 2001”.

**1 SEC. 2. TABLE OF CONTENTS.**

**2** 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. National Nuclear Security Administration.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense environmental management privatization.
- Sec. 3105. Energy employees compensation initiative.
- Sec. 3106. Defense nuclear waste disposal.

**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. Transfer of defense environmental management funds.

**Subtitle C—National Nuclear Security Administration**

- Sec. 3131. Term of office of person first appointed as Under Secretary for Nuclear Security of the Department of Energy.
- Sec. 3132. Membership of Under Secretary for Nuclear Security on the Joint Nuclear Weapons Council.
- Sec. 3133. Scope of authority of Secretary of Energy to modify organization of National Nuclear Security Administration.
- Sec. 3134. Prohibition on pay of personnel engaged in concurrent service or duties inside and outside National Nuclear Security Administration.
- Sec. 3135. Organization plan for field offices of the National Nuclear Security Administration.
- Sec. 3136. Future-years nuclear security program.
- Sec. 3137. Cooperative research and development of the National Nuclear Security Administration.
- Sec. 3138. Construction of National Nuclear Security Administration operations office complex.

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

- Sec. 3151. Processing, treatment, and disposition of legacy nuclear materials.

- Sec. 3152. Formerly Utilized Sites Remedial Action Program.
- Sec. 3153. Department of Energy defense nuclear nonproliferation programs.
- Sec. 3154. Modification of counterintelligence polygraph program.
- Sec. 3155. Employee incentives for employees at closure project facilities.
- Sec. 3156. Conceptual design for Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.
- Sec. 3157. Tank Waste Remediation System, Hanford Reservation, Richland, Washington.
- Sec. 3158. Report on national ignition facility, Lawrence Livermore National Laboratory, Livermore, California.

**Subtitle E—National Laboratories Partnership Improvement Act**

- Sec. 3161. Short title.
- Sec. 3162. Definitions.
- Sec. 3163. Technology Infrastructure Pilot Program.
- Sec. 3164. Small business advocacy and assistance.
- Sec. 3165. Technology partnerships ombudsman.
- Sec. 3166. Studies related to improving mission effectiveness, partnerships, and technology transfer at National Laboratories.
- Sec. 3167. Other transactions authority.
- Sec. 3168. Conformance with NNSA organizational structure.
- Sec. 3169. Arctic energy.

**Subtitle F—Other Matters**

- Sec. 3171. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3172. Updates of report on nuclear test readiness postures.
- Sec. 3173. Frequency of reports on inadvertent releases of Restricted Data and Formerly Restricted Data.
- Sec. 3174. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile.
- Sec. 3175. Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants.
- Sec. 3176. Cooperative research and development agreements for Government-owned, contractor-operated laboratories.
- Sec. 3177. Commendation of Department of Energy and contractor employees for exemplary service in stockpile stewardship and security.
- Sec. 3178. Adjustment of threshold requirement for submission of reports on advanced computer sales to Tier III foreign countries.

**Subtitle G—Russian Nuclear Complex Conversion**

- Sec. 3191. Short title.
- Sec. 3192. Findings.
- Sec. 3193. Expansion and enhancement of Nuclear Cities Initiative.
- Sec. 3194. Sense of Congress on the establishment of a National Coordinator for Nonproliferation Matters.
- Sec. 3195. Definitions.

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

Sec. 3201. Defense Nuclear Facilities Safety Board.

### **TITLE XXXIII—NAVAL PETROLEUM RESERVES**

Sec. 3301. Minimum price of petroleum sold from the naval petroleum reserves.

Sec. 3302. Repeal of authority to contract for cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1.

Sec. 3303. Land transfer and restoration.

### **TITLE XXXIV—NATIONAL DEFENSE STOCKPILE**

Sec. 3401. Authorized uses of stockpile funds.

Sec. 3402. Increased receipts under prior disposal authority.

Sec. 3403. Disposal of titanium.

### **TITLE XXXV—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION**

Sec. 3501. Short title.

Sec. 3502. Construction with other laws.

Sec. 3503. Definitions.

Sec. 3504. Expansion of list of beryllium vendors and means of establishing covered beryllium illnesses.

#### **Subtitle A—Beryllium, Silicosis, and Radiation Compensation**

Sec. 3511. Exposure to hazards in the performance of duty.

Sec. 3512. Advisory board on radiation and worker health.

Sec. 3513. Designation of additional members of the Special Exposure Cohort.

Sec. 3514. Authority to provide compensation and other assistance.

Sec. 3515. Alternative compensation.

Sec. 3516. Submittal of claims.

Sec. 3517. Adjudication and administration.

#### **Subtitle B—Exposure to Other Toxic Substances**

Sec. 3521. Definitions.

Sec. 3522. Agreements with States.

#### **Subtitle C—General Provisions**

Sec. 3531. Treatment of compensation and benefits.

Sec. 3532. Forfeiture of benefits by convicted felons.

Sec. 3533. Limitation on right to receive benefits.

Sec. 3534. Coordination of benefits—State workers' compensation.

Sec. 3535. Coordination of benefits—Federal workers' compensation.

Sec. 3536. Receipt of benefits—other statutes.

Sec. 3537. Dual compensation—Federal employees.

Sec. 3538. Dual compensation—other employees.

Sec. 3539. Exclusivity of remedy against the United States, contractors, and subcontractors.

Sec. 3540. Election of remedy against beryllium vendors and atomic weapons employers.

Sec. 3541. Subrogation of the United States.

Sec. 3542. Energy Employees' Occupational Illness Compensation Fund.

Sec. 3543. Effective date.

Sec. 3544. Technical and conforming amendments.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

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

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

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

9 **TITLE XXXI—DEPARTMENT OF**  
10 **ENERGY NATIONAL SECURITY**  
11 **PROGRAMS**

12 **Subtitle A—National Security**  
13 **Programs Authorizations**

14 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
15 **TION.**

16 (a) **IN GENERAL.**—Funds are hereby authorized to  
17 be appropriated to the Department of Energy for fiscal  
18 year 2001 for national nuclear security administration in  
19 carrying out programs necessary for national security in  
20 the amount of \$6,289,835,000, to be allocated as follows:

21 (1) **WEAPONS ACTIVITIES.**—For weapons activi-  
22 ties necessary for national nuclear security adminis-  
23 tration, \$4,747,800,000, to be allocated as follows:

24 (A) **STEWARDSHIP OPERATION AND MAIN-**  
25 **TENANCE.**—For stewardship operation and  
26 maintenance in carrying out weapons activities

1 necessary for national nuclear security adminis-  
2 tration, \$3,822,383,000, to be allocated as fol-  
3 lows:

4 (i) For directed stockpile work,  
5 \$842,603,000.

6 (ii) For campaigns, \$1,471,982,000.

7 (iii) For readiness in technical base  
8 and facilities, \$1,507,798,000.

9 (B) SECURE TRANSPORTATION ASSETS.—

10 For secure transportation assets in carrying out  
11 weapons activities necessary for national nu-  
12 clear security administration, \$115,673,000, to  
13 be allocated as follows:

14 (i) For operation and maintenance,  
15 \$79,357,000.

16 (ii) For program direction (secure  
17 transportation), \$36,316,000.

18 (C) PROGRAM DIRECTION.—For program  
19 direction in carrying out weapons activities nec-  
20 essary for national nuclear security administra-  
21 tion, \$221,257,000.

22 (D) CONSTRUCTION.—For construction  
23 (including maintenance, restoration, planning,  
24 construction, acquisition, modification of facili-  
25 ties, and the continuation of projects authorized

1 in prior years, and land acquisition related  
2 thereto) in carrying out weapons activities nec-  
3 essary for national nuclear security administra-  
4 tion, \$588,173,000, to be allocated as follows:

5 Project 01-D-101, distributed infor-  
6 mation systems laboratory, Sandia Na-  
7 tional Laboratories, Livermore, California,  
8 \$2,300,000.

9 Project 01-D-103, preliminary  
10 project design and engineering, various lo-  
11 cations, \$14,500,000.

12 Project 01-D-124, highly enriched  
13 uranium (HEU) materials facility, Y-12  
14 Plant, Oak Ridge, Tennessee,  
15 \$17,800,000.

16 Project 01-D-126, weapons evalua-  
17 tion test laboratory, Pantex Plant, Ama-  
18 rillo, Texas, \$3,000,000.

19 Project 00-D-103, terascale simula-  
20 tion facility, Lawrence Livermore National  
21 Laboratory, Livermore, California,  
22 \$5,000,000.

23 Project 00-D-105, strategic com-  
24 puting complex, Los Alamos National Lab-

1 oratory, Los Alamos, New Mexico,  
2 \$56,000,000.

3 Project 00–D–107, joint computa-  
4 tional engineering laboratory, Sandia Na-  
5 tional Laboratories, Albuquerque, New  
6 Mexico, \$6,700,000.

7 Project 99–D–103, isotope sciences  
8 facilities, Lawrence Livermore National  
9 Laboratory, Livermore, California,  
10 \$5,000,000.

11 Project 99–D–104, protection of real  
12 property (roof reconstruction, Phase II)  
13 Lawrence Livermore National Laboratory,  
14 Livermore, California, \$2,800,000.

15 Project 99–D–106, model validation  
16 and systems certification test center,  
17 Sandia National Laboratories, Albu-  
18 querque, New Mexico, \$5,200,000.

19 Project 99–D–108, renovate existing  
20 roadways, Nevada Test Site, Nevada,  
21 \$2,000,000.

22 Project 99–D–125, replace boilers and  
23 controls, Kansas City Plant, Kansas City,  
24 Missouri, \$13,000,000.

1           Project 99–D–127, stockpile manage-  
2           ment restructuring initiative, Kansas City  
3           Plant, Kansas City, Missouri,  
4           \$23,765,000.

5           Project 99–D–128, stockpile manage-  
6           ment restructuring initiative, Pantex Plant  
7           consolidation, Amarillo, Texas, \$4,998,000.

8           Project 99–D–132, stockpile manage-  
9           ment restructuring initiative, nuclear mate-  
10          rials safeguards and security upgrades  
11          project, Los Alamos National Laboratory,  
12          Los Alamos, New Mexico, \$18,043,000.

13          Project 98–D–123, stockpile manage-  
14          ment restructuring initiative, tritium facil-  
15          ity modernization and consolidation, Sa-  
16          vannah River Site, Aiken, South Carolina,  
17          \$30,767,000.

18          Project 98–D–125, tritium extraction  
19          facility, Savannah River Site, Aiken, South  
20          Carolina, \$75,000,000.

21          Project 98–D–126, Accelerator Pro-  
22          duction of Tritium (APT), various loca-  
23          tions, \$34,000,000.

24          Project 97–D–102, dual-axis radio-  
25          graphic hydrotest facility (DARHT), Los

1 Alamos National Laboratory, Los Alamos,  
2 New Mexico, \$35,232,000.

3 Project 97–D–123, structural up-  
4 grades, Kansas City Plant, Kansas City,  
5 Missouri, \$2,918,000.

6 Project 96–D–111, national ignition  
7 facility (NIF), Lawrence Livermore Na-  
8 tional Laboratory, Livermore, California,  
9 \$214,100,000.

10 Project 95–D–102, chemistry and  
11 metallurgy research upgrades project, Los  
12 Alamos National Laboratory, Los Alamos,  
13 New Mexico, \$13,337,000.

14 Project 88–D–123, security enhance-  
15 ment, Pantex Plant, Amarillo, Texas,  
16 \$2,713,000.

17 (2) DEFENSE NUCLEAR NONPROLIFERATION.—  
18 For defense nuclear nonproliferation necessary for  
19 national nuclear security administration,  
20 \$847,035,000, to be allocated as follows:

21 (A) NONPROLIFERATION AND  
22 VERIFICATION RESEARCH AND DEVELOP-  
23 MENT.—For nonproliferation and verification  
24 research and development technology in car-  
25 rying out defense nuclear nonproliferation nec-

1           essary for national nuclear security administra-  
2           tion, \$262,990,000, to be allocated as follows:

3                   (i) For operation and maintenance,  
4                   \$255,990,000.

5                   (ii) For the following plant project  
6                   (including maintenance, restoration, plan-  
7                   ning, construction, acquisition, modifica-  
8                   tion of facilities, and the continuation of  
9                   projects authorized in prior years, and land  
10                  acquisition related thereto), \$7,000,000, to  
11                  be allocated as follows:

12                           Project 00–D–192, nonprolifera-  
13                           tion and international security center  
14                           (NISC), Los Alamos National Labora-  
15                           tory, Los Alamos, New Mexico,  
16                           \$7,000,000.

17           (B) ARMS CONTROL.—For arms control in  
18           carrying out defense nuclear nonproliferation  
19           necessary for national nuclear security adminis-  
20           tration, \$308,060,000, to be allocated as fol-  
21           lows:

22                   (i) For arms control operations,  
23                   \$272,870,000.

1 (ii) For highly enriched uranium  
2 (HEU) transparency implementation,  
3 \$15,190,000.

4 (iii) For international nuclear safety,  
5 \$20,000,000.

6 (C) FISSILE MATERIALS DISPOSITION.—  
7 For fissile materials disposition in carrying out  
8 defense nuclear nonproliferation necessary for  
9 national nuclear security administration,  
10 \$224,517,000, to be allocated as follows:

11 (i) For operation and maintenance,  
12 \$175,517,000.

13 (ii) For plant projects (including  
14 maintenance, restoration, planning, con-  
15 struction, acquisition, modification of fa-  
16 cilities, and the continuation of projects  
17 authorized in prior years, and land acqui-  
18 sition related thereto), \$49,000,000, to be  
19 allocated as follows:

20 Project 00–D–142, immobiliza-  
21 tion and associated processing facility,  
22 titles I and II design, Savannah River  
23 Site, Aiken, South Carolina,  
24 \$3,000,000.

1                   Project 99–D–141, pit dis-  
2                   assembly and conversion facility, titles  
3                   I and II design, Savannah River Site,  
4                   Aiken, South Carolina, \$20,000,000.

5                   Project 99–D–143, mixed oxide  
6                   fuel fabrication facility, titles I and II  
7                   design, Savannah River Site, Aiken,  
8                   South Carolina, \$26,000,000.

9                   (D) PROGRAM DIRECTION.—For program  
10                  direction in carrying out defense nuclear non-  
11                  proliferation necessary for national nuclear se-  
12                  curity administration, \$51,468,000.

13                  (3) NAVAL REACTORS.—For naval reactors ac-  
14                  tivities necessary for national nuclear security ad-  
15                  ministration, \$695,000,000, to be allocated as fol-  
16                  lows:

17                  (A) NAVAL REACTORS DEVELOPMENT.—  
18                  For naval reactors development in carrying out  
19                  naval reactors activities necessary for national  
20                  nuclear security administration, \$673,600,000,  
21                  to be allocated as follows:

22                          (i) For operation and maintenance,  
23                          \$644,900,000.

24                          (ii) For plant projects (including  
25                          maintenance, restoration, planning, con-

1 construction, acquisition, modification of fa-  
2 cilities, and the continuation of projects  
3 authorized in prior years, and land acqui-  
4 sition related thereto), \$28,700,000, to be  
5 allocated as follows:

6 Project GPN-101, general plant  
7 projects, various locations,  
8 \$11,400,000.

9 Project 01-D-200, major office  
10 replacement building, Schenectady,  
11 New York, \$1,300,000.

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

16 (B) PROGRAM DIRECTION.—For program  
17 direction in carrying out naval reactors activi-  
18 ties necessary for national nuclear security ad-  
19 ministration, \$21,400,000.

20 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**  
21 **WASTE MANAGEMENT.**

22 (a) IN GENERAL.—Subject to subsection (b), funds  
23 are hereby authorized to be appropriated to the Depart-  
24 ment of Energy for fiscal year 2001 for environmental res-  
25 toration and waste management activities in carrying out

1 programs necessary for national security in the amount  
2 of \$5,651,824,000, to be allocated as follows:

3 (1) CLOSURE PROJECTS.—For closure projects  
4 carried out in accordance with section 3143 of the  
5 National Defense Authorization Act for Fiscal Year  
6 1997 (Public Law 104–201; 110 Stat. 2836; 42  
7 U.S.C. 7277n), \$1,082,297,000

8 (2) SITE/PROJECT COMPLETION.—For site com-  
9 pletion and project completion in carrying out envi-  
10 ronmental management activities necessary for na-  
11 tional security programs, \$930,951,000, to be allo-  
12 cated as follows:

13 (A) For operation and maintenance,  
14 \$861,475,000.

15 (B) For plant projects (including mainte-  
16 nance, restoration, planning, construction, ac-  
17 quisition, modification of facilities, and the con-  
18 tinuation of projects authorized in prior years,  
19 and land acquisition related thereto),  
20 \$69,476,000, to be allocated as follows:

21 Project 01–D–402, Intec cathodic  
22 protection system expansion, Idaho Na-  
23 tional Engineering and Environmental  
24 Laboratory, Idaho Falls, Idaho, \$500,000.

1 Project 01-D-407, highly enriched  
2 uranium (HEU) blend down, Savannah  
3 River Site, Aiken, South Carolina,  
4 \$27,932,000.

5 Project 99-D-402, tank farm support  
6 services, F&H areas, Savannah River Site,  
7 Aiken, South Carolina, \$7,714,000.

8 Project 99-D-404, health physics in-  
9 strumentation laboratory, Idaho National  
10 Engineering and Environmental Labora-  
11 tory, Idaho Falls, Idaho, \$4,300,000.

12 Project 98-D-453, plutonium sta-  
13 bilization and handling system for pluto-  
14 nium finishing plant, Richland, Wash-  
15 ington, \$1,690,000.

16 Project 97-D-470, regulatory moni-  
17 toring and bioassay laboratory, Savannah  
18 River Site, Aiken, South Carolina,  
19 \$3,949,000.

20 Project 96-D-471, chlorofluorocarbon  
21 heating, ventilation, and air conditioning  
22 and chiller retrofit, Savannah River Site,  
23 Aiken, South Carolina, \$12,512,000.

1                   Project 92–D–140, F&H canyon ex-  
2                   haust upgrades, Savannah River Site,  
3                   Aiken, South Carolina, \$8,879,000.

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

8                   (3) POST 2006 COMPLETION.—For post-2006  
9                   completion in carrying out environmental restoration  
10                  and waste management activities necessary for na-  
11                  tional security programs, \$3,178,457,000, to be allo-  
12                  cated as follows:

13                  (A) For operation and maintenance,  
14                  \$2,683,725,000.

15                  (B) For plant projects (including mainte-  
16                  nance, restoration, planning, construction, ac-  
17                  quisition, modification of facilities, and the con-  
18                  tinuation of projects authorized in prior years,  
19                  and land acquisition related thereto),  
20                  \$99,732,000, to be allocated as follows:

21                         Project 01–D–403, immobilized high-  
22                         level waste interim storage facility, Rich-  
23                         land, Washington, \$1,300,000.

1                   Project 99–D–403, privatization  
2                   phase I infrastructure support, Richland,  
3                   Washington, \$7,812,000.

4                   Project 97–D–402, tank farm restora-  
5                   tion and safe operations, Richland, Wash-  
6                   ington, \$46,023,000.

7                   Project 94–D–407, initial tank re-  
8                   trieval systems, Richland, Washington,  
9                   \$17,385,000.

10                  Project 93–D–187, high-level waste  
11                  removal from filled waste tanks, Savannah  
12                  River Site, Aiken, South Carolina,  
13                  \$27,212,000.

14                  (4) SCIENCE AND TECHNOLOGY DEVELOP-  
15                  MENT.—For science and technology development in  
16                  carrying out environmental restoration and waste  
17                  management activities necessary for national secu-  
18                  rity programs, \$246,548,000.

19                  (5) PROGRAM DIRECTION.—For program direc-  
20                  tion in carrying out environmental restoration and  
21                  waste management activities necessary for national  
22                  security programs, \$354,888,000.

23                  (b) ADJUSTMENT.—The total amount authorized to  
24                  be appropriated by subsection (a) is the sum of the

1 amounts authorized to be appropriated by paragraphs (1)  
2 through (5) of that subsection, reduced by \$216,317,000.

3 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

4 (a) IN GENERAL.—Subject to subsection (b), funds  
5 are hereby authorized to be appropriated to the Depart-  
6 ment of Energy for fiscal year 2001 for other defense ac-  
7 tivities in carrying out programs necessary for national se-  
8 curity in the amount of \$536,322,000, to be allocated as  
9 follows:

10 (1) INTELLIGENCE.—For intelligence in car-  
11 rying out other defense activities necessary for na-  
12 tional security programs, \$38,059,000, to be allo-  
13 cated as follows:

14 (A) For operation and maintenance,  
15 \$36,059,000.

16 (B) For the following plant project (includ-  
17 ing maintenance, restoration, planning, con-  
18 struction, acquisition, modification of facilities,  
19 and the continuation of projects authorized in  
20 prior years, and land acquisition related there-  
21 to), \$2,000,000, to be allocated as follows:

22 Project 01–D–800, sensitive compart-  
23 mented information facility, Lawrence  
24 Livermore National Laboratory, Liver-  
25 more, California, \$2,000,000.

1           (2) COUNTERINTELLIGENCE.—For counter-  
2 intelligence in carrying out other defense activities  
3 necessary for national security programs,  
4 \$75,200,000.

5           (3) SECURITY AND EMERGENCY OPERATIONS.—  
6 For security and emergency operations in carrying  
7 out other defense activities necessary for national se-  
8 curity programs, \$281,576,000, to be allocated as  
9 follows:

10           (A) For nuclear safeguards and security,  
11 \$124,409,000.

12           (B) For security investigations,  
13 \$33,000,000.

14           (C) For emergency management,  
15 \$37,300,000.

16           (D) For program direction, \$86,867,000.

17           (4) INDEPENDENT OVERSIGHT AND PERFORM-  
18 ANCE ASSURANCE.—For independent oversight and  
19 performance assurance in carrying out other defense  
20 activities necessary for national security programs,  
21 \$14,937,000, to be allocated for program direction.

22           (5) ENVIRONMENT, SAFETY, AND HEALTH, DE-  
23 FENSE.—For environment, safety, and health, de-  
24 fense, in carrying out other defense activities nec-

1        essary for national security programs, \$99,050,000,  
2        to be allocated as follows:

3                (A) For the Office of Environment, Safety,  
4                and Health (Defense), \$76,446,000.

5                (B) For program direction, \$22,604,000.

6                (6) WORKER AND COMMUNITY TRANSITION.—  
7        For worker and community transition in carrying  
8        out other defense activities necessary for national se-  
9        curity programs, \$24,500,000, to be allocated as fol-  
10       lows:

11               (A) For operation and maintenance,  
12               \$21,500,000.

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

14               (7) OFFICE OF HEARINGS AND APPEALS.—For  
15        the Office of Hearings and Appeals in carrying out  
16        other defense activities necessary for national secu-  
17        rity programs, \$3,000,000.

18        (b) ADJUSTMENTS.—(1) The amount authorized to  
19        be appropriated pursuant to subsection (a)(3)(B) is re-  
20        duced by \$20,000,000 to reflect an offset provided by user  
21        organizations for security investigations.

22        (2) The total amount authorized to be appropriated  
23        by subsection (a) is the sum of the amounts authorized  
24        to be appropriated by paragraphs (1) through (7) of that  
25        subsection, reduced by \$50,000,000.

1 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**  
2 **VATIZATION.**

3 (a) IN GENERAL.—Funds are hereby authorized to  
4 be appropriated to the Department of Energy for fiscal  
5 year 2001 for privatization initiatives in carrying out envi-  
6 ronmental restoration and waste management activities  
7 necessary for national security programs in the amount  
8 of \$390,092,000, to be allocated as follows:

9 Project 98–PVT–2, spent nuclear fuel dry stor-  
10 age, Idaho Falls, Idaho, \$25,092,000.

11 Project 97–PVT–1, tank waste remediation sys-  
12 tem project, phase I, Richland, Washington,  
13 \$300,000,000.

14 Project 97–PVT–2, advanced mixed waste  
15 treatment project Idaho Falls, Idaho, \$65,000,000.

16 (b) EXPLANATION OF ADJUSTMENT.—The amount  
17 authorized to be appropriated pursuant to subsection (a)  
18 is the sum of the amounts authorized to be appropriated  
19 for the projects in that subsection reduced by \$25,092,000  
20 for use of prior year balances of funds for defense environ-  
21 mental management privatization.

22 **SEC. 3105. ENERGY EMPLOYEES COMPENSATION INITIA-**  
23 **TIVE.**

24 Funds are hereby authorized to be appropriated to  
25 the Department of Energy for fiscal year 2001 for an en-

1 ergy employees compensation initiative in the amount of  
2 \$17,000,000.

3 **SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 Funds are hereby authorized to be appropriated to  
5 the Department of Energy for fiscal year 2001 for pay-  
6 ment to the Nuclear Waste Fund established in section  
7 302(c) of the Nuclear Waste Policy Act of 1982 (42  
8 U.S.C. 10222(c)) in the amount of \$112,000,000.

9 **Subtitle B—Recurring General**  
10 **Provisions**

11 **SEC. 3121. REPROGRAMMING.**

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

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

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

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

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

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

6 (2) In the computation of the 30-day period under  
7 subsection (a), 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 (c) LIMITATIONS.—(1) In no event may the total  
11 amount of funds obligated pursuant to this title exceed  
12 the total amount authorized to be appropriated by this  
13 title.

