105TH CONGRESS
2d Session

S. 2058

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Referred to the Committee on National Security

AN ACT

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Energy National Security Act for Fiscal Year 1999”.

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1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.
2 For purposes of this Act, the term “congressional defense committees” means—
(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

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

(1) Stockpile Stewardship.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,123,375,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,556,375,000, to be allocated as follows:
(i) For operation and maintenance,
$1,440,832,000.

(ii) For plant projects (including
maintenance, restoration, planning, con-
struction, acquisition, modification of fa-
cilities, and the continuation of projects
authorized in prior years, and land acquisi-
tion related thereto), $115,543,000, to be
allocated as follows:

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

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

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

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

Project 99–D–106, model validation
and system certification test cen-
ter, Sandia National Laboratories, Al-
buquerque, New Mexico, $1,600,000.

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

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

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

Project 96–D–102, stockpile
stewardship facilities revitalization,
Phase VI, various locations,
$20,423,000.

Project 96–D–103, ATLAS, Los
Alamos National Laboratory, Los Ala-
mos, New Mexico, $6,400,000.
Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $18,920,000.

Project 96–D–105, contained firing facility (CFF) addition, Lawrence Livermore National Laboratory, Livermore, California, $6,700,000.

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

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

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $284,200,000, to be allocated as follows:

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $284,200,000.

(C) For technology partnerships and education, $69,000,000, to be allocated as follows:
(i) For technology partnerships, $60,000,000.

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

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,140,825,000, to be allocated as follows:

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

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $100,022,000, to be allocated as follows:

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

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

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $1,000,000.
Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $13,700,000.


Project 99–D–132, nuclear materials safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,700,000.

Project 98–D–123, stockpile management restructuring initiative, tritium factory modernization and consolidation, Savannah River Site, Aiken, South Carolina, $27,500,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $10,700,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,864,000.
Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $6,400,000.

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

Project 95–D–102, chemistry and metallurgy research building (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $5,000,000.


(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for program direction in carrying out weapons activities necessary for national security programs in the amount of $255,500,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated in paragraphs (1), (2), and (3) of subsection (a) is the sum of the amounts authorized to be appropriated by such paragraphs reduced by the sum of $145,000,000 for use of prior year balances.
SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) In General.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,323,143,000, to be allocated as follows:

(1) Site and Project Completion.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,047,253,000, to be allocated as follows:

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

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $199,163,000, to be allocated as follows:
Project 99–D–402, tank farm support services, F&H area, Savannah River Site, Aiken, South Carolina, $2,745,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $950,000.

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

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $26,814,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $7,710,000.

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

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah
River Site, Aiken, South Carolina, $7,000,000.

Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $38,680,000.

Project 96-D-408, waste management upgrades, Kansas City Plant, Kansas City, Missouri, and Savannah River Site, Aiken, South Carolina, $4,512,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $11,544,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,000,000.

Project 95-D-456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $485,000.
Project 92–D–140, F-canyon and H-canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $3,667,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $4,752,000.

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

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

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,256,000, to be allocated as follows:

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $14,800,000.
Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $22,723,000.

Project 96–D–408, waste management upgrades, Richland, Washington, $171,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $32,860,000.

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

(3) CLOSURE PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,006,240,000.

(4) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for science and technology in carrying out environmental restoration and waste management activities necessary for na-
tional security programs in the amount of
$250,000,000.

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

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

SEC. 3103. OTHER DEFENSE ACTIVITIES.

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

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

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

(B) For arms control, $236,900,000.
(C) For intelligence, $36,600,000.

(2) Nuclear safeguards and security.—For nuclear safeguards and security, $53,200,000.

(3) Security investigations.—For security investigations, $30,000,000.

(4) Emergency management.—For emergency management, $23,700,000.

(5) Program direction.—For program direction, nonproliferation and national security, $84,900,000.

(6) Worker and community transition assistance.—For worker and community transition assistance, $40,000,000, to be allocated as follows:

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

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

(7) Fissile materials control and disposition.—For fissile materials control and disposition, $168,960,000, to be allocated as follows:

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

(B) For program direction, fissile materials control and disposition, $4,588,000.
(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), $53,000,000, to be allocated as follows:

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

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

(8) Environment, safety, and health.— For environment, safety, and health, defense, $69,000,000, to be allocated as follows:

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

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

(9) Office of Hearings and Appeals.— For the Office of Hearings and Appeals, $2,400,000.

(10) International Nuclear Safety.— For international nuclear safety, $35,000,000.

(11) Naval Reactors.— For naval reactors, $681,500,000, to be allocated as follows:
(A) For naval reactors development, $661,400,000, to be allocated as follows:

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

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $12,800,000, to be allocated as follows:

   Project 98–D–200, site laboratory/facility upgrade, various locations, $7,000,000.

   Project 90–N–102, expended core facility dry cell project, Naval Reactors facility, Idaho Falls, Idaho, $5,800,000.

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

   Project GPN–101, general plant projects, various locations, $9,000,000.

(B) For program direction, naval reactors, $20,100,000.
SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

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

Project 99-PVT-1, remote handled transuranic waste transportation, Carlsbad, New Mexico, $19,605,000.

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $20,000,000.

Project 98-PVT-5, waste disposal, Oak Ridge, Tennessee, $33,500,000.

Project 97-PVT-1, tank waste remediation system phase I, Hanford, Washington, $113,500,000.

Project 97-PVT-2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $87,252,000.
(b) ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects set forth in that subsection reduced by the sum of $32,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

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

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

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and
circumstances relied upon in support of such proposed ac-
tion.

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

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

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

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

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

(b) REPORT TO CONGRESS.—If, at any time during
the construction of any general plant project authorized
by this title, the estimated cost of the project is revised
because of unforeseen cost variations and the revised cost
of the project exceeds $5,000,000, the Secretary shall im-
mediately furnish a complete report to the congressional
defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

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

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and
(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

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

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

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so trans-
ferred may be merged with and be available for the same
purposes and for the same period as the authorization to
which the amounts are transferred.

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

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

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

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

(d) NOTICE TO CONGRESS.—The Secretary of En-
ergy shall promptly notify the Committee on Armed Serv-
ices of the Senate and the Committee on National Security
of the House of Representatives of any transfer of funds
to or from authorizations under this title.
SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) Requirement for Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

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

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

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

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

(b) Authority for Construction Design.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.
(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, de-
sign, and construction activities conducted under this sec-

tion.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-

RITY PROGRAMS OF THE DEPARTMENT OF

ENERGY.

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

SEC. 3128. AVAILABILITY OF FUNDS.

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

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

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL

MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
MENTAL MANAGEMENT FUNDS.—The Secretary of En-
ergy shall provide the manager of each field office of the
Department of Energy with the authority to transfer de-

defense environmental management funds from a program
or project under the jurisdiction of the office to another
such program or project.

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

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

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

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

(c) EXEMPTION FROM REPROGRAMMING REQUIRE-
MENTS.—The requirements of section 3121 shall not
apply to transfers of funds pursuant to subsection (a).
(d) **Notification.**—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) **Definitions.**—In this section:

(1) The term “program or project” means, with respect to a field office of the Department of Energy, any of the following:

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

(B) A project or program not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of enactment of this Act.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste
management activities necessary for national secu-

(f) DURATION OF AUTHORITY.—The managers of the

field offices of the Department may exercise the authority

provided under subsection (a) during the period beginning

on October 1, 1998, and ending on September 30, 1999.

Subtitle C—Program Authoriza-

tions, Restrictions, and Limita-
tions

SEC. 3131. INTERNATIONAL COOPERATIVE STOCKPILE

STEWARDSHIP.

(a) FUNDING PROHIBITION.—No funds authorized to

be appropriated or otherwise available to the Department

of Energy for fiscal year 1999 may be obligated or ex-
pended to conduct any activities associated with inter-
national cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to

the following:

(1) Activities conducted between the United

States and the United Kingdom.

(2) Activities conducted between the United

States and France.

(3) Activities carried out under title III of this

Act relating to cooperative threat reduction with

states of the former Soviet Union.
SEC. 3132. PROHIBITION ON USE OF FUNDS FOR BALLISTIC MISSILE DEFENSE AND THEATER MISSILE DEFENSE.

No funds authorized to be appropriated or otherwise made available to the Department of Energy by this title for fiscal year 1999 may be obligated or expended for any activities (including research, development, test, and evaluation activities, demonstration activities, or studies) relating to ballistic missile defense or theater missile defense.

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

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

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

(2) Subsection (a) does not apply to any such facility that is utilized for research, development, demonstration, testing, or analysis purposes.
(c) Availability of Funds for Licensing by NRC.—Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272) shall not apply to any licensing activities required as a result of subsection (a).