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

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

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

22 (b) REPORT TO CONGRESS.—If, at any time during  
23 the construction of any general plant project authorized  
24 by this title, the estimated cost of the project is revised  
25 because of unforeseen cost variations and the revised cost

1 of the project exceeds \$5,000,000, the Secretary shall im-  
2 mediately furnish a report to the congressional defense  
3 committees explaining the reasons for the cost variation.

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

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

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

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

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

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

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

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

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

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

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

21          (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

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

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

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

9 (c) LIMITATIONS.—The authority provided by this  
10 subsection to transfer authorizations—

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

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

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

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

3 (a) **REQUIREMENT OF 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 that 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 funds authorized  
10 to be appropriated for advance planning and construction  
11 design under sections 3101, 3102, and 3103, to perform  
12 planning, design, and construction activities for any De-  
13 partment of Energy national security program construc-  
14 tion project that, as determined by the Secretary, must  
15 proceed expeditiously in order to protect public health and  
16 safety, to meet the needs of national defense, or to protect  
17 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 those 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 SECUR-**  
4 **RITY PROGRAMS OF THE DEPARTMENT OF**  
5 **ENERGY.**

6 Subject to the provisions of appropriation 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 2003.

22 **SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MAN-**  
23 **AGEMENT 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 paragraphs (2) through (5) of section  
12 3102(a).

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

22 (2) The term “defense environmental manage-  
23 ment funds” means funds appropriated to the De-  
24 partment of Energy pursuant to an authorization for  
25 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, 2000, and ending on September 30, 2001.

## 7 **Subtitle C—National Nuclear** 8 **Security Administration**

### 9 **SEC. 3131. TERM OF OFFICE OF PERSON FIRST APPOINTED** 10 **AS UNDER SECRETARY FOR NUCLEAR SECU-** 11 **RITY OF THE DEPARTMENT OF ENERGY.**

12 (a) LENGTH OF TERM.—The term of office as Under  
13 Secretary for Nuclear Security of the Department of En-  
14 ergy of the person first appointed to that position shall  
15 be three years.

16 (b) EXCLUSIVE REASONS FOR REMOVAL.—The ex-  
17 clusive reasons for removal from office as Under Secretary  
18 for Nuclear Security of the person described in subsection  
19 (a) shall be inefficiency, neglect of duty, or malfeasance  
20 in office.

21 (c) POSITION DESCRIBED.—The position of Under  
22 Secretary for Nuclear Security of the Department of En-  
23 ergy referred to in this section is the position established  
24 by subsection (c) of section 202 of the Department of En-  
25 ergy Organization Act (42 U.S.C. 7132), as added by sec-

1 tion 3202 of the National Nuclear Security Administration  
2 Act (title XXXII of Public Law 106–65; 113 Stat. 954)).

3 **SEC. 3132. MEMBERSHIP OF UNDER SECRETARY FOR NU-**  
4 **CLEAR SECURITY ON THE JOINT NUCLEAR**  
5 **WEAPONS COUNCIL.**

6 (a) MEMBERSHIP.—Section 179 of title 10, United  
7 States Code, is amended—

8 (1) in subsection (a), by striking paragraph (3)  
9 and inserting the following new paragraph (3):

10 “(3) The Under Secretary for Nuclear Security  
11 of the Department of Energy.”; and

12 (2) in subsection (b)(2), by striking “the rep-  
13 resentative designated under subsection (a)(3)” and  
14 inserting “the Under Secretary for Nuclear Security  
15 of the Department of Energy”.

16 (b) CONFORMING AMENDMENT.—Section 3212 of the  
17 National Nuclear Security Administration Act (title  
18 XXXII of the Public Law 106–65; 50 U.S.C. 2402) is  
19 amended by adding at the end the following new sub-  
20 section:

21 “(e) MEMBERSHIP ON JOINT NUCLEAR WEAPONS  
22 COUNCIL.—The Administrator serves as a member of the  
23 Joint Nuclear Weapons Council under section 179 of title  
24 10, United States Code.”.

1 **SEC. 3133. SCOPE OF AUTHORITY OF SECRETARY OF EN-**  
2 **ERGY TO MODIFY ORGANIZATION OF NA-**  
3 **TIONAL NUCLEAR SECURITY ADMINISTRA-**  
4 **TION.**

5 (a) SCOPE OF AUTHORITY.—Subtitle A of the Na-  
6 tional Nuclear Security Administration Act (title XXXII  
7 of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2401  
8 et seq.) is amended by adding at the end the following  
9 new section:

10 **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**  
11 **ERGY TO MODIFY ORGANIZATION OF ADMIN-**  
12 **ISTRATION.**

13 “Notwithstanding the authority granted by section  
14 643 of the Department of Energy Organization Act (42  
15 U.S.C. 7253) or any other provision of law, the Secretary  
16 of Energy may not establish, abolish, alter, consolidate,  
17 or discontinue any organizational unit or component, or  
18 transfer any function, of the Administration, except as au-  
19 thorized by subsection (b) or (c) of section 3291.”.

20 (b) CONFORMING AMENDMENTS.—Section 643 of the  
21 Department of Energy Organization Act (42 U.S.C. 7253)  
22 is amended—

23 (1) by striking “The Secretary” and inserting  
24 “(a) Subject to subsection (b), the Secretary”; and

25 (2) by adding at the end the following new sub-  
26 section:

1       “(b) The authority of the Secretary to establish, abol-  
2 ish, alter, consolidate, or discontinue any organizational  
3 unit or component of the National Nuclear Security Ad-  
4 ministration is governed by the provisions of section 3219  
5 of the National Nuclear Security Administration Act (title  
6 XXXII of Public Law 106–65).”.

7 **SEC. 3134. PROHIBITION ON PAY OF PERSONNEL ENGAGED**  
8                   **IN CONCURRENT SERVICE OR DUTIES INSIDE**  
9                   **AND OUTSIDE NATIONAL NUCLEAR SECURITY**  
10                  **ADMINISTRATION.**

11       Subtitle C of the National Nuclear Security Adminis-  
12 tration Act (title XXXII of Public Law 106–65; 50 U.S.C.  
13 2441 et seq.) is amended by adding at the end the fol-  
14 lowing new section:

15 **“SEC. 3245. PROHIBITION ON PAY OF PERSONNEL EN-**  
16                   **GAGED IN CONCURRENT SERVICE OR DUTIES**  
17                   **INSIDE AND OUTSIDE ADMINISTRATION.**

18       “Except as otherwise expressly provided by statute,  
19 no funds authorized to be appropriated or otherwise made  
20 available for the Department of Energy for any fiscal year  
21 after fiscal year 2000 may be obligated or utilized to pay  
22 the basic pay of an officer or employee of the Department  
23 of Energy who—

1           “(1) serves concurrently in a position in the Ad-  
2           ministration and a position outside the Administra-  
3           tion; or

4           “(2) performs concurrently the duties of a posi-  
5           tion in the Administration and the duties of a posi-  
6           tion outside the Administration.”.

7 **SEC. 3135. ORGANIZATION PLAN FOR FIELD OFFICES OF**  
8                   **THE NATIONAL NUCLEAR SECURITY ADMIN-**  
9                   **ISTRATION.**

10           (a) **PLAN REQUIRED.**—Not later than March 1,  
11 2001, the Administrator of the National Nuclear Security  
12 Administration shall submit to the Committees on Armed  
13 Services of the Senate and House of Representatives a  
14 plan for assigning roles and responsibilities to and among  
15 the headquarters and field organizational units of the Na-  
16 tional Nuclear Security Administration.

17           (b) **PLAN ELEMENTS.**—The plan shall include the  
18 following:

19           (1) A general description of the organizational  
20 structure of the administrative functions of the Na-  
21 tional Nuclear Security Administration under the  
22 plan, including the authorities and responsibilities to  
23 be vested in the units of the headquarters, oper-  
24 ations offices, and area offices of the Administra-  
25 tion.

1           (2) A description of any downsizing, elimi-  
2 nation, or consolidation of units of the headquarters,  
3 operations offices, and area offices of the Adminis-  
4 tration that may be necessary to enhance the effi-  
5 ciency of the Administration.

6           (3) A description of the modifications of staff-  
7 ing levels of the headquarters, operations offices,  
8 and area offices of the Administration, including any  
9 reductions in force, employment of additional per-  
10 sonnel, or realignments of personnel, that are nec-  
11 essary to implement the plan.

12           (4) A schedule for the implementation of the  
13 plan.

14       (c) INCLUDED FACILITIES.—The plan shall address  
15 any administrative units in the National Nuclear Security  
16 Administration, including units in and under the fol-  
17 lowing:

18           (1) The Department of Energy Headquarters,  
19 Washington, District of Columbia, metropolitan  
20 area.

21           (2) The Albuquerque Operations Office, Albu-  
22 querque, New Mexico.

23           (3) The Nevada Operations Office, Las Vegas,  
24 Nevada.

1           (4) The Oak Ridge Operations Office, Oak  
2 Ridge, Tennessee.

3           (5) The Oakland Operations Office, Oakland,  
4 California.

5           (6) The Savannah River Operations Office,  
6 Aiken, South Carolina.

7           (7) The Los Alamos Area Office, Los Alamos,  
8 New Mexico.

9           (8) The Kirtland Area Office, Albuquerque,  
10 New Mexico.

11           (9) The Amarillo Area Office, Amarillo, Texas.

12           (10) The Kansas City Area Office, Kansas City,  
13 Missouri.

14 **SEC. 3136. FUTURE-YEARS NUCLEAR SECURITY PROGRAM.**

15           (a) PROGRAM REQUIRED.—(1) The Under Secretary  
16 for Nuclear Security of the Department of Energy shall  
17 submit to the congressional defense committees a future-  
18 years nuclear security program (including associated an-  
19 nexes) for fiscal year 2001 and the five succeeding fiscal  
20 years.

21           (2) The program shall reflect the estimated expendi-  
22 tures and proposed appropriations included in the budget  
23 for fiscal year 2001 that is submitted to Congress in 2000  
24 under section 1105(a) of title 31, United States Code.

1 (b) PROGRAM DETAIL.—The level of detail of the  
2 program submitted under subsection (a) shall be equiva-  
3 lent to the level of detail in the Project Baseline Summary  
4 system of the Department of Energy, if practicable, but  
5 in no event below the following:

6 (1) In the case of directed stockpile work, detail  
7 as follows:

8 (A) Stockpile research and development.

9 (B) Stockpile maintenance.

10 (C) Stockpile evaluation.

11 (D) Dismantlement and disposal.

12 (E) Production support.

13 (F) Field engineering, training, and manu-  
14 als.

15 (2) In the case of campaigns, detail as follows:

16 (A) Primary certification.

17 (B) Dynamic materials properties.

18 (C) Advanced radiography.

19 (D) Secondary certification and nuclear  
20 system margins.

21 (E) Enhanced surety.

22 (F) Weapons system engineering certifi-  
23 cation.

24 (G) Certification in hostile environments.

25 (H) Enhanced surveillance.

1 (I) Advanced design and production tech-  
2 nologies.

3 (J) Inertial confinement fusion (ICF) igni-  
4 tion and high yield.

5 (K) Defense computing and modeling.

6 (L) Pit manufacturing readiness.

7 (M) Secondary readiness.

8 (N) High explosive readiness.

9 (O) Nonnuclear readiness.

10 (P) Materials readiness.

11 (Q) Tritium readiness.

12 (3) In the case of readiness in technical base  
13 and facilities, detail as follows:

14 (A) Operation of facilities.

15 (B) Program readiness.

16 (C) Special projects.

17 (D) Materials recycle and recovery.

18 (E) Containers.

19 (F) Storage.

20 (4) In the case of secure transportation assets,  
21 detail as follows:

22 (A) Operation and maintenance.

23 (B) Program direction relating to trans-  
24 portation.

25 (5) Program direction.

1 (6) Construction (listed by project number).

2 (7) In the case of safeguards and security, de-  
3 tail as follows:

4 (A) Operation and maintenance.

5 (B) Construction.

6 (c) DEADLINE FOR SUBMITTAL.—The future-years  
7 nuclear security program required by subsection (a) shall  
8 be submitted not later than November 1, 2000.

9 (d) LIMITATION ON USE OF FUNDS PENDING SUB-  
10 MITTAL.—Not more than 65 percent of the funds author-  
11 ized to be appropriated or otherwise made available for  
12 the Department of Energy for fiscal year 2001 by section  
13 3101(a)(1)(C) may be obligated or expended until 45 days  
14 after the date on which the Under Secretary of Energy  
15 for Nuclear Security submits to the congressional defense  
16 committees the program required by subsection (a).

17 **SEC. 3137. COOPERATIVE RESEARCH AND DEVELOPMENT**  
18 **OF THE NATIONAL NUCLEAR SECURITY AD-**  
19 **MINISTRATION.**

20 (a) OBJECTIVE FOR OBLIGATION OF FUNDS.—It  
21 shall be an objective of the Administrator of the National  
22 Nuclear Security Administration to obligate funds for co-  
23 operative research and development agreements (as that  
24 term is defined in section 12(d)(1) of the Stevenson-  
25 Wydler Technology Innovation Act of 1980 (15 U.S.C.

1 3710a(d)(1)), or similar cooperative, cost-shared research  
2 partnerships with non-Federal organizations, in a fiscal  
3 year covered by subsection (b) in an amount at least equal  
4 to the percentage of the total amount appropriated for the  
5 Administration for such fiscal year that is specified for  
6 such fiscal year under subsection (b).

7 (b) FISCAL YEAR PERCENTAGES.—The percentages  
8 of funds appropriated for the National Nuclear Security  
9 Administration that are obligated in accordance with the  
10 objective under subsection (a) are as follows:

11 (1) In each of fiscal years 2001 and 2002, 0.5  
12 percent.

13 (2) In any fiscal year after fiscal year 2002, the  
14 percentage recommended by the Administrator for  
15 each such fiscal year in the report under subsection  
16 (c).

17 (c) RECOMMENDATIONS FOR PERCENTAGES IN  
18 LATER FISCAL YEARS.—Not later than one year after the  
19 date of the enactment of this Act, the Administrator shall  
20 submit to the congressional defense committees a report  
21 setting forth the Administrator's recommendations for ap-  
22 propriate percentages of funds appropriated for the Na-  
23 tional Nuclear Security Administration to be obligated for  
24 agreements described in subsection (a) during each fiscal  
25 year covered by the report.

1 (d) CONSISTENCY OF AGREEMENTS.—Any agree-  
2 ment entered into under this section shall be consistent  
3 with and in support of the mission of the National Nuclear  
4 Security Administration.

5 (e) REPORTS ON ACHIEVEMENT OF OBJECTIVE.—(1)  
6 Not later than March 30, 2002, and each year thereafter,  
7 the Administrator shall submit to the congressional de-  
8 fense committees a report on whether funds of the Na-  
9 tional Nuclear Security Administration were obligated in  
10 the fiscal year ending in the preceding year in accordance  
11 with the objective for such fiscal year under this section.

12 (2) If funds were not obligated in a fiscal year in ac-  
13 cordance with the objective under this section for such fis-  
14 cal year, the report under paragraph (1) shall—

15 (A) describe the actions the Administrator pro-  
16 poses to take to ensure that the objective under this  
17 section for the current fiscal year and future fiscal  
18 years will be met; and

19 (B) include any recommendations for legislation  
20 required to achieve such actions.

21 **SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECU-**  
22 **RITY ADMINISTRATION OPERATIONS OFFICE**  
23 **COMPLEX.**

24 (a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—  
25 Subject to subsection (b), the Administrator of the Na-

1 tional Nuclear Security Administration may provide for  
2 the design and construction of a new operations office  
3 complex for the National Nuclear Security Administration  
4 in accordance with the feasibility study regarding such op-  
5 erations office complex conducted under the National De-  
6 fense Authorization Act for Fiscal Year 2000.

7 (b) LIMITATION.—The Administrator may not exer-  
8 cise the authority in subsection (a) until the later of—

9 (1) 30 days after the date on which the plan re-  
10 quired by section 3135(a) is submitted to the Com-  
11 mittees on Armed Services of the Senate and House  
12 of Representatives under that section; or

13 (2) the date on which the Administrator cer-  
14 tifies to Congress that the design and construction  
15 of the complex in accordance with the feasibility  
16 study is consistent with the plan required by section  
17 3135(a).

18 (c) BASIS OF AUTHORITY.—The design and construc-  
19 tion of the operations office complex authorized by sub-  
20 section (a) shall be carried out through one or more energy  
21 savings performance contracts (ESPC) entered into under  
22 this section and in accordance with the provisions of title  
23 VIII of the National Energy Policy Conservation Act (42  
24 U.S.C. 8287 et seq.).

1 (d) PAYMENT OF COSTS.—Amounts for payments of  
2 costs associated with the construction of the operations  
3 office complex authorized by subsection (a) shall be de-  
4 rived from energy savings and ancillary operation and  
5 maintenance savings that result from the replacement of  
6 a current Department of Energy operations office complex  
7 (as identified in the feasibility study referred to in sub-  
8 section (a)) with the operations office complex authorized  
9 by subsection (a).

10 **Subtitle D—Program Authoriza-**  
11 **tions, Restrictions, and Limita-**  
12 **tions**

13 **SEC. 3151. PROCESSING, TREATMENT, AND DISPOSITION OF**  
14 **LEGACY NUCLEAR MATERIALS.**

15 (a) CONTINUATION.—The Secretary of Energy shall  
16 continue operations and maintain a high state of readiness  
17 at the F-canyon and H-canyon facilities at the Savannah  
18 River Site, Aiken, South Carolina, and shall provide tech-  
19 nical staff necessary to operate and so maintain such fa-  
20 cilities.

21 (b) LIMITATION ON USE OF FUNDS FOR DECOMMISS-  
22 IONING OF F-CANYON FACILITY.—No amounts author-  
23 ized to be appropriated or otherwise made available for  
24 the Department of Energy by this Act or any other Act  
25 may be obligated or expended for purposes of commencing

1 the decommissioning of the F-canyon facility at the Savan-  
2 nah River Site, including any studies and planning relat-  
3 ing to such decommissioning, until the Secretary and the  
4 Defense Nuclear Facilities Safety Board jointly submit to  
5 the congressional defense committees a certification as fol-  
6 lows:

7           (1) That all materials present in the facility as  
8           of the date of the certification are safely stabilized.

9           (2) That requirements applicable to the facility  
10          in order to meet the future needs of the United  
11          States for fissile materials disposition can be met  
12          fully utilizing the H-canyon facility at the Savannah  
13          River Site.

14          (c) **PLAN FOR TRANSFER OF LONG-TERM CHEMICAL**  
15 **SEPARATION ACTIVITIES.**—Not later than February 15,  
16 2001, the Secretary shall submit to the Committees on  
17 Armed Services of the Senate and House of Representa-  
18 tives a plan for the transfer of all long-term chemical sepa-  
19 ration activities from the F-canyon facility to the H-can-  
20 yon facility at the Savannah River Site commencing in fis-  
21 cal year 2002.

22 **SEC. 3152. FORMERLY UTILIZED SITES REMEDIAL ACTION**  
23 **PROGRAM.**

24          (a) **CONTINGENT LIMITATION ON AVAILABILITY OF**  
25 **FUNDS FOR CERTAIN TRAVEL EXPENSES.**—Subject to

1 the provisions of this section, no funds authorized to be  
2 appropriated or otherwise made available for the Depart-  
3 ment of Energy by this or any other Act may be obligated  
4 or expended for travel by the Secretary of Energy or any  
5 employees of the Office of the Secretary of Energy.

6 (b) **APPLICABILITY.**—The prohibition in subsection  
7 (a) shall take effect on March 1, 2001, unless the Sec-  
8 retary of Energy makes a certification to the congressional  
9 defense committees before that date that the Department  
10 of Energy is in compliance with the requirements of sec-  
11 tion 3131 of the National Defense Authorization Act for  
12 Fiscal Year 2000 (Public Law 106–65; 113 Stat. 925; 10  
13 U.S.C. 2701 note).

14 (c) **TERMINATION.**—If the prohibition in subsection  
15 (a) takes effect under subsection (b), the prohibition shall  
16 remain in effect until the date on which the Secretary  
17 makes the certification described in subsection (b).

18 **SEC. 3153. DEPARTMENT OF ENERGY DEFENSE NUCLEAR**

19 **NONPROLIFERATION PROGRAMS.**

20 (a) **NUCLEAR MATERIALS PROTECTION, CONTROL,**  
21 **AND ACCOUNTING PROGRAM.**—(1) Not later than Janu-  
22 ary 1, 2001, and each year thereafter, the Secretary of  
23 Energy shall submit to the Committees on Armed Services  
24 of the Senate and House of Representatives a report on  
25 the status of efforts during the preceding fiscal year under

1 the Nuclear Materials Protection, Control, and Accounting  
2 Program of the Department of Energy to secure weapons-  
3 usable nuclear materials in Russia that have been identi-  
4 fied as being at risk for theft or diversion.

5 (2) Each report under paragraph (1) shall set forth  
6 the following:

7 (A) The number of buildings, including building  
8 locations, that received complete and integrated ma-  
9 terials protection, control, and accounting systems  
10 for nuclear materials described in paragraph (1)  
11 during the year covered by such report.

12 (B) The amounts of highly enriched uranium  
13 and plutonium in Russia that have been secured  
14 under systems described in subparagraph (A) as of  
15 the date of such report.

16 (C) The amount of nuclear materials described  
17 in paragraph (1) that continues to require securing  
18 under systems described in subparagraph (A) as of  
19 the date of such report.

20 (D) A plan for actions to secure the nuclear  
21 materials identified in subparagraph (C) under sys-  
22 tems described in subparagraph (A), including an es-  
23 timate of the cost of such actions.

24 (E) The amounts expended through the fiscal  
25 year preceding the date of such report to secure nu-

1 clear materials described in paragraph (1) under  
2 systems described in subparagraph (A), set forth by  
3 total amount and by amount per fiscal year.

4 (3)(A) No amounts authorized to be appropriated for  
5 the Department of Energy by this Act or any other Act  
6 for purposes of the Nuclear Materials Protection, Control,  
7 and Accounting Program may be obligated or expended  
8 after September 30, 2000, for any project under the pro-  
9 gram at a nuclear weapons complex in Russia until the  
10 Secretary submits to the Committees on Armed Services  
11 of the Senate and House of Representatives a report on  
12 the access policy established with respect to such project,  
13 including a certification that the access policy has been  
14 implemented.

15 (B) The access policy with respect to a project under  
16 this paragraph shall—

17 (i) permit appropriate determinations by United  
18 States officials regarding security requirements, in-  
19 cluding security upgrades, for the project; and

20 (ii) ensure verification by United States officials  
21 that Department of Energy assistance at the project  
22 is being used for the purposes intended.

23 (b) NUCLEAR CITIES INITIATIVE.—(1)(A) Except as  
24 provided in subparagraph (B), no amounts authorized to  
25 be appropriated or otherwise made available for the De-

1 partment of Energy for fiscal year 2001 for the Nuclear  
2 Cities Initiative may be obligated or expended for purposes  
3 of providing assistance under the Initiative until 30 days  
4 after the date on which the Secretary of Energy submits  
5 to the Committees on Armed Services of the Senate and  
6 House of Representatives a copy of an agreement de-  
7 scribed in subparagraph (C).

8 (B) Subparagraph (A) shall not apply with respect  
9 to the obligation or expenditure of funds for purposes of  
10 providing assistance under the Nuclear Cities Initiative to  
11 the following:

12 (i) Not more than three nuclear cities in Rus-  
13 sia.

14 (ii) Not more than two serial production facili-  
15 ties in Russia.

16 (C) An agreement referred to in this subparagraph  
17 is a written agreement between the United States Govern-  
18 ment and the Government of the Russian Federation  
19 which provides that Russia will close some of its facilities  
20 engaged in nuclear weapons assembly and disassembly  
21 work.

22 (2)(A) Of the amounts appropriated or otherwise  
23 made available for the Department of Energy for fiscal  
24 year 2001 for the Nuclear Cities Initiative, not more than  
25 50 percent of such amounts may be obligated or expended

1 for purposes of the Initiative until the Secretary of Energy  
2 establishes and implements project review procedures for  
3 projects under the Initiative.

4 (B) The project review procedures established under  
5 subparagraph (A) shall ensure that any scientific, tech-  
6 nical, or commercial project initiated under the Nuclear  
7 Cities Initiative—

8 (i) shall not enhance the military or weapons of  
9 mass destruction capabilities of Russia;

10 (ii) shall not result in the inadvertent transfer  
11 or utilization of products or activities under such  
12 project for military purposes;

13 (iii) shall be commercially viable; and

14 (iv) shall be carried out in conjunction with an  
15 appropriate commercial, industrial, or other non-  
16 profit entity as partner.

17 (C) Not later than January 1, 2001, the Secretary  
18 of Energy shall submit to the Committees on Armed Serv-  
19 ices of the Senate and House of Representatives a report  
20 on the project review procedures established and imple-  
21 mented under this paragraph.

22 (3) In this subsection, the term “Nuclear Cities Ini-  
23 tiative” means the initiative arising pursuant to the March  
24 1998 discussion between the Vice President of the United  
25 States and the Prime Minister of the Russian Federation

1 and between the Secretary of Energy of the United States  
2 and the Minister of Atomic Energy of the Russian Federa-  
3 tion.

4 (c) INTERNATIONAL NUCLEAR SECURITY PRO-  
5 GRAM.—Amounts authorized to be appropriated or other-  
6 wise made available by this title for the Department of  
7 Energy for fiscal year 2001 for the International Nuclear  
8 Security Program in the former Soviet Union and Eastern  
9 Europe shall be available only for purposes of reactor safe-  
10 ty upgrades and training relating to nuclear operator and  
11 reactor safety.

12 **SEC. 3154. MODIFICATION OF COUNTERINTELLIGENCE**  
13 **POLYGRAPH PROGRAM.**

14 (a) COVERED PERSONS.—Subsection (b) of section  
15 3154 of the Department of Energy Facilities Safeguards,  
16 Security, and Counterintelligence Enhancement Act of  
17 1999 (subtitle D of title XXXI of Public Law 106–65;  
18 113 Stat. 941; 42 U.S.C. 7383h) is amended to read as  
19 follows:

20 “(b) COVERED PERSONS.—(1) Subject to paragraph  
21 (2), for purposes of this section, a covered person is one  
22 of the following:

23 “(A) An officer or employee of the Department.

24 “(B) An expert or consultant under contract to  
25 the Department.

1           “(C) An officer or employee of a contractor of  
2           the Department.

3           “(D) An individual assigned or detailed to the  
4           Department.

5           “(E) An applicant for a position in the Depart-  
6           ment.

7           “(2) A person described in paragraph (1) is a covered  
8           person for purposes of this section only if the position of  
9           the person, or for which the person is applying, under that  
10          paragraph is a position in one of the categories of posi-  
11          tions listed in section 709.4 of title 10, Code of Federal  
12          Regulations.”.

13          (b) HIGH-RISK PROGRAMS.—Subsection (c) of that  
14          section is amended to read as follows:

15          “(c) HIGH-RISK PROGRAMS.—For purposes of this  
16          section, high-risk programs are the following:

17                  “(1) The programs known as Special Access  
18                  Programs and Personnel Security and Assurance  
19                  Programs.

20                  “(2) Any other program or position category  
21                  specified in section 709.4 of title 10, Code of Fed-  
22                  eral Regulations.”.

23          (c) AUTHORITY TO WAIVE EXAMINATION REQUIRE-  
24          MENT.—Subsection (d) of that section is amended—

1 (1) by inserting “(1)” before “The Secretary”;

2 and

3 (2) by adding at the end the following new  
4 paragraphs:

5 “(2) Subject to paragraph (3), the Secretary may,  
6 after consultation with appropriate security personnel,  
7 waive the applicability of paragraph (1) to a covered  
8 person—

9 “(A) if—

10 “(i) the Secretary determines that the  
11 waiver is important to the national security in-  
12 terests of the United States;

13 “(ii) the covered person has an active secu-  
14 rity clearance; and

15 “(iii) the covered person acknowledges in a  
16 signed writing that the capacity of the covered  
17 person to perform duties under a high-risk pro-  
18 gram after the expiration of the waiver is condi-  
19 tional upon meeting the requirements of para-  
20 graph (1) within the effective period of the  
21 waiver;

22 “(B) if another Federal agency certifies to the  
23 Secretary that the covered person has completed  
24 successfully a full-scope or counterintelligence-scope

1 polygraph examination during the 5-year period end-  
2 ing on the date of the certification; or

3 “(C) if the Secretary determines, after consulta-  
4 tion with the covered person and appropriate med-  
5 ical personnel, that the treatment of a medical or  
6 psychological condition of the covered person should  
7 preclude the administration of the examination.

8 “(3)(A) The Secretary may not commence the exer-  
9 cise of the authority under paragraph (2) to waive the ap-  
10 plicability of paragraph (1) to any covered persons until  
11 15 days after the date on which the Secretary submits  
12 to the appropriate committees of Congress a report setting  
13 forth the criteria to be utilized by the Secretary for deter-  
14 mining when a waiver under paragraph (2)(A) is impor-  
15 tant to the national security interests of the United States.  
16 The criteria shall include an assessment of counterintel-  
17 ligence risks and programmatic impacts.

18 “(B) Any waiver under paragraph (2)(A) shall be ef-  
19 fective for not more than 120 days.

20 “(C) Any waiver under paragraph (2)(C) shall be ef-  
21 fective for the duration of the treatment on which such  
22 waiver is based.

23 “(4) The Secretary shall submit to the appropriate  
24 committees of Congress on a semi-annual basis a report  
25 on any determinations made under paragraph (2)(A) dur-

1 ing the 6-month period ending on the date of such report.  
2 The report shall include a national security justification  
3 for each waiver resulting from such determinations.

4 “(5) In this subsection, the term ‘appropriate com-  
5 mittees of Congress’ means the following:

6 “(A) The Committee on Armed Services and  
7 the Select Committee on Intelligence of the Senate.

8 “(B) The Committee on Armed Services and  
9 the Permanent Select Committee on Intelligence of  
10 the House of Representatives.

11 “(6) It is the sense of Congress that the waiver au-  
12 thority in paragraph (2) not be used by the Secretary to  
13 exempt from the applicability of paragraph (1) any cov-  
14 ered persons in the highest risk categories, such as per-  
15 sons who have access to the most sensitive weapons design  
16 information and other highly sensitive programs, including  
17 special access programs.

18 “(7) The authority under paragraph (2) to waive the  
19 applicability of paragraph (1) to a covered person shall  
20 expire on September 30, 2002.”.

21 (d) SCOPE OF COUNTERINTELLIGENCE POLYGRAPH  
22 EXAMINATION.—Subsection (f) of that section is  
23 amended—

24 (1) by inserting “terrorism,” after “sabotage,”;  
25 and

1           (2) by inserting “deliberate damage to or mali-  
2           cious misuse of a United States Government infor-  
3           mation or defense system,” before “and”.

4 **SEC. 3155. EMPLOYEE INCENTIVES FOR EMPLOYEES AT**  
5 **CLOSURE PROJECT FACILITIES.**

6           (a) **AUTHORITY TO PROVIDE INCENTIVES.**—Not-  
7 withstanding any other provision of law, the Secretary of  
8 Energy may provide to any eligible employee of the De-  
9 partment of Energy one or more of the incentives de-  
10 scribed in subsection (d).

11           (b) **ELIGIBLE EMPLOYEES.**—An individual is an eli-  
12 gible employee of the Department of Energy for purposes  
13 of this section if the individual—

14           (1) has worked continuously at a closure facility  
15 for at least two years;

16           (2) is an employee (as that term is defined in  
17 section 2105(a) of title 5, United States Code);

18           (3) has a fully satisfactory or equivalent per-  
19 formance rating during the most recent performance  
20 period and is not subject to an adverse notice re-  
21 garding conduct; and

22           (4) meets any other requirement or condition  
23 under subsection (d) for the incentive which is pro-  
24 vided the employee under this section.

1           (c) CLOSURE FACILITY DEFINED.—For purposes of  
2 this section, the term “closure facility” means a Depart-  
3 ment of Energy facility at which the Secretary is carrying  
4 out a closure project selected under section 3143 of the  
5 National Defense Authorization Act for Fiscal Year 1997  
6 (42 U.S.C. 7274n).

7           (d) INCENTIVES.—The incentives that the Secretary  
8 may provide under this section are the following:

9                   (1) The right to accumulate annual leave pro-  
10 vided by section 6303 of title 5, United States Code,  
11 for use in succeeding years until it totals not more  
12 than 90 days, or not more than 720 hours based on  
13 a standard work week, at the beginning of the first  
14 full biweekly pay period, or corresponding period for  
15 an employee who is not paid on the basis of biweekly  
16 pay periods, occurring in a year, except that—

17                           (A) any annual leave that remains unused  
18 when an employee transfers to a position in a  
19 department or agency of the Federal Govern-  
20 ment shall be liquidated upon the transfer by  
21 payment to the employee of a lump sum for  
22 leave in excess of 30 days, or in excess of 240  
23 hours based on a standard work week; and

24                           (B) upon separation from service, annual  
25 leave accumulated under this paragraph shall

1           be treated as any other accumulated annual  
2           leave is treated.

3           (2) The right to be paid a retention allowance  
4           in a lump sum in compliance with paragraphs (1)  
5           and (2) of section 5754(b) of title 5, United States  
6           Code, if the employee meets the requirements of sec-  
7           tion 5754(a) of that title, except that the retention  
8           allowance may exceed 25 percent, but may not be  
9           more than 40 percent, of the employee's rate of  
10          basic pay.

11          (3) A detail under section 3341 of title 5,  
12          United States Code.

13          (4) The right to receive a voluntary separation  
14          incentive payment in the amount equal to the  
15          amount the employee would be entitled to receive  
16          under section 5595(c) of title 5, United States Code,  
17          subject to the terms, conditions, and procedures set  
18          forth in section 663 of the Treasury, Postal Service,  
19          and General Government Appropriations Act, 1997  
20          (5 U.S.C. 5597 note), except that the date in section  
21          663(c)(2)(D) of that Act does not apply.

22          (e) AGREEMENT.—(1) An eligible employee of the  
23          Department of Energy provided an incentive under this  
24          section shall enter into an agreement with the Secretary  
25          to remain employed at the closure facility at which the

1 employee is employed as of the date of the agreement until  
2 a specific date or for a specific period of time.

3 (2) The detail of an employee under subsection (d)(3)  
4 shall not be treated as terminating the employment of the  
5 employee at a closure facility for purposes of an agreement  
6 under paragraph (1).

7 (f) VIOLATION OF AGREEMENT.—(1) Except as pro-  
8 vided under paragraph (3), an eligible employee of the De-  
9 partment of Energy who violates an agreement under sub-  
10 section (e), or is dismissed for cause, shall forfeit eligibility  
11 for any incentives under this section as of the date of the  
12 violation or dismissal, as the case may be.

13 (2) Except as provided under paragraph (3), an eligi-  
14 ble employee of the Department of Energy who is paid  
15 a retention allowance under subsection (d)(2), receives a  
16 voluntary separation incentive payment under subsection  
17 (d)(4), or both, and who violates an agreement under sub-  
18 section (e), or is dismissed for cause, before the end of  
19 the period or date of employment agreed upon under such  
20 agreement shall refund to the United States an amount  
21 that bears the same ratio to the aggregate amount so paid  
22 to or received by the employee as the unserved part of  
23 such employment bears to the total period of employment  
24 agreed upon under such agreement.



1 tive agency as being, or likely to become, a surplus em-  
2 ployee or displaced employee.

3 “(c) For purposes of this section:

4 “(1) The term ‘Executive agency’ has the  
5 meaning given that term by section 105, but does  
6 not include a Government corporation or the General  
7 Accounting Office.

8 “(2) The term ‘displaced employee’ means an  
9 employee who has been given specific notice that the  
10 employee is to be separated due to a reduction in  
11 force.

12 “(3) The term ‘surplus employee’ means an em-  
13 ployee who has been identified by the employing  
14 agency as likely to be separated due to a reduction  
15 in force.

16 “(4) The term ‘non-Federal employer’ means  
17 an employer other than an Executive agency or any  
18 agency in the legislative or judicial branch (including  
19 Congress or any United States court).”.

20 (2) The table of sections at the beginning of chapter  
21 33 of such title is amended by striking the item relating  
22 to section 3341 and inserting the following new item:

“3341. Details: within and among Executive agencies; to non-Federal employ-  
ers.”.

1 (i) HEALTH COVERAGE.—Section 8905a(d)(4) of  
2 title 5, United States Code, is amended by adding after  
3 subparagraph (B) the following new subparagraph (C):

4 “(C) Notwithstanding subparagraph (B), if the basis  
5 for continued coverage under this section is a voluntary  
6 or involuntary separation from the Department of Energy  
7 by reason of a closure project under section 3143 of the  
8 National Defense Authorization Act for Fiscal Year 1997  
9 (42 U.S.C. 7274n)—

10 “(i) the individual shall be liable for not more  
11 than the employee contributions referred to in para-  
12 graph (1)(A)(i); and

13 “(ii) the Department of Energy shall pay the  
14 remaining portion of the amount required is under  
15 paragraph (1)(A).”.

16 **SEC. 3156. CONCEPTUAL DESIGN FOR SUBSURFACE GEO-**  
17 **SCIENCES LABORATORY AT IDAHO NATIONAL**  
18 **ENGINEERING AND ENVIRONMENTAL LAB-**  
19 **ORATORY, IDAHO FALLS, IDAHO.**

20 (a) AUTHORIZATION.—Of the amounts authorized to  
21 be appropriated by paragraphs (2) and (3) of section  
22 3102(a), not more than \$400,000 shall be available to the  
23 Secretary of Energy for purposes of carrying out a concep-  
24 tual design for a Subsurface Geosciences Laboratory at

1 Idaho National Engineering and Environmental Labora-  
2 tory, Idaho Falls, Idaho.

3 (b) LIMITATION.—None of the funds authorized to  
4 be appropriated by subsection (a) may be obligated until  
5 60 days after the Secretary submits the report required  
6 by subsection (c).

7 (c) REPORT.—The Secretary of Energy shall submit  
8 to the congressional defense committees a report on the  
9 proposed Subsurface Geosciences Laboratory, including  
10 the following:

11 (1) The need to conduct mesoscale experiments  
12 to meet long-term clean-up requirements at Depart-  
13 ment of Energy sites.

14 (2) The possibility of utilizing or modifying an  
15 existing structure or facility to house a new  
16 mesoscale experimental capability.

17 (3) The estimated construction cost of the facil-  
18 ity.

19 (4) The estimated annual operating cost of the  
20 facility.

21 (5) How the facility will utilize, integrate, and  
22 support the technical expertise, capabilities, and re-  
23 quirements at other Department of Energy and non-  
24 Department of Energy facilities.

1           (6) An analysis of costs, savings, and benefits  
2           which are unique to the Idaho National Engineering  
3           and Environmental Laboratory.

4 **SEC. 3157. TANK WASTE REMEDIATION SYSTEM, HANFORD**  
5 **RESERVATION, RICHLAND, WASHINGTON.**

6           (a) FUNDS AVAILABLE.—Of the amount authorized  
7 to be appropriated by section 3102, \$150,000,000 shall  
8 be available to carry out an accelerated cleanup and waste  
9 management program at the Department of Energy Han-  
10 ford Site in Richland, Washington.

11          (b) REPORT.—Not later than December 15, 2000,  
12 the Secretary of Energy shall submit to Congress a report  
13 on the Tank Waste Remediation System Project at the  
14 Hanford Site. The report shall include the following:

15           (1) A proposed plan for processing and stabi-  
16 lizing all nuclear waste located in the Hanford Tank  
17 Farm.

18           (2) A proposed schedule for carrying out the  
19 plan.

20           (3) The total estimated cost of carrying out the  
21 plan.

22           (4) A description of any alternative options to  
23 the proposed plan and a description of the costs and  
24 benefits of each such option.

1 **SEC. 3158. REPORT ON NATIONAL IGNITION FACILITY, LAW-**  
2 **RENCE LIVERMORE NATIONAL LABORATORY,**  
3 **LIVERMORE, CALIFORNIA.**

4 (a) NEW BASELINE.—(1) Not more than 50 percent  
5 of the funds available for the national ignition facility  
6 (Project 96–D–111) may be obligated or expended until  
7 the Secretary of Energy submits to the Committees on  
8 Armed Services of the Senate and House of Representa-  
9 tives a report setting forth a new baseline plan for the  
10 completion of the national ignition facility.

11 (2) The report shall include a detailed, year-by-year  
12 breakdown of the funding required for completion of the  
13 facility, as well as projected dates for the completion of  
14 program milestones, including the date on which the first  
15 laser beams are expected to become operational.

16 (b) COMPTROLLER GENERAL REVIEW OF NIF PRO-  
17 GRAM.—(1) The Comptroller General shall conduct a thor-  
18 ough review of the national ignition facility program.

19 (2) Not later than March 31, 2001, the Comptroller  
20 General shall submit to the Committees on Armed Serv-  
21 ices of the Senate and House of Representatives a report  
22 on the review conducted under paragraph (1). The report  
23 shall include—

24 (A) an analysis of—

1 (i) the relationship of the national ignition  
2 facility program to other key components of the  
3 Stockpile Stewardship Program; and

4 (ii) the potential impact of delays in the  
5 national ignition facility program, and of a fail-  
6 ure to complete key program objectives of the  
7 program, on the other key components of the  
8 Stockpile Stewardship Program, such as the  
9 Advanced Strategic Computing Initiative Pro-  
10 gram;

11 (B) a detailed description and analysis of the  
12 funds spent as of the date of the report on the na-  
13 tional ignition facility program; and

14 (C) an assessment whether Lawrence Livermore  
15 National Laboratory has established a new baseline  
16 plan for the national ignition facility program with  
17 clear goals and achievable milestones for that pro-  
18 gram.

19 **Subtitle E—National Laboratories**  
20 **Partnership Improvement Act**

21 **SEC. 3161. SHORT TITLE.**

22 This subtitle may be cited as the “National Labora-  
23 tories Partnership Improvement Act of 2000”.

24 **SEC. 3162. DEFINITIONS.**

25 For purposes of this subtitle—

1           (1) the term “Department” means the Depart-  
2           ment of Energy;

3           (2) the term “departmental mission” means  
4           any of the functions vested in the Secretary of En-  
5           ergy by the Department of Energy Organization Act  
6           (42 U.S.C. 7101 et seq.) or other law;

7           (3) the term “institution of higher education”  
8           has the meaning given such term in section 1201(a)  
9           of the Higher Education Act of 1965 (20 U.S.C.  
10          1141(a));

11          (4) the term “National Laboratory” means any  
12          of the following institutions owned by the Depart-  
13          ment of Energy—

14                (A) Argonne National Laboratory;

15                (B) Brookhaven National Laboratory;

16                (C) Idaho National Engineering and Envi-  
17                ronmental Laboratory;

18                (D) Lawrence Berkeley National Labora-  
19                tory;

20                (E) Lawrence Livermore National Labora-  
21                tory;

22                (F) Los Alamos National Laboratory;

23                (G) National Renewable Energy Labora-  
24                tory;

25                (H) Oak Ridge National Laboratory;

1 (I) Pacific Northwest National Laboratory;

2 or

3 (J) Sandia National Laboratory;

4 (5) the term “facility” means any of the fol-  
5 lowing institutions owned by the Department of  
6 Energy—

7 (A) Ames Laboratory;

8 (B) East Tennessee Technology Park;

9 (C) Environmental Measurement Labora-  
10 tory;

11 (D) Fermi National Accelerator Labora-  
12 tory;

13 (E) Kansas City Plant;

14 (F) National Energy Technology Labora-  
15 tory;

16 (G) Nevada Test Site;

17 (H) Princeton Plasma Physics Laboratory;

18 (I) Savannah River Technology Center;

19 (J) Stanford Linear Accelerator Center;

20 (K) Thomas Jefferson National Accel-  
21 erator Facility;

22 (L) Waste Isolation Pilot Plant;

23 (M) Y-12 facility at Oak Ridge National  
24 Laboratory; or

1 (N) other similar organization of the De-  
2 partment designated by the Secretary that en-  
3 gages in technology transfer, partnering, or li-  
4 censing activities;

5 (6) the term “nonprofit institution” has the  
6 meaning given such term in section 4 of the Steven-  
7 son-Wydler Technology Innovation Act of 1980 (15  
8 U.S.C. 3703(5));

9 (7) the term “Secretary” means the Secretary  
10 of Energy;

11 (8) the term “small business concern” has the  
12 meaning given such term in section 3 of the Small  
13 Business Act (15 U.S.C. 632);

14 (9) the term “technology-related business con-  
15 cern” means a for-profit corporation, company, asso-  
16 ciation, firm, partnership, or small business concern  
17 that—

18 (A) conducts scientific or engineering re-  
19 search,

20 (B) develops new technologies,

21 (C) manufactures products based on new  
22 technologies, or

23 (D) performs technological services;

24 (10) the term “technology cluster” means a  
25 concentration of—

1 (A) technology-related business concerns;

2 (B) institutions of higher education; or

3 (C) other nonprofit institutions;

4 that reinforce each other's performance through formal or informal relationships;

6 (11) the term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

10 (12) the term "NNSA" means the National Nuclear Security Administration established by title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65).

14 **SEC. 3163. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.**  
15 **GRAM.**

16 (a) ESTABLISHMENT.—The Secretary, through the  
17 appropriate officials of the Department, shall establish a  
18 Technology Infrastructure Pilot Program in accordance  
19 with this section.

20 (b) PURPOSE.—The purpose of the program shall be  
21 to improve the ability of National Laboratories or facilities  
22 to support departmental missions by—

23 (1) stimulating the development of technology  
24 clusters that can support the missions of the National Laboratories or facilities;  
25

1           (2) improving the ability of National Labora-  
2           tories or facilities to leverage and benefit from com-  
3           mercial research, technology, products, processes,  
4           and services; and

5           (3) encouraging the exchange of scientific and  
6           technological expertise between National Labora-  
7           tories or facilities and—

8                   (A) institutions of higher education,

9                   (B) technology-related business concerns,

10                  (C) nonprofit institutions, and

11                  (D) agencies of State, tribal, or local gov-  
12                  ernments;

13           that can support the missions of the National Lab-  
14           oratories and facilities.

15           (c) PILOT PROGRAM.—In each of the first three fiscal  
16           years after the date of enactment of this section, the Sec-  
17           retary may provide no more than \$10,000,000, divided  
18           equally, among no more than 10 National Laboratories  
19           or facilities selected by the Secretary to conduct Tech-  
20           nology Infrastructure Program Pilot Programs.

21           (d) PROJECTS.—The Secretary shall authorize the  
22           Director of each National Laboratory or facility des-  
23           ignated under subsection (c) to implement the Technology  
24           Infrastructure Pilot Program at such National Laboratory

1 or facility through projects that meet the requirements of  
2 subsections (e) and (f).

3 (e) PROGRAM REQUIREMENTS.—Each project funded  
4 under this section shall meet the following requirements:

5 (1) MINIMUM PARTICIPANTS.—Each project  
6 shall at a minimum include—

7 (A) a National Laboratory or facility; and

8 (B) one of the following entities—

9 (i) a business,

10 (ii) an institution of higher education,

11 (iii) a nonprofit institution, or

12 (iv) an agency of a State, local, or  
13 tribal government.

14 (2) COST SHARING.—

15 (A) MINIMUM AMOUNT.—Not less than 50  
16 percent of the costs of each project funded  
17 under this section shall be provided from non-  
18 Federal sources.

19 (B) QUALIFIED FUNDING AND RE-  
20 SOURCES.—(i) The calculation of costs paid by  
21 the non-Federal sources to a project shall in-  
22 clude cash, personnel, services, equipment, and  
23 other resources expended on the project.

24 (ii) Independent research and development  
25 expenses of Government contractors that qual-

1           ify for reimbursement under section 31–205–  
2           18(e) of the Federal Acquisition Regulations  
3           issued pursuant to section 25(c)(1) of the Of-  
4           fice of Federal Procurement Policy Act (41  
5           U.S.C. 421(c)(1)) may be credited towards  
6           costs paid by non-Federal sources to a project,  
7           if the expenses meet the other requirements of  
8           this section.

9           (iii) No funds or other resources expended  
10          either before the start of a project under this  
11          section or outside the project’s scope of work  
12          shall be credited toward the costs paid by the  
13          non-Federal sources to the project.

14          (3) COMPETITIVE SELECTION.—All projects  
15          where a party other than the Department or a Na-  
16          tional Laboratory or facility receives funding under  
17          this section shall, to the extent practicable, be com-  
18          petitively selected by the National Laboratory or fa-  
19          cility using procedures determined to be appropriate  
20          by the Secretary or his designee.

21          (4) ACCOUNTING STANDARDS.—Any participant  
22          receiving funding under this section, other than a  
23          National Laboratory or facility, may use generally  
24          accepted accounting principles for maintaining ac-  
25          counts, books, and records relating to the project.

1           (5) LIMITATIONS.—No Federal funds shall be  
2           made available under this section for—

3                   (A) construction; or

4                   (B) any project for more than five years.

5           (f) SELECTION CRITERIA.—

6                   (1) THRESHOLD FUNDING CRITERIA.—The Sec-  
7           retary shall authorize the provision of Federal funds  
8           for projects under this section only when the Direc-  
9           tor of the National Laboratory or facility managing  
10          such a project determines that the project is likely  
11          to improve the participating National Laboratory or  
12          facility’s ability to achieve technical success in meet-  
13          ing departmental missions.

14                  (2) ADDITIONAL CRITERIA.—The Secretary  
15          shall also require the Director of the National Lab-  
16          oratory or facility managing a project under this sec-  
17          tion to consider the following criteria in selecting a  
18          project to receive Federal funds—

19                          (A) the potential of the project to succeed,  
20                          based on its technical merit, team members,  
21                          management approach, resources, and project  
22                          plan;

23                          (B) the potential of the project to promote  
24                          the development of a commercially sustainable  
25                          technology cluster, one that will derive most of

1 the demand for its products or services from  
2 the private sector, that can support the mis-  
3 sions of the participating National Laboratory  
4 or facility;

5 (C) the potential of the project to promote  
6 the use of commercial research, technology,  
7 products, processes, and services by the partici-  
8 pating National Laboratory or facility to  
9 achieve its departmental mission or the com-  
10 mercial development of technological innova-  
11 tions made at the participating National Lab-  
12 oratory or facility;

13 (D) the commitment shown by non-Federal  
14 organizations to the project, based primarily on  
15 the nature and amount of the financial and  
16 other resources they will risk on the project;

17 (E) the extent to which the project involves  
18 a wide variety and number of institutions of  
19 higher education, nonprofit institutions, and  
20 technology-related business concerns that can  
21 support the missions of the participating Na-  
22 tional Laboratory or facility and that will make  
23 substantive contributions to achieving the goals  
24 of the project;

1           (F) the extent of participation in the  
2 project by agencies of State, tribal, or local gov-  
3 ernments that will make substantive contribu-  
4 tions to achieving the goals of the project; and

5           (G) the extent to which the project focuses  
6 on promoting the development of technology-re-  
7 lated business concerns that are small business  
8 concerns or involves such small business con-  
9 cerns substantively in the project.