(d) Applicability of Occupational Safety and Health Requirements to Activities Under License.—Any activities carried out under a license referred to in subsection (a) shall be subject to regulation under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F–canyon and H–canyon facilities at the Savannah River site and shall provide technical staff necessary to operate and so maintain such facilities.
SEC. 3135. AUTHORITY FOR DEPARTMENT OF ENERGY FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.


SEC. 3136. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by this title, $5,000,000 shall be available for payment by the Secretary of Energy to the educational foundation chartered to enhance educational activities in the public schools in the vicinity of Los Alamos National Laboratory, New Mexico (in this section referred to as the “Foundation”).

(b) USE OF FUNDS.—(1) The Foundation shall utilize funds provided under subsection (a) as a contribution to an endowment fund for the Foundation.

(2) The Foundation shall use the income generated from investments in the endowment fund that are attributable to the payment made under subsection (a) to fund
programs to support the educational needs of children in
public schools in the vicinity of Los Alamos National Lab-

oratory.

SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZ-
ARDOUS MATERIALS MANAGEMENT AND
EMERGENCY RESPONSE TRAINING FACILITY,
RICHLAND, WASHINGTON.

The Secretary of Energy may enter into partnership
arrangements with Federal and non-Federal entities to
share the costs of operating the Hazardous Materials
Management and Emergency Response training facility
authorized under section 3140 of the National Defense
Authorization Act for Fiscal Year 1995 (Public Law 103–
337; 108 Stat. 3088). Such arrangements may include the
exchange of equipment and services.

SEC. 3138. HANFORD HEALTH INFORMATION NETWORK.

Of the funds authorized to be appropriated or other-
wise made available to the Department of Energy by sec-
tion 3102, $2,500,000 shall be available for activities re-
lating to the Hanford Health Information Network estab-
lished pursuant to the authority in section 3138 of the
(Public Law 101–510; 104 Stat. 1834), as amended by
section 3138(b) of the National Defense Authorization Act

SEC. 3139. NONPROLIFERATION ACTIVITIES.

(a) Initiatives for Proliferation Prevention Program.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 may be available for the Initiatives for Proliferation Prevention program.

(b) Nuclear Cities Initiative.—Of the amount authorized to be appropriated by section 3103(1)(B), $30,000,000 may be available for the purpose of implementing the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation (the so-called “nuclear cities” initiative).

SEC. 3140. ACTIVITIES OF THE CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) Research and Activities on Behalf of Non-Department Persons and Entities.—(1) The Secretary of Energy may conduct research and other activities referred to in paragraph (2) through contractor-operated facilities of the Department of Energy on behalf of other departments and agencies of the Government, agen-
cies of State and local governments, and private persons
and entities.

(2) The research and other activities that may be con-
ducted under paragraph (1) are those which the Secretary
is authorized to conduct by law, and include, but are not
limited to, research and activities authorized under the fol-
lowing:

(A) Section 33 of the Atomic Energy Act of

(B) Section 107 of the Energy Reorganization

(C) The Federal Nonnuclear Energy Research
and Development Act of 1974 (42 U.S.C. 5901 et
seq.).

(b) Charges.—(1) The Secretary shall impose on
the department, agency, or person or entity for whom re-
search and other activities are carried out under sub-
section (a) a charge for such research and activities equal
to not more than the full cost incurred by the contractor
concerned in carrying out such research and activities,
which cost shall include—

(A) the direct cost incurred by the contractor in
carrying out such research and activities; and
(B) the overhead cost including site-wide indirect costs associated with such research and activities.

(2)(A) Subject to subparagraph (B), the Secretary shall also impose on the department, agency, or person or entity concerned a Federal administrative charge (which includes any depreciation and imputed interest charges) in an amount not to exceed 3 percent of the full cost incurred by the contractor concerned in carrying out the research and activities concerned.

(B) The Secretary may waive the imposition of the Federal administrative charge required by subparagraph (A) in the case of research and other activities conducted on behalf of small business concerns, institutions of higher education, non-profit entities, and State and local governments.

(3) Not later than 2 years after the date of enactment of this Act, the Secretary shall terminate any waiver of charges under section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) that were made before such date, unless the Secretary determines that such waiver should be continued.

(e) Pilot Program of Reduced Facility Overhead Charges.—(1) The Secretary may, with the cooperation of participating contractors of the contractor-
operated facilities of the Department, carry out a pilot program under which the Secretary and such contractors reduce the facility overhead charges imposed under this section for research and other activities conducted under this section.