10          (3) SAVINGS CLAUSE.—Nothing in this sub-  
11 section shall limit the Secretary from requiring the  
12 consideration of other criteria, as appropriate, in de-  
13 termining whether projects should be funded under  
14 this section.

15          (g) REPORT TO CONGRESS ON FULL IMPLEMENTA-  
16 TION.—Not later than 120 days after the start of the third  
17 fiscal year after the date of enactment of this section, the  
18 Secretary shall report to Congress on whether the Tech-  
19 nology Infrastructure Program should be continued be-  
20 yond the pilot stage, and, if so, how the fully implemented  
21 program should be managed. This report shall take into  
22 consideration the results of the pilot program to date and  
23 the views of the relevant Directors of the National labora-  
24 tories and facilities. The report shall include any proposals

1 for legislation considered necessary by the Secretary to  
2 fully implement the program.

3 **SEC. 3164. SMALL BUSINESS ADVOCACY AND ASSISTANCE.**

4 (a) **ADVOCACY FUNCTION.**—The Secretary shall di-  
5 rect the Director of each National Laboratory, and may  
6 direct the Director of each facility the Secretary deter-  
7 mines to be appropriate, to establish a small business ad-  
8 vocacy function that is organizationally independent of the  
9 procurement function at the National Laboratory or facil-  
10 ity. The person or office vested with the small business  
11 advocacy function shall—

12 (1) work to increase the participation of small  
13 business concerns, including socially and economi-  
14 cally disadvantaged small business concerns, in pro-  
15 curements, collaborative research, technology licens-  
16 ing, and technology transfer activities conducted by  
17 the National Laboratory or facility;

18 (2) report to the Director of the National Lab-  
19 oratory or facility on the actual participation of  
20 small business concerns in procurements and col-  
21 laborative research along with recommendations, if  
22 appropriate, on how to improve participation;

23 (3) make available to small business concerns  
24 training, mentoring, and clear, up-to-date informa-  
25 tion on how to participate in the procurements and

1 collaborative research, including how to submit effective proposals;  
2

3 (4) increase the awareness inside the National  
4 Laboratory or facility of the capabilities and opportunities presented by small business concerns; and  
5

6 (5) establish guidelines for the program under  
7 subsection (b) and report on the effectiveness of  
8 such program to the Director of the National Laboratory or facility.  
9

10 (b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director  
11 of each National Laboratory, and may direct the Director  
12 of each facility the Secretary determines to be appropriate,  
13 to establish a program to provide small business  
14 concerns—  
15

16 (1) assistance directed at making them more effective and efficient subcontractors or suppliers to  
17 the National Laboratory or facility; or  
18

19 (2) general technical assistance, the cost of  
20 which shall not exceed \$10,000 per instance of assistance, to improve the small business concern's  
21 products or services.  
22

23 (c) USE OF FUNDS.—None of the funds expended  
24 under subsection (b) may be used for direct grants to the  
25 small business concerns.

1 **SEC. 3165. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.**

2 (a) APPOINTMENT OF OMBUDSMAN.—The Secretary  
3 shall direct the Director of each National Laboratory, and  
4 may direct the Director of each facility the Secretary de-  
5 termines to be appropriate, to appoint a technology part-  
6 nership ombudsman to hear and help resolve complaints  
7 from outside organizations regarding each laboratory’s  
8 policies and actions with respect to technology partner-  
9 ships (including cooperative research and development  
10 agreements), patents, and technology licensing. Each om-  
11 budsman shall—

12 (1) be a senior official of the National Labora-  
13 tory or facility who is not involved in day-to-day  
14 technology partnerships, patents, or technology li-  
15 censing, or, if appointed from outside the laboratory,  
16 function as such a senior official; and

17 (2) have direct access to the Director of the  
18 National Laboratory or facility.

19 (b) DUTIES.—Each ombudsman shall—

20 (1) serve as the focal point for assisting the  
21 public and industry in resolving complaints and dis-  
22 putes with the laboratory regarding technology part-  
23 nerships, patents, and technology licensing;

24 (2) promote the use of collaborative alternative  
25 dispute resolution techniques such as mediation to

1 facilitate the speedy and low-cost resolution of com-  
2 plaints and disputes, when appropriate; and

3 (3) report, through the Director of the National  
4 Laboratory or facility, to the Department annually  
5 on the number and nature of complaints and dis-  
6 putes raised, along with the ombudsman's assess-  
7 ment of their resolution, consistent with the protec-  
8 tion of confidential and sensitive information.

9 (c) DUAL APPOINTMENT.—A person vested with the  
10 small business advocacy function of section 3164 may also  
11 serve as the technology partnership ombudsman.

12 **SEC. 3166. STUDIES RELATED TO IMPROVING MISSION EF-**  
13 **ECTIVENESS, PARTNERSHIPS, AND TECH-**  
14 **NOLOGY TRANSFER AT NATIONAL LABORA-**  
15 **TORIES.**

16 (a) STUDIES.—The Secretary shall direct the Lab-  
17 oratory Operations Board to study and report to him, not  
18 later than one year after the date of enactment of this  
19 section, on the following topics—

20 (1) the possible benefits from and need for poli-  
21 cies and procedures to facilitate the transfer of sci-  
22 entific, technical, and professional personnel among  
23 National Laboratories and facilities; and

24 (2) the possible benefits from and need for  
25 changes in—

1           (A) the indemnification requirements for  
2 patents or other intellectual property licensed  
3 from a National Laboratory or facility;

4           (B) the royalty and fee schedules and  
5 types of compensation that may be used for  
6 patents or other intellectual property licensed to  
7 a small business concern from a National Lab-  
8 oratory or facility;

9           (C) the licensing procedures and require-  
10 ments for patents and other intellectual prop-  
11 erty;

12           (D) the rights given to a small business  
13 concern that has licensed a patent or other in-  
14 tellectual property from a National Laboratory  
15 or facility to bring suit against third parties in-  
16 fringing such intellectual property;

17           (E) the advance funding requirements for  
18 a small business concern funding a project at a  
19 National Laboratory or facility through a  
20 Funds-In-Agreement;

21           (F) the intellectual property rights allo-  
22 cated to a business when it is funding a project  
23 at a National Laboratory or facility through a  
24 Funds-In-Agreement; and

1 (G) policies on royalty payments to inven-  
2 tors employed by a contractor-operated Na-  
3 tional Laboratory or facility, including those for  
4 inventions made under a Funds-In-Agreement.

5 (b) DEFINITION.—For the purposes of this section,  
6 the term “Funds-in-Agreement” means a contract be-  
7 tween the Department and a non-Federal organization  
8 where that organization pays the Department to provide  
9 a service or material not otherwise available in the domes-  
10 tic private sector.

11 (c) REPORT TO CONGRESS.—Not later than one  
12 month after receiving the report under subsection (a), the  
13 Secretary shall transmit the report, along with his rec-  
14 ommendations for action and proposals for legislation to  
15 implement the recommendations, to Congress.

16 **SEC. 3167. OTHER TRANSACTIONS AUTHORITY.**

17 (a) NEW AUTHORITY.—Section 646 of the Depart-  
18 ment of Energy Organization Act (42 U.S.C. 7256) is  
19 amended by adding at the end the following new sub-  
20 section:

21 “(g) OTHER TRANSACTIONS AUTHORITY.—(1) In ad-  
22 dition to other authorities granted to the Secretary to  
23 enter into procurement contracts, leases, cooperative  
24 agreements, grants, and other similar arrangements, the  
25 Secretary may enter into other transactions with public

1 agencies, private organizations, or persons on such terms  
2 as the Secretary may deem appropriate in furtherance of  
3 basic, applied, and advanced research functions now or  
4 hereafter vested in the Secretary. Such other transactions  
5 shall not be subject to the provisions of section 9 of the  
6 Federal Nonnuclear Energy Research and Development  
7 Act of 1974 (42 U.S.C. 5908).

8 “(2)(A) The Secretary of Energy shall ensure that—

9 “(i) to the maximum extent practicable, no  
10 transaction entered into under paragraph (1) pro-  
11 vides for research that duplicates research being  
12 conducted under existing programs carried out by  
13 the Department of Energy; and

14 “(ii) to the extent that the Secretary determines  
15 practicable, the funds provided by the Government  
16 under a transaction authorized by paragraph (1) do  
17 not exceed the total amount provided by other par-  
18 ties to the transaction.

19 “(B) A transaction authorized by paragraph (1) may  
20 be used for a research project when the use of a standard  
21 contract, grant, or cooperative agreement for such project  
22 is not feasible or appropriate.

23 “(3)(A) The Secretary shall not disclose any trade  
24 secret or commercial or financial information submitted

1 by a non-Federal entity under paragraph (1) that is privi-  
2 leged and confidential.

3 “(B) The Secretary shall not disclose, for five years  
4 after the date the information is received, any other infor-  
5 mation submitted by a non-Federal entity under para-  
6 graph (1), including any proposal, proposal abstract, docu-  
7 ment supporting a proposal, business plan, or technical  
8 information that is privileged and confidential.

9 “(C) The Secretary may protect from disclosure, for  
10 up to five years, any information developed pursuant to  
11 a transaction under paragraph (1) that would be protected  
12 from disclosure under section 552(b)(4) of title 5, United  
13 States Code, if obtained from a person other than a Fed-  
14 eral agency.”.

15 (b) IMPLEMENTATION.—Not later than six months  
16 after the date of enactment of this section, the Depart-  
17 ment shall establish guidelines for the use of other trans-  
18 actions. Other transactions shall be made available, if  
19 needed, in order to implement projects funded under sec-  
20 tion 3163.

21 **SEC. 3168. CONFORMANCE WITH NNSA ORGANIZATIONAL**  
22 **STRUCTURE.**

23 All actions taken by the Secretary in carrying out this  
24 subtitle with respect to National Laboratories and facili-  
25 ties that are part of the NNSA shall be through the Ad-

1 administrator for Nuclear Security in accordance with the  
2 requirements of title XXXII of the National Defense Au-  
3 thorization Act for Fiscal Year 2000.

4 **SEC. 3169. ARCTIC ENERGY.**

5 (a) ESTABLISHMENT.—There is hereby established  
6 within the Department of Energy an Office of Arctic En-  
7 ergy.

8 (b) PURPOSE.—The purposes of the Office of Arctic  
9 Energy are—

10 (1) to promote research, development and de-  
11 ployment of electric power technology that is cost-ef-  
12 fective and especially well suited to meet the needs  
13 of rural and remote regions of the United States, es-  
14 pecially where permafrost is present or located near-  
15 by; and

16 (2) to promote research, development and de-  
17 ployment in such regions of—

18 (A) enhanced oil recovery technology, in-  
19 cluding heavy oil recovery, reinjection of carbon  
20 and extended reach drilling technologies;

21 (B) gas-to-liquids technology and liquified  
22 natural gas (including associated transportation  
23 systems);

24 (C) small hydroelectric facilities, river tur-  
25 bines and tidal power;

1 (D) natural gas hydrates, coal bed meth-  
2 ane, and shallow bed natural gas; and

3 (E) alternative energy, including wind,  
4 geothermal, and fuel cells.

5 (c) LOCATION.—The Secretary shall locate the Office  
6 of Arctic Energy at a university with special expertise and  
7 unique experience in the matters specified in paragraphs  
8 (1) and (2) of subsection (b).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to carry out activities  
11 under this section \$1,000,000 for the first fiscal year after  
12 the date of enactment of this section.

## 13 **Subtitle F—Other Matters**

### 14 **SEC. 3171. EXTENSION OF AUTHORITY FOR APPOINTMENT** 15 **OF CERTAIN SCIENTIFIC, ENGINEERING, AND** 16 **TECHNICAL PERSONNEL.**

17 Section 3161(c)(1) of the National Defense Author-  
18 ization Act for Fiscal Year 1995 (42 U.S.C. 7231 note)  
19 is amended by striking “September 30, 2000” and insert-  
20 ing “September 30, 2002”.

### 21 **SEC. 3172. UPDATES OF REPORT ON NUCLEAR TEST READI-** 22 **NESS POSTURES.**

23 Section 3152 of the National Defense Authorization  
24 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
25 623) is amended—

1           (1) by inserting “(a) REPORT.—” before “Not  
2 later than February 15, 1996,”; and

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

4           “(b) BIENNIAL UPDATES OF REPORT.—(1) The Sec-  
5 retary shall submit to the congressional defense commit-  
6 tees an update of the report required under (a) not later  
7 than February 15, 2001, and every two years thereafter.

8           “(2) Each update under paragraph (1) shall include,  
9 current as of the date of such update, the following:

10           “(A) A list and description of the workforce  
11 skills and capabilities that are essential to carry out  
12 underground nuclear tests at the Nevada Test Site.

13           “(B) A list and description of the infrastructure  
14 and physical plant that are essential to carry out un-  
15 derground nuclear tests at the Nevada Test Site.

16           “(C) A description of the readiness status of  
17 the skills and capabilities described in subparagraph  
18 (A) and of the infrastructure and physical plant de-  
19 scribed in subparagraph (B).

20           “(3) Each update under paragraph (1) shall be sub-  
21 mitted in unclassified form, but may include a classified  
22 annex.”.

1 **SEC. 3173. FREQUENCY OF REPORTS ON INADVERTENT RE-**  
2 **LEASES OF RESTRICTED DATA AND FOR-**  
3 **MERLY RESTRICTED DATA.**

4 (a) **FREQUENCY OF REPORTS.**—Section 3161(f)(2)  
5 of the Strom Thurmond National Defense Authorization  
6 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.  
7 2261; 50 U.S.C. 435 note) is amended to read as follows:

8 “(2) The Secretary of Energy shall, on a quarterly  
9 basis, notify the committees and Assistant to the Presi-  
10 dent specified in subsection (d) of inadvertent releases de-  
11 scribed in paragraph (1) that are discovered after the date  
12 of the enactment of this Act.”.

13 (b) **EFFECTIVE DATE.**—The amendment made by  
14 subsection (a) shall take effect on the date of the enact-  
15 ment of this Act and shall apply with respect to inad-  
16 vertent releases of Restricted Data and Formerly Re-  
17 stricted Data that are discovered on or after that date.

18 **SEC. 3174. FORM OF CERTIFICATIONS REGARDING THE**  
19 **SAFETY OR RELIABILITY OF THE NUCLEAR**  
20 **WEAPONS STOCKPILE.**

21 Any certification submitted to the President by the  
22 Secretary of Defense or the Secretary of Energy regarding  
23 confidence in the safety or reliability of a nuclear weapon  
24 type in the United States nuclear weapons stockpile shall  
25 be submitted in classified form only.

1 **SEC. 3175. ENGINEERING AND MANUFACTURING RE-**  
2 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**  
3 **TION BY PLANT MANAGERS OF CERTAIN NU-**  
4 **CLEAR WEAPONS PRODUCTION PLANTS.**

5 (a) **AUTHORITY.**—The Secretary of Energy may au-  
6 thorize the plant manager of a covered nuclear weapons  
7 production plant to engage in research, development, and  
8 demonstration activities with respect to the engineering  
9 and manufacturing capabilities at such plant in order to  
10 maintain and enhance such capabilities at such plant.

11 (b) **FUNDING.**—Of the amount allocated by the Sec-  
12 retary to a covered nuclear weapons production plant each  
13 fiscal year from amounts available to the Department of  
14 Energy for such fiscal year for national security programs,  
15 not more than an amount equal to 2 percent of such  
16 amount may be used for activities authorized under sub-  
17 section (a).

18 (c) **COVERED NUCLEAR WEAPONS PRODUCTION**  
19 **PLANTS.**—For purposes of this section, the term “covered  
20 nuclear weapons production plant” means the following:

- 21 (1) The Kansas City Plant, Kansas City, Mis-  
22 souri.
- 23 (2) The Y–12 Plant, Oak Ridge, Tennessee.
- 24 (3) The Pantex Plant, Amarillo, Texas.

1 **SEC. 3176. COOPERATIVE RESEARCH AND DEVELOPMENT**  
2 **AGREEMENTS FOR GOVERNMENT-OWNED,**  
3 **CONTRACTOR-OPERATED LABORATORIES.**

4 (a) STRATEGIC PLANS.—Subsection (a) of section 12  
5 of the Stevenson-Wydler Technology Innovation Act of  
6 1980 (15 U.S.C. 3710a) is amended by striking “joint  
7 work statement,” and inserting “joint work statement or,  
8 if permitted by the agency, in an agency-approved annual  
9 strategic plan,”.

10 (b) EXPERIMENTAL FEDERAL WAIVERS.—Sub-  
11 section (b) of that section is amended by adding at the  
12 end the following new paragraph:

13 “(6)(A) In the case of a Department of Energy lab-  
14 oratory, a designated official of the Department of Energy  
15 may waive any license retained by the Government under  
16 paragraph (1)(A), (2), or (3)(D), in whole or in part and  
17 according to negotiated terms and conditions, if the des-  
18 ignated official finds that the retention of the license by  
19 the Department of Energy would substantially inhibit the  
20 commercialization of an invention that would otherwise  
21 serve an important Federal mission.

22 “(B) The authority to grant a waiver under subpara-  
23 graph (A) shall expire on the date that is 5 years after  
24 the date of the enactment of the National Defense Author-  
25 ization Act for Fiscal Year 2001.

1       “(C) The expiration under subparagraph (B) of au-  
2 thority to grant a waiver under subparagraph (A) shall  
3 not effect any waiver granted under subparagraph (A) be-  
4 fore the expiration of such authority.”.

5       (c) TIME REQUIRED FOR APPROVAL.—Subsection  
6 (c)(5) of that section is amended—

7           (1) by striking subparagraph (C);

8           (2) by redesignating subparagraph (D) as sub-  
9 paragraph (C); and

10          (3) in subparagraph (C), as so redesignated—

11           (A) in clause (i)—

12               (i) by striking “with a small business  
13 firm”; and

14               (ii) by inserting “if” after “state-  
15 ment”; and

16           (B) by adding at the end the following new  
17 clauses:

18       “(iv) Any agency that has contracted with a non-Fed-  
19 eral entity to operate a laboratory may develop and pro-  
20 vide to such laboratory one or more model cooperative re-  
21 search and development agreements for purposes of stand-  
22 ardizing practices and procedures, resolving common legal  
23 issues, and enabling review of cooperative research and de-  
24 velopment agreements to be carried out in a routine and  
25 prompt manner.

1 “(v) A Federal agency may waive the requirements  
2 of clause (i) or (ii) under such circumstances as the agency  
3 considers appropriate.”.

4 **SEC. 3177. COMMENDATION OF DEPARTMENT OF ENERGY**  
5 **AND CONTRACTOR EMPLOYEES FOR EXEM-**  
6 **PLARY SERVICE IN STOCKPILE STEWARD-**  
7 **SHIP AND SECURITY.**

8 (a) **AUTHORITY TO PRESENT CERTIFICATE OF COM-**  
9 **MENDATION.**—The Secretary of Energy may present a  
10 certificate of commendation to any current or former em-  
11 ployee of the Department of Energy, and any current or  
12 former employee of a Department contractor, whose serv-  
13 ice to the Department in matters relating to stockpile  
14 stewardship and security assisted the Department in fur-  
15 thering the national security interests of the United  
16 States.

17 (b) **CERTIFICATE.**—The certificate of commendation  
18 presented to a current or former employee under sub-  
19 section (a) shall include an appropriate citation of the  
20 service of the current or former employee described in that  
21 subsection, including a citation for dedication, intellect,  
22 and sacrifice in furthering the national security interests  
23 of the United States by maintaining a strong, safe, and  
24 viable United States nuclear deterrent during the Cold  
25 War or thereafter.

1 (c) DEPARTMENT OF ENERGY DEFINED.—For pur-  
 2 poses of this section, the term “Department of Energy”  
 3 includes any predecessor agency of the Department of En-  
 4 ergy.

5 **SEC. 3178. ADJUSTMENT OF THRESHOLD REQUIREMENT**  
 6 **FOR SUBMISSION OF REPORTS ON AD-**  
 7 **VANCED COMPUTER SALES TO TIER III FOR-**  
 8 **EIGN COUNTRIES.**

9 Section 3157 of the National Defense Authorization  
 10 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.  
 11 2045) is amended by adding at the end the following:

12 “(e) ADJUSTMENT OF PERFORMANCE LEVELS.—  
 13 Whenever a new composite theoretical performance level  
 14 is established under section 1211(d), that level shall apply  
 15 for purposes of subsection (a) of this section in lieu of  
 16 the level set forth in subsection (a).”.

17 **Subtitle G—Russian Nuclear**  
 18 **Complex Conversion**

19 **SEC. 3191. SHORT TITLE.**

20 This subtitle may be cited as the “Russian Nuclear  
 21 Weapons Complex Conversion Act of 2000”.

22 **SEC. 3192. FINDINGS.**

23 Congress makes the following findings:

24 (1) The Russian nuclear weapons complex has  
 25 begun closure and complete reconfiguration of cer-

1       tain weapons complex plants and productions lines.  
2       However, this work is at an early stage. The major  
3       impediments to downsizing have been economic and  
4       social conditions in Russia. Little information about  
5       this complex is shared, and 10 of its most sensitive  
6       cities remain closed. These cities house 750,000 peo-  
7       ple and employ approximately 150,000 people in nu-  
8       clear military facilities. Although the Russian Fed-  
9       eration Ministry of Atomic Energy has announced  
10      the need to significantly downsize its workforce, per-  
11      haps by as much as 50 percent, it has been very  
12      slow in accomplishing this goal. Information on the  
13      extent of any progress is very closely held.

14           (2) The United States, on the other hand, has  
15      significantly downsized its nuclear weapons complex  
16      in an open and transparent manner. As a result, an  
17      enormous asymmetry now exists between the United  
18      States and Russia in nuclear weapon production ca-  
19      pacities and in transparency of such capacities. It is  
20      in the national security interest of the United States  
21      to assist the Russian Federation in accomplishing  
22      significant reductions in its nuclear military complex  
23      and in helping it to protect its nuclear weapons, nu-  
24      clear materials, and nuclear secrets during such re-  
25      ductions. Such assistance will accomplish critical

1 nonproliferation objectives and provide essential sup-  
2 port towards future arms reduction agreements. The  
3 Russian Federation's program to close and recon-  
4 figure weapons complex plants and production lines  
5 will address, if it is implemented in a significant and  
6 transparent manner, concerns about the Russian  
7 Federation's ability to quickly reconstitute its arse-  
8 nal.

9 (3) Several current programs address portions  
10 of the downsizing and nuclear security concerns. The  
11 Nuclear Cities Initiative was established to assist  
12 Russia in creating job opportunities for employees  
13 who are not required to support realistic Russian  
14 nuclear security requirements. Its focus has been on  
15 creating commercial ventures that can provide self-  
16 sustaining jobs in three of the closed cities. The cur-  
17 rent scope and funding of the program are not com-  
18 mensurate with the scale of the threats to the  
19 United States sought to be addressed by the pro-  
20 gram.

21 (4) To effectively address threats to United  
22 States national security interests, progress with re-  
23 spect to the nuclear cities must be expanded and ac-  
24 celerated. The Nuclear Cities Initiative has laid the  
25 groundwork for an immediate increase in investment

1       which offers the potential for prompt risk reduction  
2       in the cities of Sarov, Snezhinsk, and Zheleznogorsk,  
3       which house four key Russian nuclear facilities. Fur-  
4       thermore, the Nuclear Cities Initiative has made  
5       considerable progress with the limited funding avail-  
6       able. However, to gain sufficient advocacy for addi-  
7       tional support, the program must demonstrate—

8               (A) rapid progress in conversion and re-  
9               structuring; and

10              (B) an ability for the United States to  
11              track progress against verifiable milestones that  
12              support a Russian nuclear complex consistent  
13              with their future national security require-  
14              ments.

15       (5) Reductions in the nuclear weapons-grade  
16       material stocks in the United States and Russia en-  
17       hance prospects for future arms control agreements  
18       and reduce concerns that these materials could lead  
19       to proliferation risks. Confidence in both nations will  
20       be enhanced by knowledge of the extent of each na-  
21       tion's stockpiles of weapons-grade materials. The  
22       United States already makes this information public.

23       (6) Many current programs contribute to the  
24       goals stated herein. However, the lack of pro-  
25       grammatic coordination within and among United

1 States Government agencies impedes the capability  
2 of the United States to make rapid progress. A for-  
3 mal single point of coordination is essential to en-  
4 sure that all United States programs directed at co-  
5 operative threat reduction, nuclear materials reduc-  
6 tion and protection, and the downsizing, trans-  
7 parency, and nonproliferation of the nuclear weap-  
8 ons complex effectively mitigate the risks inherent in  
9 the Russian Federation's military complex.

10 (7) Specialists in the United States and the  
11 former Soviet Union trained in nonproliferation  
12 studies can significantly assist in the downsizing  
13 process while minimizing the threat presented by po-  
14 tential proliferation of weapons materials or exper-  
15 tise.