(2) The Secretary shall carry out the pilot program at contractor-operated facilities selected by the Secretary in consultation with the contractors concerned.

(3) The Secretary shall determine the facility overhead charges to be imposed under the pilot program based on their joint review of all items included in the overhead costs of the facility concerned in order to determine which items are appropriately incurred as facility overhead charges by the contractor in carrying out research and other activities at such facility under this section.

(4) The Secretary shall commence carrying out the pilot program not later than October 1, 1999, and shall terminate the pilot program on September 30, 2003.

(5) Not later than January 31, 2003, the Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and other appropriate committees of the House of Representatives an interim report on the results of the pilot program under this subsection. The report shall include any recommendations for the extension or expansion
of the pilot program, including the establishment of multiple rates of overhead charges for various categories of persons and entities seeking research and other activities in contractor-operated facilities of the Department.

(d) PARTNERSHIPS AND INTERACTIONS.—(1) The Secretary of Energy may encourage partnerships and interactions between each contractor-operated facility of the Department of Energy and universities and private businesses.

(2) The Secretary may take into account the progress of each contractor-operated facility of the Department in developing and expanding partnerships and interactions under paragraph (1) in evaluating the annual performance of such contractor-operated facility.

(e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—(1) The Secretary may require that each contractor operating a facility of the Department establish a program at such facility under which the contractor may enter into partnerships with small businesses at such facility relating to technology.

(2) The amount of funds expended by a contractor under a program under paragraph (1) at a particular facility may not exceed an amount equal to 0.25 percent of the total operating budget of the facility.
(3) Amounts expended by a contractor under a program—

(A) shall be used to cover the costs (including research and development costs and technical assistance costs) incurred by the contractor in connection with activities under the program; and

(B) may not be used for direct grants to small businesses.

(4) The Secretary shall submit to the congressional defense committees, the Committee on Energy and Natural Resources of the Senate, and the appropriate committee of the House of Representatives, together with the budget of the President for each fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, an assessment of the program under this subsection during the preceding year, including the effectiveness of the program in providing opportunities for small businesses to interact with and use the resources of the contractor-operated facilities of the Department, the cost of the program to the Federal Government and any impact on the execution of the Department’s mission.

SEC. 3140A. RELOCATION OF NATIONAL ATOMIC MUSEUM, ALBUQUERQUE, NEW MEXICO.

The Secretary of Energy shall submit to the Defense Committees of Congress a plan for the design, construc-
tion, and relocation of the National Atomic Museum in Albuquerque, New Mexico.

Subtitle D—Other Matters

SEC. 3141. REPEAL OF FISCAL YEAR 1998 STATEMENT OF POLICY ON STOCKPILE STEWARDSHIP PROGRAM.


SEC. 3142. INCREASE IN MAXIMUM RATE OF PAY FOR SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL RESPONSIBLE FOR SAFETY AT DEFENSE NUCLEAR FACILITIES.

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

SEC. 3143. SENSE OF SENATE REGARDING TREATMENT OF FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM UNDER A NONDEFENSE DISCRETIONARY BUDGET FUNCTION.

It is the sense of the Senate that the Office of Management and Budget should, beginning with fiscal year 2000, transfer the Formerly Utilized Sites Remedial Ac-
tion Program from the 050 budget function to a non-
defense discretionary budget function.

SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT
OF CERTAIN SCIENTIFIC, ENGINEERING, AND
TECHNICAL PERSONNEL.

Section 3161(c)(1) of the National Defense Author-
ization Act for Fiscal Year 1995 (42 U.S.C. 7231 note)
is amended by striking out “September 30, 1999” and in-
serting in lieu thereof “September 30, 2000”.

SEC. 3145. EXTENSION OF AUTHORITY OF DEPARTMENT OF
ENERGY TO PAY VOLUNTARY SEPARATION
INCENTIVE PAYMENTS.

(a) Extension.—Notwithstanding subsection
(c)(2)(D) of section 663 of the Treasury, Postal Service,
and General Government Appropriations Act, 1997 (Pub-
note), the Department of Energy may pay voluntary sepa-
ration incentive payments to qualifying employees who vol-
untarily separate (whether by retirement or resignation)

(b) Exercise of Authority.—The Department
shall pay voluntary separation incentive payments under
subsection (a) in accordance with the provisions of such
section 663.
SEC. 3146. INSPECTION OF PERMANENT RECORDS PRIOR TO DECLASSIFICATION.

Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104–106) is amended by inserting the following:

“(c) Agencies, including the National Archives and Records Administration, shall conduct a visual inspection of all permanent records of historical value which are 25 years old or older prior to declassification to ascertain that they contain no pages with Restricted Data (RD) or Formerly Restricted Data (FRD) markings (as defined by the Atomic Energy Act of 1954, as amended). Record collection in which marked RD or FRD is found shall be set aside pending the completion of a review by the Department of Energy.”.

SEC. 3147. SENSE OF SENATE REGARDING MEMORANDA OF UNDERSTANDING WITH THE STATE OF OREGON RELATING TO HANFORD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Energy and the State of Washington have entered into memoranda of understanding with the State of Oregon to provide the State of Oregon greater involvement in decisions regarding the Hanford Reservation.
(2) Hanford has an impact on the State of Oregon, and the State of Oregon has an interest in the decisions made regarding Hanford.

(3) The Department of Energy and the State of Washington are to be congratulated for entering into the memoranda of understanding with the State of Oregon regarding Hanford.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) encourage the Department of Energy and the State of Washington to implement the memoranda of understanding regarding Hanford in ways that result in continued involvement by the State of Oregon in decisions of concern to the State of Oregon regarding Hanford; and

(2) encourage the Department of Energy and the State of Washington to continue similar efforts to permit ongoing participation by the State of Oregon in the decisions regarding Hanford that may affect the environment or public health or safety of the citizens of the State of Oregon.

SEC. 3148. REVIEW OF CALCULATION OF OVERHEAD COSTS OF CLEANUP AT DEPARTMENT OF ENERGY SITES.

(a) REVIEW.—(1) The Comptroller General shall—
(A) carry out a review of the methods currently used by the Department of Energy for calculating overhead costs (including direct overhead costs and indirect overhead costs) associated with the cleanup of Department sites; and

(B) pursuant to the review, identify how such costs are allocated among different program and budget accounts of the Department.

(2) The review shall include the following:

(A) All activities whose costs are spread across other accounts of a Department site or of any contractor performing work at a site.

(B) Support service overhead costs, including activities or services which are paid for on a per-unit-used basis.

(C) All fees, awards, and other profit on indirect and support service overhead costs or fees that are not attributed to performance on a single project.

(D) Any portion of contractor costs for which there is no competitive bid.

(E) All computer service and information management costs that have been previously reported as overhead costs.
(F) Any other costs that the Comptroller General considers appropriate to categorize as direct or indirect overhead costs.

(b) REPORT.—Not later than January 31, 1999, the Comptroller General shall submit to Congress a report setting forth the findings of the Comptroller as a result of the review under subsection (a). The report shall include the recommendations of the Comptroller regarding means of standardizing the methods used by the Department for allocating and reporting overhead costs associated with the cleanup of Department sites.

SEC. 3149. SENSE OF THE CONGRESS ON FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF ENERGY.

(a) FUNDING REQUIREMENTS FOR THE NONPROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES BUDGET.—It is the sense of the Congress that for each of the fiscal years 2000 through 2008, it should be an objective of the Secretary of Energy to increase the budget for the nonproliferation science and technology activities for the fiscal year over the budget for those activities for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.
(b) Nonproliferation Science and Technology Activities Defined.—In this section, the term “non-proliferation science and technology activities” means activities (including program direction activities) relating to preventing and countering the proliferation of weapons of mass destruction that are funded by the Department of Energy under the following programs and projects:

(1) The Verification and Control Technology program within the Office of Nonproliferation and National Security.

(2) Projects under the “Technology and Systems Development” element of the Nuclear Safeguards and Security program within the Office of Nonproliferation and National Security.

(3) Projects relating to a national capability to assess the credibility of radiological and extortion threats, or to combat nuclear materials trafficking or terrorism, under the Emergency Management program within the Office of Nonproliferation and National Security.

(4) Projects relating to the development or integration of new technology to respond to emergencies and threats involving the presence, or possible presence, of weapons of mass destruction, radiological
emergency, and related terrorist threats, under the Office of Defense Programs.

SEC. 3150. DEADLINE FOR SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.

(a) DEADLINE.—The Secretary of Energy shall select a technology for the production of tritium not later than December 31, 1998.

(b) OPTIONS AVAILABLE FOR SELECTION.—Notwithstanding any provision of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), after the completion of the Department of Energy’s evaluation of their Interagency Review on the production of tritium, the Secretary shall make the selection for tritium production consistent with the laws, regulations and procedures of the Department of Energy as stated in subsection (a).