16 **SEC. 3193. EXPANSION AND ENHANCEMENT OF NUCLEAR**  
17 **CITIES INITIATIVE.**

18 (a) IN GENERAL.—The Secretary of Energy shall, in  
19 accordance with the provisions of this section, take appro-  
20 priate actions to expand and enhance the activities under  
21 the Nuclear Cities Initiative in order to—

22 (1) assist the Russian Federation in the  
23 downsizing of the Russian Nuclear Complex; and

1           (2) coordinate the downsizing of the Russian  
2       Nuclear Complex under the Initiative with other  
3       United States nonproliferation programs.

4       (b) ENHANCED USE OF MINATOM TECHNOLOGY  
5       AND RESEARCH AND DEVELOPMENT SERVICES.—In car-  
6       rying out actions under this section, the Secretary of En-  
7       ergy shall facilitate the enhanced use of the technology,  
8       and the research and development services, of the Russia  
9       Ministry of Atomic Energy (MINATOM) by—

10           (1) fostering the commercialization of peaceful,  
11       non-threatening advanced technologies of the Min-  
12       istry through the development of projects to com-  
13       mercialize research and development services for in-  
14       dustry and industrial entities; and

15           (2) authorizing the Department of Energy, and  
16       encouraging other departments and agencies of the  
17       United States Government, to utilize such research  
18       and development services for activities appropriate  
19       to the mission of the Department, and such depart-  
20       ments and agencies, including activities relating to—

21                   (A) nonproliferation (including the detec-  
22                   tion and identification of weapons of mass de-  
23                   struction and verification of treaty compliance);

24                   (B) global energy and environmental mat-  
25                   ters; and

1 (C) basic scientific research of benefit to  
2 the United States.

3 (c) ACCELERATION OF NUCLEAR CITIES INITIA-  
4 TIVE.—(1) In carrying out actions under this section, the  
5 Secretary of Energy shall accelerate the Nuclear Cities  
6 Initiative by implementing, as soon as practicable after the  
7 date of the enactment of this Act, programs at the nuclear  
8 cities referred to in paragraph (2) in order to convert sig-  
9 nificant portions of the activities carried out at such nu-  
10 clear cities from military activities to civilian activities.

11 (2) The nuclear cities referred to in this paragraph  
12 are the following:

13 (A) Sarov (Arzamas-16).

14 (B) Snezhinsk (Chelyabinsk-70).

15 (C) Zheleznogorsk (Krasnoyarsk-26).

16 (3) To advance nonproliferation and arms control ob-  
17 jectives, the Nuclear Cities Initiative is encouraged to  
18 begin planning for accelerated conversion, commensurate  
19 with available resources, in the remaining nuclear cities.

20 (4) Before implementing a program under paragraph  
21 (1), the Secretary shall establish appropriate, measurable  
22 milestones for the activities to be carried out in fiscal year  
23 2001.

24 (d) PLAN FOR RESTRUCTURING THE RUSSIAN NU-  
25 CLEAR COMPLEX.—(1) The President, acting through the

1 Secretary of Energy, is urged to enter into negotiations  
2 with the Russian Federation for purposes of the develop-  
3 ment by the Russian Federation of a plan to restructure  
4 the Russian Nuclear Complex in order to meet changes  
5 in the national security requirements of Russia by 2010.

6 (2) The plan under paragraph (1) should include the  
7 following:

8 (A) Mechanisms to achieve a nuclear weapons  
9 production capacity in Russia that is consistent with  
10 the obligations of Russia under current and future  
11 arms control agreements.

12 (B) Mechanisms to increase transparency re-  
13 garding the restructuring of the nuclear weapons  
14 complex and weapons-surplus nuclear materials in-  
15 ventories in Russia to the levels of transparency for  
16 such matters in the United States, including the  
17 participation of Department of Energy officials with  
18 expertise in transparency of such matters.

19 (C) Measurable milestones that will permit the  
20 United States and the Russian Federation to mon-  
21 itor progress under the plan.

22 (e) ENCOURAGEMENT OF CAREERS IN NON-  
23 PROLIFERATION.—(1) In carrying out actions under this  
24 section, the Secretary of Energy shall carry out a program  
25 to encourage students in the United States and in the

1 Russian Federation to pursue a career in an area relating  
2 to nonproliferation.

3 (2) Of the amounts under subsection (f), up to  
4 \$2,000,000 shall be available for purposes of the program  
5 under paragraph (1).

6 (f) FUNDING FOR FISCAL YEAR 2001.—(1) There is  
7 hereby authorized to be appropriated for the Department  
8 of Energy for fiscal year 2001, \$30,000,000 for purposes  
9 of the Nuclear Cities Initiative, including activities under  
10 this section.

11 (2) The amount authorized to be appropriated by sec-  
12 tion 101(5) for other procurement for the Army is hereby  
13 reduced by \$12,500,000, with the amount of the reduction  
14 to be allocated to the Close Combat Tactical Trainer.

15 (g) LIMITATION ON AVAILABILITY OF FUNDS FOR  
16 NUCLEAR CITIES INITIATIVE.—No amount in excess of  
17 \$17,500,000 authorized to be appropriated for the De-  
18 partment of Energy for fiscal year 2001 for the Nuclear  
19 Cities Initiative may be obligated or expended for purposes  
20 of providing assistance under the Initiative until 30 days  
21 after the date on which the Secretary of Energy submits  
22 to the Committees on Armed Services of the Senate and  
23 House of Representatives the following:

24 (1) A copy of the written agreement between  
25 the United States Government and the Government

1 of the Russian Federation which provides that Rus-  
2 sia will close some of its facilities engaged in nuclear  
3 weapons assembly and disassembly work within five  
4 years in exchange for participation in the Initiative.

5 (2) A certification by the Secretary that—

6 (A) project review procedures for all  
7 projects under the Initiative have been estab-  
8 lished and implemented; and

9 (B) such procedures will ensure that any  
10 scientific, technical, or commercial project initi-  
11 ated under the Initiative—

12 (i) will not enhance the military or  
13 weapons of mass destruction capabilities of  
14 Russia;

15 (ii) will not result in the inadvertent  
16 transfer or utilization of products or activi-  
17 ties under such project for military pur-  
18 poses;

19 (iii) will be commercially viable within  
20 three years of the date of the certification;  
21 and

22 (iv) will be carried out in conjunction  
23 with an appropriate commercial, industrial,  
24 or other nonprofit entity as partner.

25 (3) A report setting forth the following:

1 (A) The project review procedures referred  
2 to in paragraph (2)(A).

3 (B) A list of the projects under the Initia-  
4 tive that have been reviewed under such project  
5 review procedures.

6 (C) A description for each project listed  
7 under subparagraph (B) of the purpose, life-  
8 cycle, out-year budget costs, participants, com-  
9 mercial viability, expected time for income gen-  
10 eration, and number of Russian jobs created.

11 (h) SENSE OF CONGRESS ON FUNDING FOR FISCAL  
12 YEARS AFTER FISCAL YEAR 2001.—It is the sense of  
13 Congress that the availability of funds for the Nuclear Cit-  
14 ies Initiative in fiscal years after fiscal year 2001 should  
15 be contingent upon—

16 (1) demonstrable progress in the programs car-  
17 ried out under subsection (c), as determined utilizing  
18 the milestones required under paragraph (4) of that  
19 subsection; and

20 (2) the development and implementation of the  
21 plan required by subsection (d).

22 **SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT**  
23 **OF A NATIONAL COORDINATOR FOR NON-**  
24 **PROLIFERATION MATTERS.**

25 It is the sense of Congress that—

1           (1) there should be a National Coordinator for  
2 Nonproliferation Matters to coordinate—

3           (A) the Nuclear Cities Initiative;

4           (B) the Initiatives for Proliferation Preven-  
5 tion program;

6           (C) the Cooperative Threat Reduction pro-  
7 grams;

8           (D) the materials protection, control, and  
9 accounting programs; and

10          (E) the International Science and Tech-  
11 nology Center; and

12          (2) the position of National Coordinator for  
13 Nonproliferation Matters should be similar, regard-  
14 ing nonproliferation matters, to the position filled by  
15 designation of the President under section 1441(a)  
16 of the Defense Against Weapons of Mass Destruc-  
17 tion Act of 1996 (title XIV of Public Law 104–201;  
18 110 Stat. 2727; 50 U.S.C. 2351(a)).

19 **SEC. 3195. DEFINITIONS.**

20 In this subtitle:

21          (1) NUCLEAR CITY.—The term “nuclear city”  
22 means any of the closed nuclear cities within the  
23 complex of the Russia Ministry of Atomic Energy  
24 (MINATOM) as follows:

25          (A) Sarov (Arzamas–16).

- 1 (B) Zarechnyy (Penza–19).  
2 (C) Novoural'sk (Sverdlovsk–44).  
3 (D) Lesnoy (Sverdlovsk–45).  
4 (E) Ozersk (Chelyabinsk–65).  
5 (F) Snezhinsk (Chelyabinsk–70).  
6 (G) Trekhgornyy (Zlatoust–36).  
7 (H) Seversk (Tomsk–7).  
8 (I) Zhelenznogorsk (Krasnoyarsk–26).  
9 (J) Zelenogorsk (Krasnoyarsk–45).

10 (2) RUSSIAN NUCLEAR COMPLEX.—The term  
11 “Russian Nuclear Complex” refers to all of the nu-  
12 clear cities.

13 **TITLE XXXII—DEFENSE NU-**  
14 **CLEAR FACILITIES SAFETY**  
15 **BOARD**

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

17 There are authorized to be appropriated for fiscal  
18 year 2001, \$18,500,000 for the operation of the Defense  
19 Nuclear Facilities Safety Board under chapter 21 of the  
20 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

1                   **TITLE XXXIII—NAVAL**  
2                   **PETROLEUM RESERVES**

3   **SEC. 3301. MINIMUM PRICE OF PETROLEUM SOLD FROM**  
4                   **THE NAVAL PETROLEUM RESERVES.**

5           (a) HIGHER MINIMUM PRICE.—Subparagraph (A) of  
6 section 7430(b)(2) of title 10, United States Code, is  
7 amended by striking “90 percent of”.

8           (b) INAPPLICABILITY OF REQUIREMENT TO RESERVE  
9 NUMBERED 1.—Such section 7430(b)(2) is further  
10 amended by striking “Naval Petroleum Reserves Num-  
11 bered 1, 2, and 3” in the matter preceding subparagraph  
12 (A) and inserting “Naval Petroleum Reserves Numbered  
13 2 and 3”.

14   **SEC. 3302. REPEAL OF AUTHORITY TO CONTRACT FOR CO-**  
15                   **OPERATIVE OR UNIT PLANS AFFECTING**  
16                   **NAVAL PETROLEUM RESERVE NUMBERED 1.**

17           (a) REPEAL.—Section 7426 of title 10, United States  
18 Code, is repealed.

19           (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 641 of such title is amended  
21 by striking the item relating to section 7426.

22   **SEC. 3303. LAND TRANSFER AND RESTORATION.**

23           (a) SHORT TITLE.—This section may be cited as the  
24 “Ute-Moab Land Restoration Act”.

1 (b) TRANSFER OF OIL SHALE RESERVE.—Section  
2 3405 of the Strom Thurmond National Defense Author-  
3 ization Act for Fiscal Year 1999 (10 U.S.C. 7420 note;  
4 Public Law 105–261) is amended to read as follows:

5 **“SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED**

6 **2.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) MAP.—The term “map” means the map  
9 depicting the boundaries of NOSR–2, to be kept on  
10 file and available for public inspection in the offices  
11 of the Department of the Interior.

12 “(2) MOAB SITE.—The term ‘Moab site’ means  
13 the Moab uranium milling site located approximately  
14 3 miles northwest of Moab, Utah, and identified in  
15 the Final Environmental Impact Statement issued  
16 by the Nuclear Regulatory Commission in March  
17 1996, in conjunction with Source Material License  
18 No. SUA 917.

19 “(3) NOSR–2.—The term ‘NOSR–2’ means Oil  
20 Shale Reserve Numbered 2, as identified on a map  
21 on file in the Office of the Secretary of the Interior.

22 “(4) TRIBE.—The term ‘Tribe’ means the Ute  
23 Indian Tribe of the Uintah and Ouray Indian Res-  
24 ervation.

25 “(b) CONVEYANCE.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), the United States conveys to the Tribe,  
3           subject to valid existing rights in effect on the day  
4           before the date of enactment of this section, all Fed-  
5           eral land within the exterior boundaries of NOSR-  
6           2 in fee simple (including surface and mineral  
7           rights).

8           “(2) RESERVATIONS.—The conveyance under  
9           paragraph (1) shall not include the following res-  
10          ervations of the United States:

11           “(A) A 9 percent royalty interest in the  
12          value of any oil, gas, other hydrocarbons, and  
13          all other minerals from the conveyed land that  
14          are produced, saved, and sold, the payments for  
15          which shall be made by the Tribe or its des-  
16          ignee to the Secretary of Energy during the pe-  
17          riod that the oil, gas, hydrocarbons, or minerals  
18          are being produced, saved, sold, or extracted.

19           “(B) The portion of the bed of Green  
20          River contained entirely within NOSR-2, as de-  
21          picted on the map.

22           “(C) The land (including surface and min-  
23          eral rights) to the west of the Green River with-  
24          in NOSR-2, as depicted on the map.

1           “(D) A ¼ mile scenic easement on the  
2 east side of the Green River within NOSR–2.

3           “(3) CONDITIONS.—

4           “(A) MANAGEMENT AUTHORITY.—On com-  
5 pletion of the conveyance under paragraph (1),  
6 the United States relinquishes all management  
7 authority over the conveyed land (including  
8 tribal activities conducted on the land).

9           “(B) NO REVERSION.—The land conveyed  
10 to the Tribe under this subsection shall not re-  
11 vert to the United States for management in  
12 trust status.

13           “(C) USE OF EASEMENT.—The reservation  
14 of the easement under paragraph (2)(D) shall  
15 not affect the right of the Tribe to obtain, use,  
16 and maintain access to, the Green River  
17 through the use of the road within the ease-  
18 ment, as depicted on the map.

19           “(c) WITHDRAWALS.—Each withdrawal that applies  
20 to NOSR–2 and that is in effect on the date of enactment  
21 of this section is revoked to the extent that the withdrawal  
22 applies to NOSR–2.

23           “(d) ADMINISTRATION OF RESERVED LAND AND IN-  
24 TERESTS IN LAND.—

1           “(1) IN GENERAL.—The Secretary of the Inte-  
2           rior shall administer the land and interests in land  
3           reserved from conveyance under subparagraphs (B)  
4           and (C) of subsection (b)(2) in accordance with the  
5           Federal Land Policy and Management Act of 1976  
6           (43 U.S.C. 1701 et seq.).

7           “(2) MANAGEMENT PLAN.—Not later than 3  
8           years after the date of enactment of this section, the  
9           Secretary shall submit to Congress a land use plan  
10          for the management of the land and interests in  
11          land referred to in paragraph (1).

12          “(3) AUTHORIZATION OF APPROPRIATIONS.—  
13          There are authorized to be appropriated to the Sec-  
14          retary such sums as are necessary to carry out this  
15          subsection.

16          “(e) ROYALTY.—

17                 “(1) PAYMENT OF ROYALTY.—The royalty in-  
18                 terest reserved from conveyance in subsection  
19                 (b)(2)(A) that is required to be paid by the Tribe  
20                 shall not include any development, production, mar-  
21                 keting, and operating expenses.

22                 “(2) REPORT.—The Tribe shall submit to the  
23                 Secretary of Energy and to Congress an annual re-  
24                 port on resource development and other activities of

1 the Tribe concerning the conveyance under sub-  
2 section (b).

3 “(3) FINANCIAL AUDIT.—

4 “(A) IN GENERAL.—Not later than 5 years  
5 after the date of enactment of this section, and  
6 every 5 years thereafter, the Tribe shall obtain  
7 an audit of all resource development activities  
8 of the Tribe concerning the conveyance under  
9 subsection (b), as provided under chapter 75 of  
10 title 31, United States Code.

11 “(B) INCLUSION OF RESULTS.—The re-  
12 sults of each audit under this paragraph shall  
13 be included in the next annual report submitted  
14 after the date of completion of the audit.

15 “(f) RIVER MANAGEMENT.—

16 “(1) IN GENERAL.—The Tribe shall manage,  
17 under Tribal jurisdiction and in accordance with or-  
18 dinances adopted by the Tribe, land of the Tribe  
19 that is adjacent to, and within  $\frac{1}{4}$  mile of, the Green  
20 River in a manner that—

21 “(A) maintains the protected status of the  
22 land; and

23 “(B) is consistent with the government-to-  
24 government agreement and in the memorandum

1 of understanding dated February 11, 2000, as  
2 agreed to by the Tribe and the Secretary.

3 “(2) NO MANAGEMENT RESTRICTIONS.—An or-  
4 dinance referred to in paragraph (1) shall not im-  
5 pair, limit, or otherwise restrict the management  
6 and use of any land that is not owned, controlled,  
7 or subject to the jurisdiction of the Tribe.

8 “(3) REPEAL OR AMENDMENT.—An ordinance  
9 adopted by the Tribe and referenced in the govern-  
10 ment-to-government agreement may not be repealed  
11 or amended without the written approval of—

12 “(A) the Tribe; and

13 “(B) the Secretary.

14 “(g) PLANT SPECIES.—

15 “(1) IN GENERAL.—In accordance with a gov-  
16 ernment-to-government agreement between the Tribe  
17 and the Secretary, in a manner consistent with levels  
18 of legal protection in effect on the date of enactment  
19 of this section, the Tribe shall protect, under ordi-  
20 nances adopted by the Tribe, any plant species that  
21 is—

22 “(A) listed as an endangered species or  
23 threatened species under section 4 of the En-  
24 dangered Species Act of 1973 (16 U.S.C.  
25 1533); and

1           “(B) located or found on the NOSR-2  
2           land conveyed to the Tribe.

3           “(2) TRIBAL JURISDICTION.—The protection  
4           described in paragraph (1) shall be performed solely  
5           under tribal jurisdiction

6           “(h) HORSES.—

7           “(1) IN GENERAL.—The Tribe shall manage,  
8           protect, and assert control over any horse not owned  
9           by the Tribe or tribal members that is located or  
10          found on the NOSR-2 land conveyed to the Tribe in  
11          a manner that is consistent with Federal law gov-  
12          erning the management, protection, and control of  
13          horses in effect on the date of enactment of this sec-  
14          tion.

15          “(2) TRIBAL JURISDICTION.—The management,  
16          control, and protection of horses described in para-  
17          graph (1) shall be performed solely—

18                  “(A) under tribal jurisdiction; and

19                  “(B) in accordance with a government-to-  
20                  government agreement between the Tribe and  
21                  the Secretary.

22          “(i) REMEDIAL ACTION AT MOAB SITE.—

23                  “(1) INTERIM REMEDIAL ACTION.—

24                          “(A) PLAN.—Not later than 1 year after  
25                          the date of enactment of this section, the Sec-

1           retary of Energy shall prepare a plan for reme-  
2           dial action, including ground water restoration,  
3           at the uranium milling site near Moab, Utah,  
4           under section 102(a) of the Uranium Mill  
5           Tailings Radiation Control Act of 1978 (42  
6           U.S.C. 7912(a)).

7           “(B) COMMENCEMENT OF REMEDIAL AC-  
8           TION.—The Secretary of Energy shall com-  
9           mence remedial action as soon as practicable  
10          after the preparation of the plan.

11          “(C) TERMINATION OF LICENSE.—The li-  
12          cense for the materials at the site issued by the  
13          Nuclear Regulatory Commission shall terminate  
14          1 year from the date of enactment of this sec-  
15          tion, unless the Secretary of Energy determines  
16          that the license may be terminated earlier.

17          “(D) ACTIVITIES OF THE TRUSTEE OF  
18          THE MOAB RECLAMATION TRUST.— Until the  
19          license referred to in subparagraph (C) termi-  
20          nates, the Trustee of the Moab Reclamation  
21          Trust (referred to in this paragraph as the  
22          ‘Trustee’), subject to the availability of funds  
23          appropriated specifically for a purpose described  
24          in clauses (i) through (iii) or made available by

1 the Trustee from the Moab Reclamation Trust,  
2 may carry out—

3 “(i) interim measures to reduce or  
4 eliminate localized high ammonia con-  
5 centrations identified by the United States  
6 Geological Survey in a report dated March  
7 27, 2000, in the Colorado River;

8 “(ii) activities to dewater the mill  
9 tailings; and

10 “(iii) other activities, subject to the  
11 authority of the Secretary of Energy and  
12 the Nuclear Regulatory Commission.

13 “(E) TITLE; CARETAKING.—Until the date  
14 on which the Moab site is sold under paragraph  
15 (4), the Trustee—

16 “(i) shall maintain title to the site;  
17 and

18 “(ii) shall act as a caretaker of the  
19 property and in that capacity exercise  
20 measures of physical safety consistent with  
21 past practice, until the Secretary of En-  
22 ergy relieves the Trustee of that responsi-  
23 bility.

1           “(2) LIMIT ON EXPENDITURES.—The Secretary  
2 shall limit the amounts expended in carrying out the  
3 remedial action under paragraph (1) to—

4           “(A) amounts specifically appropriated for  
5 the remedial action in an Act of appropriation;  
6 and

7           “(B) other amounts made available for the  
8 remedial action under this subsection.

9           “(3) RETENTION OF ROYALTIES.—

10           “(A) IN GENERAL.—The Secretary of En-  
11 ergy shall retain the amounts received as roy-  
12 ties under subsection (e)(1).

13           “(B) AVAILABILITY.—Amounts referred to  
14 in subparagraph (A) shall be available, without  
15 further Act of appropriation, to carry out the  
16 remedial action under paragraph (1).

17           “(C) EXCESS AMOUNTS.—On completion  
18 of the remedial action under paragraph (1), all  
19 remaining royalty amounts shall be deposited in  
20 the General Fund of the Treasury.

21           “(D) EXCLUSION OF NATIONAL SECURITY  
22 ACTIVITIES FUNDING.—The Secretary shall not  
23 use any funds made available to the Depart-  
24 ment of Energy for national security activities

1 to carry out the remedial action under para-  
2 graph (1).

3 “(E) AUTHORIZATION OF APPROPRIA-  
4 TIONS.—There are authorized to be appro-  
5 priated to the Secretary of Energy to carry out  
6 the remedial action under paragraph (1) such  
7 sums as are necessary.

8 “(4) SALE OF MOAB SITE.—

9 “(A) IN GENERAL.—If the Moab site is  
10 sold after the date on which the Secretary of  
11 Energy completes the remedial action under  
12 paragraph (1), the seller shall pay to the Sec-  
13 retary of Energy, for deposit in the miscella-  
14 neous receipts account of the Treasury, the por-  
15 tion of the sale price that the Secretary deter-  
16 mines resulted from the enhancement of the  
17 value of the Moab site that is attributable to  
18 the completion of the remedial action, as deter-  
19 mined in accordance with subparagraph (B).

20 “(B) DETERMINATION OF ENHANCED  
21 VALUE.—The enhanced value of the Moab site  
22 referred to in subparagraph (A) shall be equal  
23 to the difference between—

24 “(i) the fair market value of the Moab  
25 site on the date of enactment of this sec-

1                   tion, based on information available on  
2                   that date; and

3                   “(ii) the fair market value of the  
4                   Moab site, as appraised on completion of  
5                   the remedial action.”.

6           (c) URANIUM MILL TAILINGS.—Section 102(a) of the  
7 Uranium Mill Tailings Radiation Control Act of 1978 (42  
8 U.S.C. 7912(a)) is amended by inserting after paragraph  
9 (3) the following:

10                   “(4) DESIGNATION AS PROCESSING SITE.—

11                   “(A) IN GENERAL.—Notwithstanding any  
12                   other provision of law, the Moab uranium mill-  
13                   ing site (referred to in this paragraph as the  
14                   ‘Moab Site’) located approximately 3 miles  
15                   northwest of Moab, Utah, and identified in the  
16                   Final Environmental Impact Statement issued  
17                   by the Nuclear Regulatory Commission in  
18                   March 1996, in conjunction with Source Mate-  
19                   rial License No. SUA 917, is designated as a  
20                   processing site.

21                   “(B) APPLICABILITY.—This title applies to  
22                   the Moab Site in the same manner and to the  
23                   same extent as to other processing sites des-  
24                   ignated under this subsection, except that—

1 “(i) sections 103, 107(a), 112(a), and  
2 115(a) of this title shall not apply;

3 “(ii) a reference in this title to the  
4 date of the enactment of this Act shall be  
5 treated as a reference to the date of enact-  
6 ment of this paragraph; and

7 “(iii) the Secretary, subject to the  
8 availability of appropriations and without  
9 regard to section 104(b), shall conduct re-  
10 mediation at the Moab site in a safe and  
11 environmentally sound manner,  
12 including—

13 “(I) ground water restoration;  
14 and

15 “(II) the removal, to at a site in  
16 the State of Utah, for permanent dis-  
17 position and any necessary stabiliza-  
18 tion, of residual radioactive material  
19 and other contaminated material from  
20 the Moab Site and the floodplain of  
21 the Colorado River.”.

22 (d) CONFORMING AMENDMENT.—Section 3406 of the  
23 Strom Thurmond National Defense Authorization Act for  
24 Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–

1 261) is amended by inserting after subsection (e) the fol-  
2 lowing:

3 “(f) OIL SHALE RESERVE NUMBERED 2.—This sec-  
4 tion does not apply to the transfer of Oil Shale Reserve  
5 Numbered 2 under section 3405.”.

6 **TITLE XXXIV—NATIONAL**  
7 **DEFENSE STOCKPILE**

8 **SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.**

9 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-  
10 cal year 2001, the National Defense Stockpile Manager  
11 may obligate up to \$75,000,000 of the funds in the Na-  
12 tional Defense Stockpile Transaction Fund established  
13 under subsection (a) of section 9 of the Strategic and Crit-  
14 ical Materials Stock Piling Act (50 U.S.C. 98h) for the  
15 authorized uses of such funds under subsection (b)(2) of  
16 such section, including the disposal of hazardous materials  
17 that are environmentally sensitive.

18 (b) ADDITIONAL OBLIGATIONS.—The National De-  
19 fense Stockpile Manager may obligate amounts in excess  
20 of the amount specified in subsection (a) if the National  
21 Defense Stockpile Manager notifies Congress that extraor-  
22 dinary or emergency conditions necessitate the additional  
23 obligations. The National Defense Stockpile Manager may  
24 make the additional obligations described in the notifica-

1 tion after the end of the 45-day period beginning on the  
2 date on which Congress receives the notification.

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

6 **SEC. 3402. INCREASED RECEIPTS UNDER PRIOR DISPOSAL**  
7 **AUTHORITY.**

8 Section 3303(a) of the Strom Thurmond National  
9 Defense Authorization Act for Fiscal Year 1999 (Public  
10 Law 105–261; 1112 Stat. 2263; 50 U.S.C. 98d note) is  
11 amended—

12 (1) in paragraph (2), by striking  
13 “\$460,000,000” and inserting “\$409,000,000”;

14 (2) in paragraph (3), by striking  
15 “\$555,000,000” and inserting “\$585,000,000”; and

16 (3) in paragraph (4), by striking  
17 “\$590,000,000” and inserting “\$620,000,000”.

18 **SEC. 3403. DISPOSAL OF TITANIUM.**

19 (a) DISPOSAL REQUIRED.—Subject to subsection (b),  
20 the President shall, by September 30, 2010, dispose of  
21 30,000 short tons of titanium contained in the National  
22 Defense Stockpile so as to result in receipts to the United  
23 States in a total amount that is not less than  
24 \$180,000,000.

1 (b) MINIMIZATION OF DISRUPTION AND LOSS.—The  
2 President may not dispose of titanium under subsection  
3 (a) to the extent that the disposal will result in—

4 (1) undue disruption of the usual markets of  
5 producers, processors, and consumers of titanium; or

6 (2) avoidable loss to the United States.

7 (c) TREATMENT OF RECEIPTS.—Notwithstanding  
8 section 9 of the Strategic and Critical Materials Stock Pil-  
9 ing Act (50 U.S.C. 98h), funds received as a result of the  
10 disposal of titanium under subsection (a) shall be applied  
11 as follows: \$174,000,000 to defray the costs of health care  
12 benefit improvements for retired military personnel; and  
13 \$6,000,000 for transfer to the American Battle Monu-  
14 ments Commission for deposit in the fund established  
15 under section 2113 of title 36, United States Code, for  
16 the World War II memorial authorized by section 1 of  
17 Public Law 103–32 (107 Stat. 90).

18 (d) WORLD WAR II MEMORIAL.—(1) The amount  
19 transferred to the American Battle Monuments Commis-  
20 sion under subsection (c) shall be used to complete all nec-  
21 essary requirements for the design of, ground breaking  
22 for, construction of, maintenance of, and dedication of the  
23 World War II memorial. The Commission shall determine  
24 how the amount shall be apportioned among such pur-  
25 poses.

1       (2) Any funds not necessary for the purposes set  
2 forth in paragraph (1) shall be transferred to and depos-  
3 ited in the general fund of the Treasury.

4       (e) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-  
5 ITY.—The disposal authority provided in subsection (a) is  
6 new disposal authority and is in addition to, and shall not  
7 affect, any other disposal authority provided by law re-  
8 garding materials in the National Defense Stockpile.

9       **TITLE XXXV—ENERGY EMPLOY-**  
10       **EES OCCUPATIONAL ILLNESS**  
11       **COMPENSATION**

12       **SEC. 3501. SHORT TITLE.**

13       This title may be cited as the “Energy Employees  
14 Occupational Illness Compensation Act of 2000”.

15       **SEC. 3502. CONSTRUCTION WITH OTHER LAWS.**

16       References in this title to a provision of another stat-  
17 ute shall be considered as references to such provision, as  
18 amended and as may be amended from time to time.

19       **SEC. 3503. DEFINITIONS.**

20       (a) IN GENERAL.—In this title:

21               (1) ATOMIC WEAPON.—The term “atomic weap-  
22               on” has the meaning given that term in section 11d.  
23               of the Atomic Energy Act of 1954 (42 U.S.C.  
24               2014(d)).

1           (2) **ATOMIC WEAPONS EMPLOYEE.**—The term  
2           “atomic weapons employee” means an individual em-  
3           ployed by an atomic weapons employer during a time  
4           when the employer was processing or producing, for  
5           the use by the United States, material that emitted  
6           radiation and was used in the production of an  
7           atomic weapon, excluding uranium mining and mill-  
8           ing.

9           (3) **ATOMIC WEAPONS EMPLOYER.**—The term  
10          “atomic weapons employer” means an entity that—

11                 (A) processed or produced, for the use by  
12                 the United States, material that emitted radi-  
13                 ation and was used in the production of an  
14                 atomic weapon, excluding uranium mining and  
15                 milling; and

16                 (B) is designated as an atomic weapons  
17                 employer for purposes of this title by the Sec-  
18                 retary of Energy.

19          (4) **ATOMIC WEAPONS EMPLOYER FACILITY.**—  
20          The term “atomic weapons employer facility” means  
21          a facility, owned by an atomic weapons employer,  
22          that is or was used to process or produce, for use  
23          by the United States, material that emitted radi-  
24          ation and was used in the production of an atomic  
25          weapon, excluding uranium mining or milling.

1           (5) BERYLLIUM VENDOR.—The term “beryl-  
2           lium vendor” means the following:

3                   (A) Atomics International.

4                   (B) Brush Wellman, Incorporated, and its  
5           predecessor, Brush Beryllium Company.

6                   (C) General Atomics.

7                   (D) General Electric Company.

8                   (E) NGK Metals Corporation and its pred-  
9           ecessors, Kawecki-Berylco, Cabot Corporation,  
10           BerylCo, and Beryllium Corporation of Amer-  
11           ica.

12                   (F) Nuclear Materials and Equipment Cor-  
13           poration.

14                   (G) StarMet Corporation, and its prede-  
15           cessor, Nuclear Metals, Incorporated.

16                   (H) Wyman Gordan, Incorporated.

17                   (I) Any other vendor, processor, or pro-  
18           ducer of beryllium or related products des-  
19           ignated as a beryllium vendor for purposes of  
20           this title under section 3504(a).

21           (6) CHRONIC SILICOSIS.—The term “chronic  
22           silicosis” means silicosis if—

23                   (A) at least 10 years elapse between initial  
24           exposure to silica and the emergence of the sili-  
25           cosis; and

1 (B) the silicosis is established by one of the  
2 following:

3 (i) A chest x-ray presenting any com-  
4 bination of rounded opacities of type  
5 p/q/r, with or without irregular opacities,  
6 present in at least both upper lung zones  
7 and of profusion 1/0 or greater, as found  
8 in accordance with the International Labor  
9 Organization classification system.

10 (ii) A physician's provisional or work-  
11 ing diagnosis of silicosis, combined with—

12 (I) a chest radiograph interpreted  
13 as consistent with silicosis; or

14 (II) pathologic findings con-  
15 sistent with silicosis.

16 (iii) A history of occupational expo-  
17 sure to airborne silica dust and a chest  
18 radiograph or other imaging technique in-  
19 terpreted as consistent with silicosis or  
20 pathologic findings consistent with silicosis.

21 (7) COMPENSATION.—The term “compensa-  
22 tion” means the money allowance payable under this  
23 title and any other benefits paid for from the Fund  
24 including the alternative compensation payable pur-  
25 suant to section 3515.

1           (8) COVERED BERYLLIUM EMPLOYEE.—The  
2 term “covered beryllium employee” means the fol-  
3 lowing:

4           (A) A current or former employee (as that  
5 term is defined in section 8101(1) of title 5,  
6 United States Code) who may have been ex-  
7 posed to beryllium at a Department of Energy  
8 facility or at a facility owned, operated, or occu-  
9 pied by a beryllium vendor.

10           (B) A current or former employee of any  
11 entity that contracted with the Department of  
12 Energy to provide management and operation,  
13 management and integration, or environmental  
14 remediation of a Department of Energy facility  
15 or an employee of any contractor or subcon-  
16 tractor that provided services, including con-  
17 struction and maintenance, at such a facility.

18           (C) A current or former employee of a be-  
19 ryllium vendor, or a contractor or subcontractor  
20 of a beryllium vendor, during a period when the  
21 vendor was engaged in activities related to the  
22 production or processing of beryllium for sale  
23 to, or use by, the Department of Energy.

1           (9) COVERED BERYLLIUM ILLNESS.—The term  
2           “covered beryllium illness” means any condition as  
3           follows:

4                   (A) Beryllium sensitivity as established  
5                   by—

6                           (i) an abnormal beryllium lymphocyte  
7                           proliferation test performed on either blood  
8                           or lung lavage cells; or

9                           (ii) other means specified under sec-  
10                          tion 3504(b).

11                   (B) Chronic beryllium disease as estab-  
12                   lished by the following:

13                           (i) For diagnoses on or after January  
14                          1, 1993—

15                                   (I) beryllium sensitivity, as estab-  
16                                   lished in accordance with subpara-  
17                                   graph (A); and

18                                   (II) lung pathology consistent  
19                                   with chronic beryllium disease,  
20                                   including—

21                                           (aa) a lung biopsy showing  
22                                           granulomas or a lymphocytic  
23                                           process consistent with chronic  
24                                           beryllium disease;

1 (bb) a computerized axial to-  
2 tomography scan showing changes  
3 consistent with chronic beryllium  
4 disease; or

5 (cc) pulmonary function or  
6 exercise testing showing pul-  
7 monary deficits consistent with  
8 chronic beryllium disease.

9 (ii) For diagnoses before January 1,  
10 1993, the presence of four of the criteria  
11 set forth in subclauses (I) through (VI),  
12 including the criteria set forth in subclause  
13 (I) and any three of the criteria set forth  
14 in subclauses (II) through (VI):

15 (I) Occupational or environ-  
16 mental history, or epidemiologic evi-  
17 dence of beryllium exposure.

18 (II) Characteristic chest radio-  
19 graphic (or computed tomography  
20 (CT) abnormalities.

21 (III) Restrictive or obstructive  
22 lung physiology testing or diffusing  
23 lung capacity defect.

24 (IV) Lung pathology consistent  
25 with chronic beryllium disease.

1 (V) Clinical course consistent  
2 with a chronic respiratory disorder.

3 (VI) Immunologic tests showing  
4 beryllium sensitivity (skin patch test  
5 or beryllium blood test preferred).

6 (iii) Other means specified under sec-  
7 tion 3504(b).

8 (C) Any injury, illness, impairment, or disability  
9 sustained as a consequence of a covered beryllium  
10 illness referred to in subparagraph (A) or (B).

11 (10) COVERED EMPLOYEE.—The term “covered  
12 employee” means a covered beryllium employee, a  
13 covered employee with cancer, or a covered employee  
14 with chronic silicosis.

15 (11) COVERED EMPLOYEE WITH CANCER.—The  
16 term “covered employee with cancer” means the fol-  
17 lowing:

18 (A) An individual who meets the criteria in  
19 section 3511(e)(1).

20 (B) A member of the Special Exposure Co-  
21 hort.

22 (12) COVERED EMPLOYEE WITH CHRONIC SILI-  
23 COSIS.—The term “covered employee with chronic  
24 silicosis” means a—

25 (A) Department of Energy employee; or

1                   (B) Department of Energy contractor em-  
2                   ployee;  
3                   with chronic silicosis who was exposed to silica in  
4                   the performance of duty as determined in section  
5                   3511(b).

6                   (13) DEPARTMENT OF ENERGY.—The term  
7                   “Department of Energy” includes the predecessor  
8                   agencies of the Department of Energy, including the  
9                   Manhattan Engineering District.

10                  (14) DEPARTMENT OF ENERGY CONTRACTOR  
11                  EMPLOYEE.—The term “Department of Energy con-  
12                  tractor employee” means the following:

13                         (A) An individual who is or was in resi-  
14                         dence at a Department of Energy facility as a  
15                         researcher for a period of at least 24 cumu-  
16                         lative months.

17                         (B) An individual who is or was employed,  
18                         at a Department of Energy facility by—

19                                 (i) an entity that contracted with the  
20                                 Department of Energy to provide manage-  
21                                 ment and operating, management and inte-  
22                                 gration, or environmental remediation at  
23                                 the facility; or

1                   (ii) a contractor or subcontractor that  
2                   provided services, including construction  
3                   and maintenance, at the facility.

4                   (15) DEPARTMENT OF ENERGY FACILITY.—The  
5                   term “Department of Energy facility” means any  
6                   building, structure, or premise, including the  
7                   grounds upon which such building, structure, or  
8                   premise is located—

9                   (A) in which operations are, or have been,  
10                  conducted by, or on behalf of, the Department  
11                  of Energy (except for buildings, structures,  
12                  premises, grounds, or operations covered by Ex-  
13                  ecutive Order 12344, pertaining to the Naval  
14                  Nuclear Propulsion Program); and

15                  (B) with regard to which the Department  
16                  of Energy has or had—

17                         (i) a proprietary interest; or

18                         (ii) entered into a contract with an  
19                         entity to provide management and oper-  
20                         ation, management and integration, envi-  
21                         ronmental remediation services, construc-  
22                         tion, or maintenance services.

23                   (16) FUND.—The term “Fund” means the En-  
24                   ergy Employees’ Occupational Illness Compensation  
25                   Fund under section 3542 of this title.

1           (17) MONTHLY PAY.—The term “monthly pay”  
2 means the monthly pay at the time of injury, or the  
3 monthly pay at the time disability begins, or the  
4 monthly pay at the time the compensable disability  
5 recurs, if the recurrence begins more than 6 months  
6 after the employee resumes regular full-time employ-  
7 ment, whichever is greater, except when otherwise  
8 determined under section 8113 of title 5, United  
9 States Code.

10           (18) RADIATION.—The term “radiation” means  
11 ionizing radiation in the form of—

12                   (A) alpha particles;

13                   (B) beta particles;

14                   (C) neutrons;

15                   (D) gamma rays; or

16                   (E) accelerated ions or subatomic particles  
17 from accelerator machines.

18           (19) SECRETARY OF HEALTH AND HUMAN  
19 SERVICES.—The term “Secretary of Health and  
20 Human Services” means the Secretary of Health  
21 and Human Services with the assistance of the Di-  
22 rector of the National Institute for Occupational  
23 Safety and Health.

24           (20) SPECIAL EXPOSURE COHORT.—The term  
25 “Special Exposure Cohort” means the following

1 groups of Department of Energy employees, Depart-  
2 ment of Energy contractor employees, and atomic  
3 weapons employees:

4 (A) Individuals who—

5 (i) were employed during the period  
6 prior to February 1, 1992—

7 (I) at the gaseous diffusion  
8 plants located in—

9 (aa) Paducah, Kentucky;

10 (bb) Portsmouth, Ohio; or

11 (cc) Oak Ridge, Tennessee;

12 and

13 (II) by—

14 (aa) the Department of En-  
15 ergy;

16 (bb) a Department of En-  
17 ergy contractor or subcontractor;

18 or

19 (cc) an atomic weapons em-  
20 ployer; and

21 (ii) during employment covered by  
22 clause (i)—

23 (I) were monitored through the  
24 use of dosimetry badges for exposure

1 at the plant of the external parts of  
2 the employee's body to radiation; or

3 (II) worked in a job that had ex-  
4 posures comparable to a job that is or  
5 was monitored through the use of do-  
6 simetry badges.

7 (B) Individuals who were employed by the  
8 Department of Energy or a Department of En-  
9 ergy contractor or subcontractor on Amchitka  
10 Island, Alaska, prior to January 1, 1974, and  
11 who were exposed to ionizing radiation in the  
12 performance of duty related to the Long Shot,  
13 Milrow, or Cannikin underground nuclear tests.

14 (C) Individuals designated as part of the  
15 Special Exposure Cohort by the Secretary of  
16 Health and Human Services, in accordance  
17 with section 3513.

18 (21) SPECIFIED CANCER.—The term “specified  
19 cancer” means the following:

20 (A) Leukemia (other than chronic  
21 lymphocytic leukemia).

22 (B) Multiple myeloma.

23 (C) Non-Hodgkins Lymphoma.

24 (D) Cancer of the—

25 (i) bladder;

- 1 (ii) bone;
- 2 (iii) brain;
- 3 (iv) breast (male or female);
- 4 (v) cervix;
- 5 (vi) digestive system (including esoph-
- 6 agus, stomach, small intestine, bile ducts,
- 7 colon, rectum, or other digestive organs);
- 8 (vii) gallbladder;
- 9 (viii) kidney;
- 10 (ix) larynx, pharynx, or other res-
- 11 piratory organs;
- 12 (x) liver;
- 13 (xi) lung;
- 14 (xii) male genitalia;
- 15 (xiii) nasal organs;
- 16 (xiv) nervous system;
- 17 (xv) ovary;
- 18 (xvi) pancreas;
- 19 (xvii) prostate;
- 20 (xviii) salivary gland (parotid or non-
- 21 parotid);
- 22 (xix) thyroid;
- 23 (xx) ureter;
- 24 (xxi) urinary tract or other urinary
- 25 organs; or

1 (xxii) uterus.

2 (22) SURVIVOR.—The term “survivor” means  
3 any individual or individuals eligible to receive com-  
4 pensation pursuant to section 8133 of title 5, United  
5 States Code.

6 (23) TIME OF INJURY.—The term “time of in-  
7 jury” means—

8 (A) in regard to a claim arising out of ex-  
9 posure to beryllium, the last date on which a  
10 covered employee was exposed to beryllium in  
11 the performance of duty in accordance with sec-  
12 tion 3511(a);

13 (B) in regard to a claim arising out of  
14 chronic silicosis, the last date on which a cov-  
15 ered employee was exposed to silica in the per-  
16 formance of duty in accordance with section  
17 3511(b); and

18 (C) in regard to a claim arising out of ex-  
19 posure to radiation, the last date on which a  
20 covered employee was exposed to radiation in  
21 the performance of duty in accordance with sec-  
22 tion 3511(c)(1) or, in the case of a member of  
23 the Special Exposure Cohort, the last date on  
24 which the member of the Special Exposure Co-  
25 hort was employed at the Department of En-

1           ergy facility at which the member was exposed  
2           to radiation.

3           (b) TERMS USED IN ADMINISTRATION.—

4           (1) IN GENERAL.—The following terms have  
5           the meaning given those terms in section 8101 of  
6           title 5, United States Code—

7                   (A) “physician”;

8                   (B) “medical, surgical, and hospital serv-  
9           ices and supplies”;

10                  (C) “injury”;

11                  (D) “widow”;

12                  (E) “parent”;

13                  (F) “brother”;

14                  (G) “sister”;

15                  (H) “child”;

16                  (I) “grandchild”;

17                  (J) “widower”;

18                  (K) “student”;

19                  (L) “price index”;

20                  (M) “organ”; and

21                  (N) “United States medical officers and  
22           hospitals”.

23           (2) EMPLOYEE.—In applying any provision of  
24           chapter 81 of title 5, United States Code (except

1 section 8101), under this title, the term “employee”  
2 in such provision shall mean a covered employee.

3 (3) EMPLOYEES’ COMPENSATION FUND.—In  
4 applying any provision of chapter 81 of title 5,  
5 United States Code, under this title, the term “Em-  
6 ployees’ Compensation Fund” in such provision shall  
7 mean the Fund.

8 **SEC. 3504. EXPANSION OF LIST OF BERYLLIUM VENDORS**  
9 **AND MEANS OF ESTABLISHING COVERED BE-**  
10 **RYLLIUM ILLNESSES.**

11 (a) BERYLLIUM VENDORS.—The Secretary of En-  
12 ergy may from time to time, and in consultation with the  
13 Secretary of Labor, designate as a beryllium vendor for  
14 purposes of section 3503(a)(5) any vendor, processor, or  
15 producer of beryllium or related products not previously  
16 listed under or designated for purposes of that section if  
17 the Secretary of Energy finds that such vendor, processor,  
18 or producer has been engaged in activities related to the  
19 production or processing of beryllium for sale to, or use  
20 by, the Department of Energy in a manner similar to the  
21 entities listed in that section.

22 (b) MEANS OF ESTABLISHING COVERED BERYLLIUM  
23 ILLNESSES.—The Secretary of Health and Human Serv-  
24 ices may from time to time, and in consultation with the  
25 Secretary of Energy, specify means of establishing the ex-

1 istence of a covered beryllium illness referred to in sub-  
2 paragraph (A) or (B) of section 3503(a)(9) not previously  
3 listed under or specified for purposes of such subpara-  
4 graph.

5       **Subtitle A—Beryllium, Silicosis,**  
6       **and Radiation Compensation**

7       **SEC. 3511. EXPOSURE TO HAZARDS IN THE PERFORMANCE**  
8       **OF DUTY.**

9       (a) BERYLLIUM.—In the absence of substantial evi-  
10 dence to the contrary, a covered beryllium employee shall  
11 be determined to have been exposed to beryllium in the  
12 performance of duty for the purposes of this title if, and  
13 only if, the covered beryllium employee was—

14           (1) employed at a Department of Energy facil-  
15           ity; or

16           (2) present at a Department of Energy facility,  
17           or a facility owned and operated by a beryllium ven-  
18           dor, because of employment by the United States, a  
19           beryllium vendor, or a contractor or subcontractor of  
20           the Department of Energy;

21 during a period when beryllium dust, particles, or vapor  
22 may have been present at such facility.

23       (b) CHRONIC SILICOSIS.—In the absence of substan-  
24 tial evidence to the contrary, a covered employee with  
25 chronic silicosis shall be determined to have been exposed

1 to silica in the performance of duty for the purposes of  
2 this title if, and only if, the covered employee with chronic  
3 silicosis was present during the mining of tunnels at a De-  
4 partment of Energy facility for tests or experiments re-  
5 lated to an atomic weapon.

6 (c) CANCER.—

7 (1) IN GENERAL.—A Department of Energy  
8 employee, Department of Energy contractor em-  
9 ployee, or an atomic weapons employee shall be de-  
10 termined to have sustained a cancer in the perform-  
11 ance of duty if, and only if, such employee—

12 (A) contracted cancer after beginning em-  
13 ployment at a Department of Energy facility  
14 for a Department of Energy contractor or an  
15 atomic weapons employer facility for an atomic  
16 weapons employer; and

17 (B) falls within guidelines that—

18 (i) are established by the Secretary of  
19 Health and Human Services by regulation,  
20 after consultation with the Secretary of  
21 Energy and after technical review by the  
22 Advisory Board under section 3512, for de-  
23 termining whether the cancer the employee  
24 contracted was at least as likely as not re-  
25 lated to employment at the facility;

1           (ii) are based on the radiation dose  
2           received by the employee (or a group of  
3           employees performing similar work) at the  
4           facility and the upper 99 percent con-  
5           fidence interval of the probability of causa-  
6           tion in the radioepidemiological tables pub-  
7           lished under section 7(b) of the Orphan  
8           Drug Act (42 U.S.C. 241 note), as such  
9           tables may be updated under section  
10          7(b)(3) of such Act from time to time;

11          (iii) incorporate the methods estab-  
12          lished under subsection (d); and

13          (iv) take into consideration the type of  
14          cancer; past health-related activities, such  
15          as smoking; information on the risk of de-  
16          veloping a radiation-related cancer from  
17          workplace exposure; and other relevant fac-  
18          tors.

19          (2) SPECIAL EXPOSURE COHORT.—A member  
20          of the Special Exposure Cohort shall be determined  
21          to have sustained a cancer in the performance of  
22          duty if, and only if, such individual contracted a  
23          specified cancer after beginning employment at a  
24          Department of Energy facility for a Department of

1 Energy contractor or an atomic weapons employer  
2 facility for an atomic weapons employer.

3 (d) RADIATION DOSE.—

4 (1) IN GENERAL.—The Secretary of Health and  
5 Human Services, after consultation with the Sec-  
6 retary of Energy, shall—

7 (A) establish by regulation methods for ar-  
8 riving at reasonable estimates of the radiation  
9 doses Department of Energy employees or De-  
10 partment of Energy contractor employees re-  
11 ceived at a Department of Energy facility and  
12 atomic weapons employees received at a facility  
13 operated by an atomic weapons employer if  
14 such employees were not monitored for expo-  
15 sure to radiation at the facility, or were mon-  
16 itored inadequately, or if the employees' expo-  
17 sure records are missing or incomplete; and

18 (B) provide to an employee who meets the  
19 requirements of subsection (c)(1)(B) an esti-  
20 mate of the radiation dose the employee re-  
21 ceived based on dosimetry reading, a method es-  
22 tablished under subparagraph (A), or a com-  
23 bination of both.