Subtitle E—Maximum Age for New Department of Energy Nuclear Materials Couriers

SEC. 3161. MAXIMUM AGE TO ENTER NUCLEAR COURIER FORCE.

Section 3307 of title 5, United States Code, is amended as follows—

(1) by striking in subsection (a) “and (d)” and inserting in its place “(d), (e), and (f)”;

and
(2) by adding the following new subsection (f)
after subsection (e):

“(f) The Secretary of Energy may determine and fix
the maximum age limit for an original appointment to a
position as a Department of Energy nuclear materials cou-
rier, so defined by section 8331(27) of this title.”.

SEC. 3162. DEFINITION.

Section 8331 of title 5, United States Code, is
amended by adding the following new paragraph (27)
after paragraph (26):

“(27) Department of Energy nuclear materials
courier means an employee of the Department of
Energy or its predecessor agencies, the duties of
whose position are primarily to transport, and pro-
vide armed escort and protection during transit of,
nuclear weapons, nuclear weapon components, stra-
tegic quantities of special nuclear materials or other
materials related to national security, including an
employee who remains fully certified to engage in
this activity who is transferred to a supervisory,
training, or administrative position.”.

SEC. 3163. AMENDING SECTION 8334(a)(1) OF TITLE 5, U.S.C.

(a) The first sentence of section 8334(a)(1) of title
5, United States Code, is amended by striking “and a fire-
(b) Section 8334(c) of title 5, United States Code, is amended by adding the following new schedule after the schedule for a Member of the Capitol Police:

```
5 "Department of Energy nuclear materials courier for courier service (while employed by DOE and its predecessor agencies)."
6 July 1, 1942 to June 30, 1948.
6½ November 1, 1956 to December 31, 1969.
7 January 1, 1970 to December 31, 1974.
7½ After December 31, 1974.
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SEC. 3164. AMENDING SECTION 8336(c)(1) OF TITLE 5, U.S.C.

Section 8336(c)(1) of title 5, United States Code, is amended by striking “or firefighter” and inserting in its place, “a firefighter, or a Department of Energy nuclear materials courier,”.

SEC. 3165. AMENDING SECTION 8401 OF TITLE 5, U.S.C.

Section 8401 of title 5, United States Code, is amended by adding the following new paragraph (33) after paragraph (32):

```
“(33) Department of Energy nuclear materials courier means an employee of the Department of Energy or its predecessor agencies, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapons components, stra-
```
ategic quantities of special nuclear materials, or other
materials related to national security, including an
employee who remains fully certified to engage in
this activity who is transferred to a supervisory,
training, or administrative position.”.

SEC. 3166. AMENDING SECTION 8412(d) OF TITLE 5, U.S.C.
Section 8412(d) of title 5, United States Code, is
amended by striking “or firefighter” in paragraphs (1)
and (2) and inserting in its place, “a firefighter, or a De-
partment of Energy nuclear materials courier,”.

SEC. 3167. AMENDING SECTION 8415(g) OF TITLE 5, U.S.C.
Section 8415(g) of title 5, United States Code, is
amended by striking “firefighter” and inserting in its
place “firefighter, Department of Energy nuclear mate-
rials courier,”.

SEC. 3168. AMENDING SECTION 8422(a)(3) OF TITLE 5, U.S.C.
Section 8422(a)(3) of title 5, United States Code, is
amended by striking “firefighter” in the schedule and in-
serting in its place “firefighter, Department of Energy nu-
clear materials courier,”.

SEC. 3169. AMENDING SECTIONS 8423(a) (1)(B)(i) AND (3)(A)
OF TITLE 5, U.S.C.
Sections 8423(a)(1)(B)(i) and 8423(a)(3)(A) of title
5, United States Code, are amended by striking “Fire-
54

fighters” and inserting in its place “firefighters, Department of Energy nuclear materials couriers,”.

SEC. 3170. AMENDING SECTION 8335(b) OF TITLE 5, U.S.C.

Section 8335(b) of title 5, United States Code, is amended by adding the words “or Department of Energy Nuclear Materials Couriers” after the word “officer” in the second sentence.

SEC. 3171. PAYMENTS.

Any payments made by the Department of Energy to the Civil Service Retirement or Disability Fund pursuant to this Act shall be made from the Weapons Activities account.

SEC. 3172. EFFECTIVE DATE.

These amendments are effective at the beginning of the first pay period in fiscal year 2000, and applies only to those employees who retire after fiscal year 1999.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1999, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).
TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:


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

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) Obligation of Stockpile Funds.—During fiscal year 1999, the National Defense Stockpile Manager may obligate up to $83,000,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) Additional Obligations.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National
Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in the amount of $103,000,000 by the end of fiscal year 1999 and $377,000,000 by the end of fiscal year 2003.

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

<table>
<thead>
<tr>
<th>Authorized Stockpile Disposals</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Material for disposal</td>
<td>Quantity</td>
</tr>
<tr>
<td>Beryllium Metal, vacuum cast</td>
<td>227 short tons</td>
</tr>
<tr>
<td>Chromium Metal—EL</td>
<td>8,511 short tons</td>
</tr>
<tr>
<td>Columbium Carbide Powder</td>
<td>21,372 pounds contained</td>
</tr>
<tr>
<td>Columbium Ferro</td>
<td>249,395 pounds contained</td>
</tr>
</tbody>
</table>
Authorized Stockpile Disposals—Continued

<table>
<thead>
<tr>
<th>Material for disposal</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbium Concentrates</td>
<td>1,733,454 pounds contained</td>
</tr>
<tr>
<td>Chromium Ferroalloy</td>
<td>92,000 short tons</td>
</tr>
<tr>
<td>Diamond, Stones</td>
<td>3,000,000 carats</td>
</tr>
<tr>
<td>Germanium Metal</td>
<td>28,198 kilograms</td>
</tr>
<tr>
<td>Indium</td>
<td>14,248 troy ounces</td>
</tr>
<tr>
<td>Palladium</td>
<td>1,227,831 troy ounces</td>
</tr>
<tr>
<td>Platinum</td>
<td>439,887 troy ounces</td>
</tr>
<tr>
<td>Tantalum Carbide Powder</td>
<td>22,681 pounds contained</td>
</tr>
<tr>
<td>Tantalum Metal Powder</td>
<td>50,000 pounds contained</td>
</tr>
<tr>
<td>Tantalum Minerals</td>
<td>1,751,364 pounds contained</td>
</tr>
<tr>
<td>Tantalum Oxide</td>
<td>122,730 pounds contained</td>
</tr>
<tr>
<td>Tungsten Ferro</td>
<td>2,024,143 pounds</td>
</tr>
<tr>
<td>Tungsten Carbide Powder</td>
<td>2,032,954 pounds</td>
</tr>
<tr>
<td>Tungsten Metal Powder</td>
<td>1,898,009 pounds</td>
</tr>
<tr>
<td>Tungsten Ores &amp; Concentrates</td>
<td>76,358,230 pounds</td>
</tr>
</tbody>
</table>

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

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) AUTHORIZATION OF SALE.—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts of $100,000,000 of the amount specified for fiscal year
1999 in subsection (a) by the end of that fiscal year shall be effective only to the extent provided in advance in appropriation Acts.

SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION, RESTORATION, WASTE MANAGEMENT, AND COMPLIANCE ACTIVITIES.

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

(1) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

“(J) Performance of environmental remediation, restoration, waste management, or compliance activities at locations of the stockpile that are required under a Federal law or are undertaken by the Government under an administrative decision or negotiated agreement.”.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1999 for the purposes of carrying out—
(1) activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title); and

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

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

TITLE XXXV—PANAMA CANAL COMMISSION

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

(a) Short Title.—This title may be cited as the “Panama Canal Commission Authorization Act for Fiscal Year 1999”.

(b) References to Panama Canal Act of 1979.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a
section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1999.

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

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $48,000 may be used for official reception and representation expenses of the Administrator of the Commission.
SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $23,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

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

SEC. 3505. DONATIONS TO THE COMMISSION.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