24 (2) SCIENTIFIC REVIEW.—The Secretary of  
25 Health and Human Services shall establish an inde-



1 and other organizations with expertise on worker  
2 health issues to ensure that the membership of the  
3 Board reflects a balance of scientific, medical, and  
4 worker perspectives.

5 (3) CHAIR.—The Secretary of Health and  
6 Human Services shall designate a Chair for the  
7 Board from among its members.

8 (b) DUTIES.—The Board shall advise the Secretary  
9 of Health and Human Services, Secretary of Energy, and  
10 Secretary of Labor on—

11 (1) the development of guidelines to be used by  
12 the Secretary of Health and Human Services under  
13 section 3511;

14 (2) the scientific validity and quality of dose es-  
15 timation and reconstruction efforts being performed  
16 to implement compensation programs under this  
17 subtitle; and

18 (3) other matters related to radiation and work-  
19 er health in Department of Energy facilities as the  
20 Secretary of Labor, the Secretary of Energy, or the  
21 Secretary of Health and Human Services may re-  
22 quest.

23 (c) STAFF.—

24 (1) IN GENERAL.—The Secretary of Health and  
25 Human Services shall appoint a staff to facilitate

1 the work of the Board, headed by a Director ap-  
2 pointed under subchapter VIII of chapter 33 of title  
3 5, United States Code.

4 (2) DETAILS.—The Secretary of Health and  
5 Human Services may accept for staff of the Board  
6 personnel on detail from other Federal agencies to  
7 serve on the staff on a nonreimbursable basis.

8 (d) EXPENSES.—Members of the Board, other than  
9 full-time employees of the Federal Government, while at-  
10 tending meetings of the Board or while otherwise serving  
11 at the request of the Secretary of Health and Human  
12 Services while serving away from their homes or regular  
13 places of business, may be allowed travel and meal ex-  
14 penses, including per diem in lieu of subsistence, as au-  
15 thorized by section 5703 of title 5, United States Code,  
16 for individuals in the Government serving without pay.

17 (e) APPLICABILITY OF FACCA.—The Advisory Board  
18 shall be subject to the Federal Advisory Committee Act  
19 (5 U.S.C. App.).

20 **SEC. 3513. DESIGNATION OF ADDITIONAL MEMBERS OF**  
21 **THE SPECIAL EXPOSURE COHORT.**

22 (a) ADVICE ON MEMBERSHIP IN COHORT.—

23 (1) IN GENERAL.—Upon request of the Sec-  
24 retary of Health and Human Services, the Advisory  
25 Board on Radiation and Worker Health under sec-

1       tion 3512, based on exposure assessments by radi-  
2       ation health professionals, information provided by  
3       the Department of Energy, and other information  
4       deemed appropriate by the Board, shall advise the  
5       Secretary of Health and Human Services whether  
6       there is a class of employees at a Department of En-  
7       ergy facility who likely were exposed to radiation at  
8       the facility but for whom it is not feasible to esti-  
9       mate with sufficient accuracy the radiation dose they  
10      received.

11           (2) PROCEDURES.—The Secretary of Health  
12      and Human Services shall establish procedures for  
13      considering petitions by classes of employees to re-  
14      quest the advice of the Board.

15           (b) TREATMENT AS MEMBERS OF COHORT.—A class  
16      of employees at a Department of Energy facility shall be  
17      considered as members of the Special Exposure Cohort for  
18      purposes of section 3503(a)(20) if the Secretary of Health  
19      and Human Services, upon recommendation of the Advi-  
20      sory Board on Radiation and Worker Health and in con-  
21      sultation with the Secretary of Energy, determines that—

22           (1) it is not feasible to estimate with sufficient  
23      accuracy the radiation dose which the class received;  
24      and

1           (2) there is a reasonable likelihood that the ra-  
2           diation dose may have endangered the health of  
3           members of the class.

4           (c) ACCESS TO INFORMATION.—The Secretary of En-  
5           ergy shall, in accordance with law, provide the Secretary  
6           of Health and Human Services and the members and staff  
7           of the Advisory Board under section 3512 access to rel-  
8           evant information on worker exposures, including access  
9           to Restricted Data (as that term is defined in section 11y.  
10          of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

11   **SEC. 3514. AUTHORITY TO PROVIDE COMPENSATION AND**  
12                                   **OTHER ASSISTANCE.**

13          (a) COMPENSATION.—Subject to the provisions of  
14          this title, the Secretary of Labor—

15               (1) shall pay compensation in accordance with  
16               sections 8105 through 8110, 8111(a), 8112, 8113,  
17               8115, 8117, 8133, 8134, 8146a(a), and 8146a(b) of  
18               title 5, United States Code, for the disability or  
19               death—

20                       (A) from a covered beryllium illness of a  
21                       covered beryllium employee who was exposed to  
22                       beryllium while in the performance of duty as  
23                       determined in accordance with section 3511(a)  
24                       of this title;

1 (B) from chronic silicosis of a covered em-  
2 ployee with chronic silicosis who was exposed to  
3 silica in the performance of duty as determined  
4 in accordance with section 3511(b) of this title;  
5 or

6 (C) from cancer of a covered employee  
7 with cancer determined to have sustained that  
8 cancer in the performance of duty in accordance  
9 with section 3511(c) of this title or from any  
10 injury suffered as a consequence of that cancer;

11 (2) shall furnish the services and other benefits  
12 specified in section 8103 of title 5, United States  
13 Code, to—

14 (A) a covered beryllium employee with a  
15 covered beryllium illness who was exposed to be-  
16 ryllium in the performance of duty as deter-  
17 mined in accordance with section 3511(a) of  
18 this title;

19 (B) a covered employee with chronic sili-  
20 cosis who was exposed to silica in the perform-  
21 ance of duty as determined in accordance with  
22 section 3511(b) of this title; or

23 (C) a covered employee with cancer deter-  
24 mined to have sustained that cancer in the per-  
25 formance of duty in accordance with section

1           3511(c) of this title or to have suffered any in-  
2           jury as a consequence of that cancer; and

3           (3) may direct a permanently disabled indi-  
4           vidual whose disability is compensable under this  
5           subtitle to undergo vocational rehabilitation and  
6           shall provide for furnishing such vocational rehabili-  
7           tation services pursuant to the provisions of sections  
8           8104, 8111(b), and 8113(b) of title 5, United States  
9           Code.

10          (b) LIMITATIONS ON COMPENSATION.—

11           (1) EMPLOYEE MISCONDUCT.—No compensa-  
12           tion or benefits may be paid or provided under this  
13           title for a cancer (including a specified cancer),  
14           chronic silicosis, covered beryllium illness, or death  
15           if the cancer (including a specified cancer), chronic  
16           silicosis, covered beryllium illness, or death occurred  
17           under one of the circumstances set forth in para-  
18           graph (1), (2), or (3) of section 8102(a) of title 5,  
19           United States Code.

20           (2) RETROACTIVE BENEFITS.—No compensa-  
21           tion may be paid under this section for any period  
22           before the date of enactment of this title, except in  
23           the case of compensation under section 3515.

24           (3) SOURCE.—All compensation under this sub-  
25           title shall be paid from the Fund.

## 1 (c) COMPUTATION OF PAY.—

2 (1) IN GENERAL.—Except as otherwise pro-  
3 vided by this title or by regulation, computation of  
4 pay under this title shall be determined in accord-  
5 ance with section 8114 of title 5, United States  
6 Code.

7 (2) SUBSTITUTE RULE FOR SECTION  
8 8114(d)(3).—If either of the methods of determining  
9 the average annual earnings specified in section  
10 8114(d) (1) and (2) of title 5, United States Code,  
11 cannot be applied reasonably and fairly, the average  
12 annual earnings are a sum that reasonably rep-  
13 represents the annual earning capacity of the covered  
14 employee in the employment in which the employee  
15 was working at the time of injury having regard to  
16 the previous earnings of the employee in similar em-  
17 ployment, and of other employees of the same em-  
18 ployer in the same or most similar class working in  
19 the same or most similar employment in the same or  
20 neighboring location, other previous employment of  
21 the employee, or other relevant factors. However, the  
22 average annual earnings may not be less than 150  
23 times the average daily wage the covered employee  
24 earned in the employment during the days employed

1 within 1 year immediately preceding the time of in-  
2 jury.

3 (d) ASSISTANCE FOR CLAIMANTS.—The Secretary of  
4 Labor shall, upon the receipt of a request for assistance  
5 from a claimant for compensation under this section, pro-  
6 vide assistance to the claimant in connection with the  
7 claim, including—

8 (1) assistance in securing medical testing and  
9 diagnostic services necessary to establish the exist-  
10 ence of a covered beryllium illness or cancer; and

11 (2) such other assistance as may be required to  
12 develop facts pertinent to the claim.

13 (e) ASSISTANCE FOR POTENTIAL CLAIMANTS.—The  
14 Secretary of Energy, in consultation with the Secretary  
15 of Labor, shall take appropriate actions to inform and as-  
16 sist covered employees who are potential claimants under  
17 this subtitle, and other potential claimants under this sub-  
18 title, of the availability of compensation under this sub-  
19 title, including actions to—

20 (1) ensure the ready availability, in paper and  
21 electronic format, of forms necessary for making  
22 claims;

23 (2) provide such covered employees and other  
24 potential claimants with information and other sup-  
25 port necessary for making claims, including—

1 (A) medical protocols for medical testing  
2 and diagnosis to establish the existence of a  
3 covered beryllium illness, silicosis, or cancer;  
4 and

5 (B) lists of vendors approved for providing  
6 laboratory services related to such medical test-  
7 ing and diagnosis;

8 (3) provide such additional assistance to such  
9 covered employees and other potential claimants as  
10 may be required for the development of facts perti-  
11 nent to a claim.

12 (f) INFORMATION FROM BERYLLIUM VENDORS AND  
13 OTHER CONTRACTORS.—As part of the assistance pro-  
14 gram provided under subsections (d) and (e), and as per-  
15 mitted by law, the Secretary of Energy shall, upon the  
16 request of the Secretary of Labor, require a beryllium ven-  
17 dor or other Department of Energy contractor or subcon-  
18 tractor to provide information relevant to a claim or poten-  
19 tial claim under this title to the Secretary of Labor.

20 **SEC. 3515. ALTERNATIVE COMPENSATION.**

21 (a) IN GENERAL.—Subject to the provisions of this  
22 section, a covered employee eligible for benefits under sec-  
23 tion 3514(a), or the survivor of such covered employee if  
24 the employee is deceased, may elect to receive compensa-

1 tion in the amount of \$200,000 in lieu of any other com-  
2 pensation under section 3514(a)(1).

3 (b) DEATH BEFORE ELECTION.—

4 (1) IN GENERAL.—Subject to the provisions of  
5 this section, if a covered employee otherwise eligible  
6 to make an election provided by this section dies be-  
7 fore the date of enactment of this title, or before  
8 making the election, whether or not the death is a  
9 result of a cancer (including a specified cancer),  
10 chronic silicosis, or covered beryllium illness, a sur-  
11 vivor of the covered employee on behalf of the sur-  
12 vivor and any other survivors of the covered em-  
13 ployee may make the election and receive the com-  
14 pensation provided for under this section.

15 (2) PRECEDENCE OF SURVIVORS.—The right to  
16 make an election and to receive compensation under  
17 this section shall be afforded to survivors in the  
18 order of precedence set forth in section 8109 of title  
19 5, United States Code.

20 (c) TIME LIMIT FOR ELECTION.—An election under  
21 this section may be made at any time after the submittal  
22 under this subtitle of the claim on which such compensa-  
23 tion is based, but not later than 30 days after the latter  
24 of the date of—

1           (1) a determination by the Secretary of Labor  
2           that an employee is eligible for an award under this  
3           section; or

4           (2) a determination by the Secretary of Labor  
5           under section 3214 awarding an employee or an em-  
6           ployee's survivors compensation for total or partial  
7           disability or compensation in case of death.

8           (d) IRREVOCABILITY OF ELECTION.—

9           (1) IN GENERAL.—An election under this sec-  
10          tion when made is irrevocable.

11          (2) BINDING EFFECT.—An election made by a  
12          covered employee or survivor under this section is  
13          binding on all survivors of the covered employee.

14   **SEC. 3516. SUBMITTAL OF CLAIMS.**

15          (a) CLAIM REQUIRED.—A claim for compensation  
16          under this subtitle shall be submitted to the Secretary of  
17          Labor in the manner specified in section 8121 of title 5,  
18          United States Code.

19          (b) GENERAL TIME LIMITATIONS.—A claim for com-  
20          pensation under this subtitle shall be filed under this sec-  
21          tion not later than the later of—

22               (1) seven years after the date of enactment of  
23               this title;

24               (2) seven years after the date the claimant first  
25               becomes aware that a cancer (including a specified

1 cancer), chronic silicosis, covered beryllium illness,  
2 or death from any of the foregoing of a covered em-  
3 ployee may be connected to the exposure of the cov-  
4 ered employee to beryllium, radiation, or silica in the  
5 performance of duty.

6 (c) NEW PERIOD FOR ADDITIONAL ILLNESSES AND  
7 CONDITIONS.—A new period of limitation under sub-  
8 section (b)(2) shall commence with each new diagnosis of  
9 a cancer (including a specified cancer), chronic silicosis,  
10 or covered beryllium illness that is different from a pre-  
11 viously diagnosed cancer (including a specified cancer),  
12 chronic silicosis, or covered beryllium illness.

13 (d) DEATH CLAIM.—The timely filing of a disability  
14 claim for a cancer (including a specified cancer), chronic  
15 silicosis, or covered beryllium illness shall satisfy the time  
16 requirements of this section for death benefits for the  
17 same cancer (including a specified cancer), chronic sili-  
18 cosis, or covered beryllium illness.

19 **SEC. 3517. ADJUDICATION AND ADMINISTRATION.**

20 (a) IN GENERAL.—

21 (1) REQUIREMENT.—The Secretary of Labor  
22 shall determine and make a finding of fact and  
23 make an award for or against payment of compensa-  
24 tion under this subtitle after—

1 (A) considering the claim presented by the  
2 claimant, the results of any medical test or di-  
3 agnosis undertaken to establish the existence of  
4 a cancer (including a specified cancer), chronic  
5 silicosis, or covered beryllium illness, and any  
6 report furnished by the Secretary of Energy  
7 with respect to the claim; and

8 (B) completing such investigation as the  
9 Secretary of Labor considers necessary.

10 (2) SCOPE OF ALLOWANCE AND DENIAL.—The  
11 Secretary may allow or deny a claim, in whole or in  
12 part.

13 (b) AVAILABLE AUTHORITIES.—

14 (1) IN GENERAL.—Except as provided in para-  
15 graph (2), in carrying out activities under subsection  
16 (c), the Secretary of Labor may utilize the authori-  
17 ties available to the Secretary under sections 8123,  
18 8124(b), 8125, 8126, 8128(a), and 8129 of title 5,  
19 United States Code.

20 (2) DISAGREEMENT.—If there is a disagree-  
21 ment under section 8123(a) of title 5, United States  
22 Code, between the physician making the examination  
23 for the United States and the physician of the em-  
24 ployee, the Secretary of Labor shall appoint a third  
25 physician from a roster of physicians with relevant

1 expertise maintained by the Secretary of Health and  
2 Human Services.

3 (c) RIGHTS OF CLAIMANT.—

4 (1) IN GENERAL.—Except as provided by para-  
5 graph (2), the provisions of section 8127 of title 5,  
6 United States Code, shall apply.

7 (2) SUITS TO COMPEL INFORMATION.—A claim-  
8 ant may commence an action in the appropriate dis-  
9 trict court of the United States against a beryllium  
10 vendor, or other contractor or subcontractor of the  
11 Department of Energy, to compel the production of  
12 information or documents requested by the Sec-  
13 retary of Labor under this subtitle if such informa-  
14 tion or documents are not provided within 180 days  
15 of the date of the request. Upon successful resolu-  
16 tion of any action brought under this paragraph, the  
17 court shall award the claimant reasonable attorney  
18 fees and costs to be paid by the defendant in such  
19 action.

20 (d) DEADLINES.—Beginning on the date that is two  
21 years after the date of enactment of this title, the Sec-  
22 retary of Labor shall allow or deny a claim under this sec-  
23 tion not later than the later of—

24 (1) 180 days after the date of submittal of the  
25 claim to the Secretary under section 3516; or

1           (2) 120 days after the date of receipt of infor-  
2           mation or documents produced under subsection  
3           (c)(2).

4           (e) RESOLUTION OF REASONABLE DOUBT.—Except  
5           as provided in subsection (b)(2), in determining whether  
6           a claimant meets the requirements of this subtitle, the  
7           Secretary of Labor shall find in favor of the claimant in  
8           circumstances where the evidence supporting the claim of  
9           the claimant and the evidence controverting the claim of  
10          the claimant is in equipoise.

11          (f) SERVICE OF DECISION.—The Secretary of Labor  
12          shall have served upon a claimant the Secretary's decision  
13          denying the claim under this section, including the finding  
14          of fact under subsection (a)(1).

15          (g) HEARINGS AND FURTHER REVIEW.—

16                (1) REGULATIONS.—The Secretary of Labor  
17                may prescribe regulations necessary for the adminis-  
18                tration and enforcement of this title including regu-  
19                lations for the conduct of hearings under this sec-  
20                tion.

21                (2) APPEALS PANELS.—

22                    (A) IN GENERAL.—Regulations issued by  
23                    the Secretary of Labor under this title shall  
24                    provide for one or more Energy Employees'  
25                    Compensation Appeals Panels of three individ-

1 uals with authority to hear and, subject to ap-  
2 plicable law and the regulations of the Sec-  
3 retary, make final decisions on appeals taken  
4 from determinations and awards with respect to  
5 claims of employees filed under this subtitle.

6 (B) INTERAGENCY AGREEMENT.—Under  
7 an agreement between the Secretary of Labor  
8 and another Federal agency (except the Depart-  
9 ment of Energy), a panel appointed by the  
10 other Federal agency may provide these appel-  
11 late decisionmaking services.

12 (3) APPEAL.—An individual seeking review of a  
13 denial of an award under this section shall submit  
14 an appeal in accordance with the regulations under  
15 this subsection.

16 (h) RECONSIDERATION BASED ON NEW CRITERIA OR  
17 EVIDENCE.—

18 (1) NEW CRITERIA OR METHODS FOR ESTAB-  
19 LISHING WORK-RELATED ILLNESS.—A claimant may  
20 obtain reconsideration of a decision awarding or de-  
21 nying coverage under this subtitle within one year  
22 after the effective date of regulations setting forth—

23 (A) new criteria for establishing a covered  
24 beryllium illness pursuant to section 3504(b);  
25 or

1 (B) additional or revised methods for de-  
2 termining whether a cancer was at least as like-  
3 ly as not related to employment pursuant to  
4 section 3211(e)(1)(B)(i);  
5 by submitting evidence that is relevant and pertinent  
6 to the new regulations.

7 (2) NEW EVIDENCE.—A covered employee or  
8 covered employee’s survivor may obtain reconsider-  
9 ation of a decision denying an application for com-  
10 pensation or benefits under this title if the employee  
11 or employee’s survivor has additional medical or  
12 other information relevant to the claim that was not  
13 reasonably available at the time of the decision and  
14 that likely would lead to the reversal of the decision.

15 **Subtitle B—Exposure to Other**  
16 **Toxic Substances**

17 **SEC. 3521. DEFINITIONS.**

18 In this subtitle:

19 (1) DIRECTOR.—The term “Director” means  
20 the Director of the Office of Workers’ Compensation  
21 Advocate under section 217 of the Department of  
22 Energy Organization Act, as added by section 3538  
23 of this Act.

24 (2) PANEL.—The term “panel” means a physi-  
25 cians panel established under section 3522(d).

1           (3) SECRETARY.—The term “Secretary” means  
2           the Secretary of Energy.

3 **SEC. 3522. AGREEMENTS WITH STATES.**

4           (a) AGREEMENTS.—The Secretary, through the Di-  
5           rector, may enter into agreements with the Governor of  
6           a State to provide assistance to a Department of Energy  
7           contractor employee in filing a claim under the appro-  
8           priate State workers’ compensation system.

9           (b) PROCEDURE.—Pursuant to agreements under  
10          subsection (a), the Director may—

11           (1) establish procedures under which an indi-  
12          vidual may submit an application for review and as-  
13          sistance under this section, and

14           (2) review an application submitted under this  
15          section and determine whether the applicant sub-  
16          mitted reasonable evidence that—

17           (A) the application was filed by or on be-  
18          half of a Department of Energy contractor em-  
19          ployee or employee’s estate, and

20           (B) the illness or death of the Department  
21          of Energy contractor employee may have been  
22          related to employment at a Department of En-  
23          ergy facility.

24          (c) SUBMITTAL OF APPLICATIONS TO PANELS.—If  
25          provided in an agreement under subsection (a), and if the

1 Director determines that the applicant submitted reason-  
2 able evidence under subsection (b)(2), the Director shall  
3 submit the application to a physicians panel established  
4 under subsection (d). The Director shall assist the em-  
5 ployee in obtaining additional evidence within the control  
6 of the Department of Energy and relevant to the panel's  
7 deliberations.

8 (d) PANEL.—

9 (1) NUMBER OF PANELS.—The Director shall  
10 inform the Secretary of Health and Human Services  
11 of the number of physicians panels the Director has  
12 determined to be appropriate to administer this sec-  
13 tion, the number of physicians needed for each  
14 panel, and the area of jurisdiction of each panel.  
15 The Director may determine to have only one panel.

16 (2) APPOINTMENT.—

17 (A) IN GENERAL.—The Secretary of  
18 Health and Human Services shall appoint panel  
19 members with experience and competency in di-  
20 agnosing occupational illnesses under section  
21 3109 of title 5, United States Code.

22 (B) COMPENSATION.—Each member of a  
23 panel shall be paid at the rate of pay payable  
24 for level III of the Executive Schedule for each

1           day (including travel time) the member is en-  
2           gaged in the work of a panel.

3           (3) DUTIES.—A panel shall review an applica-  
4           tion submitted to it by the Director and determine,  
5           under guidelines established by the Director, by rule,  
6           whether the illness or death that is the subject of  
7           the application arose out of and in the course of em-  
8           ployment by the Department of Energy and expo-  
9           sure to a toxic substance at a Department of Energy  
10          facility.

11          (4) ADDITIONAL INFORMATION.—At the re-  
12          quest of a panel, the Director and a contractor who  
13          employed a Department of Energy contractor em-  
14          ployee shall provide additional information relevant  
15          to the panel's deliberations. A panel may consult  
16          specialists in relevant fields as it determines nec-  
17          essary.

18          (5) DETERMINATIONS.—Once a panel has made  
19          a determination under paragraph (3), it shall report  
20          to the Director its determination and the basis for  
21          the determination.

22          (6) INAPPLICABILITY OF FACA.—A panel es-  
23          tablished under this section shall not be subject to  
24          the Federal Advisory Committee Act (5 U.S.C.  
25          App.).

1 (e) ASSISTANCE.—If provided in an agreement under  
2 subsection (a)—

3 (1) the Director shall review a panel's deter-  
4 mination made under subsection (d), information the  
5 panel considered in reaching its determination, any  
6 relevant new information not reasonably available at  
7 the time of the panel's deliberations, and the basis  
8 for the panel's determination;

9 (2) as a result of the review under paragraph  
10 (1), the Director shall accept the panel's determina-  
11 tion in the absence of compelling evidence to the  
12 contrary;

13 (3) if the panel has made a positive determina-  
14 tion under subsection (d) and the Director accepts  
15 the determination under paragraph (2), or the panel  
16 has made a negative determination under subsection  
17 (d) and the Director finds compelling evidence to the  
18 contrary—

19 (A) the Director shall—

20 (i) assist the applicant to file a claim  
21 under the appropriate State workers' com-  
22 pensation system based on the health con-  
23 dition that was the subject of the deter-  
24 mination;

1 (ii) recommend to the Secretary of  
2 Energy that the Department of Energy not  
3 contest a claim filed under a State work-  
4 ers' compensation system based on the  
5 health condition that was the subject of  
6 the determination and not contest an  
7 award made under a State workers' com-  
8 pensation system regarding that claim; and

9 (iii) recommend to the Secretary of  
10 Energy that the Secretary direct, as per-  
11 mitted by law, the contractor who em-  
12 ployed the Department of Energy con-  
13 tractor employee who is the subject of the  
14 claim not to contest the claim or an award  
15 regarding the claim; and

16 (B) any costs of contesting a claim or an  
17 award regarding the claim incurred by the con-  
18 tractor who employed the Department of En-  
19 ergy contractor employee who is the subject of  
20 the claim shall not be an allowable cost under  
21 a Department of Energy contract.

22 (f) INFORMATION.—At the request of the Director,  
23 a contractor who employed a Department of Energy con-  
24 tractor employee shall make available to the Director or

1 the employee, information relevant to deliberations under  
2 this section.

3 (g) GAO REPORT.—Not later than February 1,  
4 2002, the Comptroller General shall submit a report to  
5 the Congress evaluating the implementation by the De-  
6 partment of Energy of the provisions of this subtitle and  
7 of the effectiveness of the program under this subtitle in  
8 providing compensation to Department of Energy con-  
9 tractor employees for occupational illness.

## 10 **Subtitle C—General Provisions**

### 11 **SEC. 3531. TREATMENT OF COMPENSATION AND BENEFITS.**

12 (a) IN GENERAL.—Any compensation or benefits al-  
13 lowed, paid, or provided under this title—

14 (1) shall not be included as income or resources  
15 for purposes of determining eligibility to receive ben-  
16 efits described in section 3803(c)(2)(C) of title 31,  
17 United States Code, or the amount of those benefits;  
18 and

19 (2) shall not be subject to offset under chapter  
20 37 of title 31, United States Code.

21 (b) INSURANCE.—(1) Compensation or benefits paid  
22 or provided under this title shall not be considered as any  
23 form of compensation or reimbursement for a loss for pur-  
24 poses of imposing liability on an individual receiving the

1 compensation or benefits to repay any insurance carrier  
2 for insurance payments made.

3 (2) The payment or provision of compensation or ben-  
4 efits under this title shall not be treated as affecting any  
5 claim against an insurance carrier with respect to insur-  
6 ance.

7 (c) PROHIBITION ON ASSIGNMENT OR ATTACHMENT  
8 OF CLAIMS.—The provisions of section 8130 of title 5,  
9 United States Code, shall apply to claims under this title.

10 (d) RETENTION OF CIVIL SERVICE RIGHTS.—If a  
11 Federal employee found to be disabled under this title re-  
12 sumes employment with the Federal Government, the em-  
13 ployee shall be entitled to the rights set forth in section  
14 8151 of title 5, United States Code.

15 **SEC. 3532. FORFEITURE OF BENEFITS BY CONVICTED FEL-**  
16 **ONS.**

17 (a) FORFEIT COMPENSATION.—Any individual con-  
18 victed of a violation of section 1920 of title 18, United  
19 States Code, or any other Federal or State criminal stat-  
20 ute relating to fraud in the application for or receipt of  
21 any benefit under this title or under any other Federal  
22 or State workers' compensation law, shall forfeit (as of  
23 the date of such conviction) any entitlement to any benefit  
24 under this title such individual would otherwise be award-  
25 ed for any injury, illness or death covered by this title for

1 which the time of injury was on or before the date of the  
2 conviction. This forfeiture shall be in addition to any ac-  
3 tion the Secretary of Labor takes under sections 8106 or  
4 8129 of title 5, United States Code.

5 (b) DEPENDENTS.—(1) Notwithstanding any other  
6 provision of law, except as provided under paragraph (2),  
7 compensation under this title shall not be paid or provided  
8 to an individual during any period during which such indi-  
9 vidual is confined in a jail, prison, or other penal institu-  
10 tion or correctional facility, pursuant to that individual's  
11 conviction of an offense that constituted a felony under  
12 applicable law. After this period of incarceration ends, the  
13 individual shall not receive compensation forfeited during  
14 the period of incarceration.

15 (2) If an individual has one or more dependents as  
16 defined under section 8110(a) of title 5, United States  
17 Code, the Secretary of Labor may, during the period of  
18 incarceration, pay to such dependents a percentage of the  
19 compensation under section 3114 that would have been  
20 payable to the individual computed according to the per-  
21 centages set forth in section 8133(a) (1) through (5) of  
22 title 5, United States Code.

23 (c) INFORMATION.—Notwithstanding section 552a of  
24 title 5, United States Code, or any other Federal or State  
25 law, an agency of the United States, a State, or a political

1 subdivision of a State shall make available to the Sec-  
2 retary of Labor, upon written request from the Secretary  
3 of Labor and if the Secretary of Labor requires the infor-  
4 mation to carry out this section, the names and Social Se-  
5 curity account numbers of individuals confined, for convic-  
6 tion of a felony, in a jail, prison, or other penal institution  
7 or correctional facility under the jurisdiction of that agen-  
8 cy.

9 **SEC. 3533. LIMITATION ON RIGHT TO RECEIVE BENEFITS.**

10 (a) CLAIMANT.—A claimant who receives compensa-  
11 tion for any claim under this title, except for compensation  
12 provided under the authority of section 8103(b) of title  
13 5, United States Code, shall not receive compensation for  
14 any other claim under this title.

15 (b) SURVIVOR.—If a survivor receives compensation  
16 for any claim under this title derived from a covered em-  
17 ployee, except for compensation provided under the au-  
18 thority of section 8103(b) of title 5, United States Code,  
19 such survivor shall not receive compensation for any other  
20 claim under this title derived from the same covered em-  
21 ployee. A survivor of a claimant who receives compensa-  
22 tion for any claim under this title, except for compensation  
23 provided under the authority of section 8103(b) of title  
24 5, United States Code, shall not receive compensation for

1 any other claim under this title derived from the same cov-  
 2 ered employee.

3 (c) WIDOW OR WIDOWER.—A widow or widower who  
 4 is eligible for benefits under this title derived from more  
 5 than one husband or wife shall elect one benefit to receive.

6 **SEC. 3534. COORDINATION OF BENEFITS—STATE WORKERS’**  
 7 **COMPENSATION.**

8 (a) IN GENERAL.—An individual who is eligible to  
 9 receive compensation under this title because of a cancer  
 10 (including a specified cancer), chronic silicosis, covered be-  
 11 ryllium illness, or death and who is also entitled to receive  
 12 benefits because of the same cancer (including a specified  
 13 cancer), chronic silicosis, covered beryllium illness, or  
 14 death from a State workers’ compensation system shall  
 15 elect which such benefits to receive, unless—

16 (1) at the time of injury, workers’ compensation  
 17 coverage for the employee was secured by a policy or  
 18 contract of insurance; and

19 (2) the Secretary of Labor waives the require-  
 20 ment to make such an election.

21 (b) ELECTION.—The individual shall make the elec-  
 22 tion within the time allowed by the Secretary of Labor.  
 23 The election when made is irrevocable and binding on all  
 24 survivors of that individual.

1           (c) COORDINATION.—Except as provided in para-  
2 graph (d), an individual who has been awarded compensa-  
3 tion under this title and who also has received benefits  
4 from a State workers' compensation system because of the  
5 same cancer (including a specified cancer), chronic sili-  
6 cosis, covered beryllium illness, or death, shall receive com-  
7 pensation as specified under this title reduced by the  
8 amount of any workers' compensation benefits that the in-  
9 dividual has received under the State workers' compensa-  
10 tion system as a result of the cancer (including a specified  
11 cancer), chronic silicosis, covered beryllium illness, or  
12 death attributable to the period subsequent to the effective  
13 date of this title, after deducting the reasonable costs, as  
14 determined by the Secretary of Labor, of obtaining bene-  
15 fits under the State workers' compensation system.

16           (d) WAIVER.—An individual described in paragraph  
17 (a) who has also received, under paragraph (a)(2), a waiv-  
18 er of the requirement to elect between compensation under  
19 this title and benefits under a State workers' compensa-  
20 tion system shall receive compensation as specified in this  
21 title for the cancer (including a specified cancer), chronic  
22 silicosis, covered beryllium illness, or death, reduced by 80  
23 percent of the net amount of any workers' compensation  
24 benefits that the claimant has received under a State  
25 workers' compensation system attributable to the period

1 subsequent to the effective date of this title, after deduct-  
2 ing the reasonable costs, as determined by the Secretary  
3 of Labor, of obtaining benefits under the State workers'  
4 compensation system.

5 **SEC. 3535. COORDINATION OF BENEFITS—FEDERAL WORK-**  
6 **ERS' COMPENSATION.**

7 (a) IN GENERAL.—An individual who is eligible to  
8 receive compensation under this title because of a cancer  
9 (including a specified cancer), chronic silicosis, covered be-  
10 ryllium illness, or death and who is also entitled to receive  
11 benefits because of the same cancer (including a specified  
12 cancer), chronic silicosis, covered beryllium illness, or  
13 death from another Federal workers' compensation system  
14 shall elect which such benefits to receive.

15 (b) ELECTION.—The individual shall make the elec-  
16 tion within the time allowed by the Secretary of Labor.  
17 The election when made is irrevocable and binding on all  
18 survivors of that individual.

19 (c) COORDINATION.—An individual who has been  
20 awarded compensation under this title and who also has  
21 received benefits from another Federal workers' com-  
22 pensation system because of the same cancer (including  
23 a specified cancer), chronic silicosis, covered beryllium ill-  
24 ness, or death, shall receive compensation as specified  
25 under this title reduced by the amount of any workers'

1 compensation benefits that the individual has received  
2 under the other Federal workers' compensation system as  
3 a result of the cancer (including a specified cancer), chron-  
4 ic silicosis, covered beryllium illness, or death.

5 **SEC. 3536. RECEIPT OF BENEFITS—OTHER STATUTES.**

6 An individual may not receive compensation under  
7 this title for cancer and also receive compensation under  
8 the Radiation Exposure Compensation Act (42 U.S.C.  
9 2210 note) or the Radiation-Exposed Veterans Compensa-  
10 tion Act (38 U.S.C. 112(c)).

11 **SEC. 3537. DUAL COMPENSATION—FEDERAL EMPLOYEES.**

12 (a) **LIMITATION.**—While a Federal employee is re-  
13 ceiving compensation under this title, or such employee  
14 has been paid a lump sum in commutation of installment  
15 payments until the expiration of the period during which  
16 the installment payments would have continued, such em-  
17 ployee may not receive salary, pay, or remuneration of any  
18 type from the United States, except—

19 (1) in return for service actually performed;

20 (2) pension for service in the Army, Navy or  
21 Air Force;

22 (3) other benefits administrated by the Depart-  
23 ment of Veterans Affairs unless such benefits are  
24 payable for the same covered illness or the same  
25 death; and

1           (4) retired pay, retirement pay, retainer pay, or  
2           equivalent pay for service in the Armed Forces or  
3           other uniformed service.

4   However, eligibility for or receipt of benefits under sub-  
5   chapter III of chapter 83 of title 5, United States Code,  
6   or another retirement system for employees of the Govern-  
7   ment, does not impair the right of the employee to com-  
8   pensation for scheduled disabilities specified by section  
9   8107 of title 5, United States Code.

10 **SEC. 3538. DUAL COMPENSATION—OTHER EMPLOYEES.**

11       An individual entitled to receive compensation under  
12   this title because of a cancer (including a specified can-  
13   cer), chronic silicosis, covered beryllium illness, or death  
14   covered by this title of a covered employee, who also is  
15   entitled to receive from the United States under a provi-  
16   sion of a statute other than this title payments or benefits  
17   for that injury, illness or death (except proceeds of an in-  
18   surance policy), because of service by such employee (or  
19   in the case of death, by the deceased) as an employee or  
20   in the Armed Forces, shall elect which benefits to receive.  
21   The individual shall make the election within the time al-  
22   lowed by the Secretary of Labor. The election when made  
23   is irrevocable, except as otherwise provided by statute.

1 **SEC. 3539. EXCLUSIVITY OF REMEDY AGAINST THE UNITED**  
2 **STATES, CONTRACTORS, AND SUBCONTRAC-**  
3 **TORS.**

4 (a) IN GENERAL.—The liability of the United States  
5 or an instrumentality of the United States under this title  
6 with respect to a cancer (including a specified cancer),  
7 chronic silicosis, covered beryllium illness, or death of a  
8 covered employee is exclusive and instead of all other  
9 liability—

10 (1) of—

11 (A) the United States;

12 (B) any instrumentality of the United  
13 States;

14 (C) a contractor that contracted with the  
15 Department of Energy to provide management  
16 and operation, management and integration, or  
17 environmental remediation of a Department of  
18 Energy facility (in its capacity as a contractor);

19 (D) a subcontractor that provided services,  
20 including construction, at a Department of En-  
21 ergy facility (in its capacity as a subcontractor);  
22 and

23 (E) an employee, agent, or assign of an en-  
24 tity specified in subparagraphs (A) through  
25 (D);

26 (2) to—

1 (A) the covered employee;

2 (B) the covered employee's legal represent-  
3 ative, spouse, dependents, survivors and next of  
4 kin; and

5 (C) any other person, including any third  
6 party as to whom the covered employee has a  
7 cause of action relating to the cancer (including  
8 a specified cancer), chronic silicosis, covered be-  
9 ryllium illness, or death, otherwise entitled to  
10 recover damages from the United States, the  
11 instrumentality, the contractor, the subcon-  
12 tractor, or the employee, agent, or assign of one  
13 of them;

14 because of the cancer (including a specified cancer), chron-  
15 ic silicosis, covered beryllium illness, or death in any pro-  
16 ceeding or action including a direct judicial proceeding,  
17 a civil action, a proceeding in admiralty, or a proceeding  
18 under a tort liability statute or the common law.

19 (b) APPLICABILITY.—This section applies to all cases  
20 filed on after July 31, 2000.

21 (c) WORKERS' COMPENSATION.—This section does  
22 not apply to an administrative or judicial proceeding under  
23 a State or Federal workers' compensation statute subject  
24 to sections 3534 through 3538.

1 **SEC. 3540 ELECTION OF REMEDY AGAINST BERYLLIUM**  
2 **VENDORS AND ATOMIC WEAPONS EMPLOY-**  
3 **ERS.**

4 (a) BERYLLIUM VENDORS.—If an individual elects to  
5 accept payment under this title with respect to a covered  
6 beryllium illness or death of a covered employee, that ac-  
7 ceptance of payment shall be in full settlement of all tort  
8 claims related to such covered beryllium illness or death—

9 (1) against—

10 (A) a beryllium vendor or a contractor or  
11 subcontractor of a beryllium vendor; and

12 (B) an employee, agent, or assign of a be-  
13 ryllium vendor or of a contractor or subcon-  
14 tractor of a beryllium vendor;

15 (2) by—

16 (A) that individual;

17 (B) that individual's legal representative,  
18 spouse, dependents, survivors, and next of kin;  
19 and

20 (C) any other person, including any third  
21 party as to whom a covered employee has a  
22 cause of action relating to the covered beryllium  
23 illness or death, otherwise entitled to recover  
24 damages from the beryllium vendor, the con-  
25 tractor or subcontractor of the beryllium ven-  
26 dor, or the employee, agent, or assign of the be-

1           beryllium vendor, of the contractor or subcon-  
2           tractor of the beryllium vendor;  
3 that arise out of the covered beryllium illness or death in  
4 any proceeding or action including a direct judicial pro-  
5 ceeding, a civil action, a proceeding in admiralty, or pro-  
6 ceeding under a tort liability statute or the common law.

7           (b) ATOMIC WEAPONS EMPLOYER.—If an individual  
8 elects to accept payment under this title with respect to  
9 a cancer (including a specified cancer) or death of a cov-  
10 ered employee, that acceptance of payment shall be in full  
11 settlement of all tort claims—

12           (1) against—

13                   (A) an atomic weapons employer; and

14                   (B) an employee, agent, or assign of an  
15 atomic weapons employer;

16           (2) by—

17                   (A) that individual;

18                   (B) that individual's legal representative,  
19 spouse, dependents, survivors, and next of kin;  
20 and

21                   (C) any other person, including any third  
22 party as to whom a covered employee has a  
23 cause of action relating to the cancer (including  
24 a specified cancer) or death, otherwise entitled  
25 to recover damages from the atomic weapons

1           employer, or the employee, agent, or assign of  
2           the atomic weapons employer;  
3 that arise out of the cancer (including a specified cancer)  
4 or death in any proceeding or action including a direct  
5 judicial proceeding, a civil action, a proceeding in admi-  
6 nistrative, or proceeding under a tort liability statute or the  
7 common law.

8           (c) APPLICABILITY.—

9           (1) IN GENERAL.—With respect to a case filed  
10 after the date of enactment of this title, alleging li-  
11 ability of—

12                   (A) a beryllium vendor or a contractor or  
13 subcontractor of a beryllium vendor for a cov-  
14 ered beryllium illness or death of a covered be-  
15 ryllium employee; or

16                   (B) an atomic weapons employer for a can-  
17 cer (including a specified cancer) or death of a  
18 covered employee;

19 the plaintiff shall not be eligible for benefits under  
20 this title unless the plaintiff files such case within  
21 the applicable time limits in paragraph (2).

22           (2) TIME LIMITS.—

23                   (A) SUITS AGAINST BERYLLIUM VEN-  
24 DORS.—Except as provided in subparagraph

1 (B), a case described in paragraph (1)(A) shall  
2 be filed not later than the later of—

3 (i) 180 days after the date of enact-  
4 ment of this title; or

5 (ii) 180 days after the date the plain-  
6 tiff first becomes aware that a covered be-  
7 ryllium illness or death of a covered beryl-  
8 lium employee may be connected to the ex-  
9 posure of the covered employee to beryl-  
10 lium in the performance of duty.

11 (B) NEW DIAGNOSES.—A new period of  
12 limitation under subparagraph (A)(ii) shall  
13 commence with each new diagnosis of a covered  
14 beryllium illness that is different from a pre-  
15 viously diagnosed covered beryllium illness.

16 (C) SUITS AGAINST ATOMIC WEAPONS EM-  
17 PLOYERS.—Except as provided in subparagraph  
18 (D), a case described in paragraph (1)(B) shall  
19 be filed not later than the later of—

20 (i) 180 days after the date of enact-  
21 ment of this title; or

22 (ii) 180 days after the date the plain-  
23 tiff first becomes aware that a cancer (in-  
24 cluding a specified cancer) or death of a  
25 covered employee may be connected to the

1 exposure of the covered employee to radi-  
2 ation in the performance of duty.

3 (D) NEW DIAGNOSES.—A new period of  
4 limitation under subparagraph (C)(ii) shall  
5 commence with each new diagnosis of a cancer  
6 (including a specified cancer) that is different  
7 from a previously diagnosed cancer.

8 (e) WORKERS' COMPENSATION.—This section does  
9 not apply to an administrative or judicial proceeding under  
10 a State or Federal workers' compensation statute subject  
11 to sections 3534 through 3538.

12 **SEC. 3541. SUBROGATION OF THE UNITED STATES.**

13 (a) IN GENERAL.—If a cancer (including a specified  
14 cancer), covered beryllium illness, chronic silicosis, dis-  
15 ability, or death for which compensation is payable under  
16 this title is caused under circumstances creating a legal  
17 liability in a person other than the United States to pay  
18 damages, sections 8131 and 8132 of title 5, United States  
19 Code, shall apply, except to the extent specified in this  
20 title.

21 (b) APPEARANCE OF EMPLOYEE.—For the purposes  
22 of this title, the provision in section 8131 of title 5, United  
23 States Code, that provides that an employee required to  
24 appear as a party or witness in the prosecution of an ac-

1 tion described in that section is in an active duty status  
2 while so engaged shall only apply to a Federal employee.

3 **SEC. 3542. ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS**  
4 **COMPENSATION FUND.**

5 (a) ESTABLISHMENT.—There is hereby established  
6 on the books of the Treasury a fund to be known as the  
7 Energy Employees' Occupational Illness Compensation  
8 Fund. The Secretary of the Treasury shall transfer to the  
9 Fund from the general fund of the Treasury the amounts  
10 necessary to carry out the purposes of this title.

11 (b) USE OF THE FUND.—Amounts in the Fund shall  
12 be used for the payment of compensation under this title  
13 and other benefits and expenses authorized by this title  
14 or any extension or application thereof, and for payment  
15 of all expenses of the administration of this title.

16 (c) COST DETERMINATIONS.—(1) Within 45 days of  
17 the end of every quarter of every fiscal year, the Secretary  
18 of Labor shall determine the total costs of compensation,  
19 benefits, administrative expenses, and other payments  
20 made from the Fund during the quarter just ended; the  
21 end-of-quarter balance in the Fund; and the amount an-  
22 ticipated to be needed during the immediately succeeding  
23 two quarters for the payment of compensation, benefits,  
24 and administrative expenses under this title.

1       (2) In making the determination under paragraph  
2 (1), the Secretary of Labor shall include, without amend-  
3 ment, information provided by the Secretary of Energy  
4 and the Secretary of Health and Human Services on the  
5 total costs and amounts anticipated to be needed for their  
6 activities under this title.

7       (3) Each cost determination made in the last quarter  
8 of the fiscal year under paragraph (1) shall show, in addi-  
9 tion, the total costs of compensation, benefits, administra-  
10 tive expenses, and other payments from the Fund during  
11 the preceding 12-month expense period and an estimate  
12 of the expenditures from the Fund for the payment of  
13 compensation, benefits, administrative expenses, and other  
14 payments for each of the immediately succeeding two fis-  
15 cal years.

16       (d) ASSURING AVAILABLE BALANCE IN THE  
17 FUND.—Upon application of the Secretary of Labor, the  
18 Secretary of the Treasury shall advance such sums from  
19 the Treasury as are projected by the Secretary of Labor  
20 to be necessary, for the period of time equaling the date  
21 of a projected deficiency in the Fund through 90 days fol-  
22 lowing the end of the fiscal year, for the payment of com-  
23 pensation and other benefits and expenses authorized by  
24 this title or any extension or application thereof, and for  
25 payment of all expenses of administering this title.

1 **SEC. 3543. EFFECTIVE DATE.**

2 This title is effective upon enactment, and applies to  
3 all claims, civil actions, and proceedings pending on, or  
4 filed on or after, the date of enactment of this title.

5 **SEC. 3544. TECHNICAL AND CONFORMING AMENDMENTS.**

6 (a) Section 1920 of title 18 is amended by inserting  
7 in the title “or Energy employee’s” after “Federal employ-  
8 ee’s” and by inserting “or the Energy Employees’ Occupa-  
9 tional Illness Compensation Act of 2000” after “title 5”.

10 (b) Section 1921 of title 18 is amended by inserting  
11 in the title “or Energy employees” after “Federal employ-  
12 ees” and by inserting “or the Energy Employees’ Occupa-  
13 tional Illness Compensation Act of 2000” after “title 5”.

14 (c) Section 210(a)(1) of the Energy Reorganization  
15 Act of 1974 (42 U.S.C. 5851(a)(1)) is amended by—

16 (1) in subparagraph (E), striking “or;” and in-  
17 serting “;”,

18 (2) in subparagraph (F), striking the period  
19 and inserting “; or”, and

20 (3) after subparagraph (F) inserting a new sub-  
21 paragraph as follows:

22 “(G) filed an application for benefits or as-  
23 sistance under the Energy Employees Occupa-  
24 tional Illness Compensation Act of 2000”.

1 (d) Title II of the Department of Energy Organiza-  
2 tion Act (P.L. 95–91) is amended by adding at the end  
3 of the title the following:

4 “OFFICE OF WORKERS’ COMPENSATION ADVOCATE

5 “SEC. 217. (a) There shall be within the Department  
6 an Office of Workers’ Compensation Advocate. The Office  
7 shall be headed by a Director who shall be appointed by  
8 the Secretary. The Director shall be compensated at the  
9 rate provided for in level IV of the Executive Schedule  
10 under section 5315 of title 5, United States Code.

11 “(b) The Director shall be responsible for providing  
12 information, research reports, and studies to support the  
13 implementation of the Energy Employees’ Occupational  
14 Illness Compensation Act of 2000. Not later than 90 days  
15 after the date of enactment of this section, the Director  
16 shall enter into memoranda of agreement to provide for  
17 coordination of the efforts of the office with the Depart-  
18 ment of Labor and the Department of Health and Human  
19 Services.

20 “(c) The Director shall coordinate efforts within the  
21 Department to collect and make available to present and  
22 former employees of the Department and its predecessor  
23 agencies, present and former employees of contractors and  
24 subcontractors to the Department and its predecessor  
25 agencies, and other individuals who are or were present  
26 at facilities owned or operated by the Department or its

1 predecessor agencies information on occupational condi-  
2 tions and exposures to health hazards. Such information  
3 shall include information on substances and their chemical  
4 forms to which employees may have been exposed, records  
5 and studies relevant to determining occupational hazards,  
6 raw dosimetry and industrial hygiene data, results from  
7 medical screening programs, accident and other relevant  
8 occurrence reports, and reports, assessments, or reviews  
9 by contractors, consultants, or external entities relevant  
10 to assessing risk of occupational hazards or illness.

11 “(d) If the Director determines that—

12 “(1) an entity within the Department or an en-  
13 tity that is the recipient of a Departmental grant,  
14 contract, or cooperative agreement possesses infor-  
15 mation necessary to carry out the provisions of the  
16 Energy Employees’ Occupational Illness Compensa-  
17 tion Act of 2000; and

18 “(2) the production and sharing of that infor-  
19 mation under the provisions of the Energy Employ-  
20 ees’ Occupational Illness Compensation Act of 2000  
21 is being unreasonably delayed;

22 the Director shall have the authority, notwithstanding sec-  
23 tion 3213 of the National Nuclear Security Administration  
24 Act, to direct such entity to produce expeditiously such  
25 information in accordance with the provisions of this sec-

1 tion and the Energy Employees' Occupational Illness  
2 Compensation Act of 2000.

3 “(e) The Director shall take actions to inform and  
4 assist potential claimants under the Energy Employees'  
5 Occupational Illness Compensation Act of 2000, pursuant  
6 to section 3515(e) of such Act.”.

Passed the Senate July 13, 2000.

Attest:

*Secretary.*

106TH CONGRESS  
2D SESSION

**S. 2552**

---

---

**AN ACT**

To authorize appropriations for fiscal year 2001 for defense activities of the Department of Energy, and for other purposes.

S 2552 ES—2

S 2552 ES—3

S 2552 ES—4

S 2552 ES—5

S 2552 ES—6

S 2552 ES—7

S 2552 ES—8

S 2552 ES—9

S 2552 ES—10

S 2552 ES—11

S 2552 ES—12

S 2552 ES—13

S 2552 ES—14

S 2552 ES—15