“(f)(1) The Commission may seek and accept donations of funds, property, and services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out its promotional activities.

“(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds, property, or services authorized by paragraph (1) would reflect unfavorably upon the ability of the Commission (or any employee of the Commission) to carry out its responsibilities or official du-
ties in a fair and objective manner or would compromise
the integrity or the appearance of the integrity of its pro-
grams or of any official in those programs.”.

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

Section 1110 (22 U.S.C. 3620) is amended by adding
at the end the following new subsection:
“(c)(1) The Secretary of State may enter into one
or more agreements to provide for the United States to
furnish administrative services relating to the benefits de-
scribed in paragraph (2) after December 31, 1999, and
to establish appropriate procedures for providing advance
funding for the services.
“(2) The benefits referred to in paragraph (1) are
the following:
“(A) Pension, disability, and medical benefits
provided by the Panama Canal Commission pursu-
ant to section 1245.
“(B) Compensation for work injuries covered by
chapter 81 of title 5, United States Code.”.

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

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

(b) SAVINGS PROVISION FOR BASIC PAY.—Notwith-
standing subsection (a), benefits based on basic pay, as
listed in paragraphs (1), (2), (3), (5), and (6) of section
1218 of the Panama Canal Act of 1979, shall be paid as
if sections 1217(a) and 1231(a)(2) (A) and (B) of that
Act had been repealed effective 12:00 p.m., December 31,
1999. The exception under the preceding sentence shall
not apply to any pay for hours of work performed on De-

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

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SEC. 3508. CENTRAL EXAMINING OFFICE.

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

SEC. 3509. LIABILITY FOR VESSEL ACCIDENTS.

(a) Commission Liability Subject to Claimant Insurance.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is amended by inserting “to section 1419(b) of this Act and” after “Subject” in the first sentence.

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

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

(b) Limitation on Liability.—Section 1419 (22 U.S.C. 3779) is amended by designating the text as subsection (a) and by adding at the end the following:

“(b) The Commission may not consider or pay any claim under section 1411 or 1412 of this Act, nor may an action for damages lie thereon, unless the claimant is covered by one or more valid policies of insurance totalling at least $1,000,000 against the injuries specified in those sections. The Commission’s liability on any such claim shall be limited to damages in excess of all amounts recovered or recoverable by the claimant from its insurers. The
Commission may not consider or pay any claim by an insurer or subrogee of a claimant under section 1411 or 1412 of this Act.”

SEC. 3510. PLACEMENT OF UNITED STATES CITIZENS IN POSITIONS WITH THE UNITED STATES GOVERNMENT.

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

(1) by striking out subsection (d);
(2) by redesignating subsection (c) as subsection (d); and
(3) by inserting after subsection (b) the following new subsection (c):

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

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

“(B) in the case of an employee in the Republic of Panama who chooses to so designate, any Standard Federal Region designated by the employee.

“(2) Paragraph (1) applies to a person who—
“(A) is a citizen of the United States;

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

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

“(3) A person’s eligibility for a noncompetitive appointment under paragraph (1) expires one year after the date of the separation of that person from employment by the Panama Canal Commission.

“(4) For the purposes of paragraph (2)(B), an employee of the dissolution office established to manage Panama Canal Commission Dissolution Fund established by section 1305 is an employee of the Panama Canal Commission.

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

SEC. 3511. PANAMA CANAL BOARD OF CONTRACT APPEALS.

(a) Establishment and Pay of Board.—Section 3102(a) (22 U.S.C. 3862(a)) is amended—

(1) in paragraph (1), by striking out “shall” in the first sentence and inserting in lieu thereof “may”; and
(2) by adding at the end the following new paragraph:

“(3) Compensation for members of the Board of Contract Appeals shall be established by the Commission’s supervisory board. The annual compensation established for members may not exceed the rate of basic pay established for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The compensation of a member may not be reduced during the member’s term of office from the level established at the time of the appointment of the member.”.

(b) Deadline for Commencement of Board.—

Section 3102(e) (22 U.S.C. 3862(e)) is amended by striking out “, but not later than January 1, 1999”.

SEC. 3512. TECHNICAL AMENDMENTS.

(a) Panama Canal Act of 1979.—The Panama Canal Act of 1979 is amended as follows:

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

(A) by striking out “the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997” and inserting in lieu thereof “November 17, 1997,”;

(B) by striking out “on or after that date”; and
(C) by striking out “the day before the date of enactment” and inserting in lieu thereof “that date”.

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

(3) Section 1313 (22 U.S.C. 3723) is amended by striking out “subsection (d)” in each of subsections (a), (b), and (d) and inserting in lieu thereof “subsection (c)”.

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

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

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

SEC. 3513. OFFICER OF THE DEPARTMENT OF DEFENSE DESIGNATED AS A MEMBER OF THE PANAMA CANAL COMMISSION SUPERVISORY BOARD.

(a) Authority.—Section 1102(a) (22 U.S.C. 3612(a)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: “The Commission shall be supervised by a Board composed of nine members. An officer of the Department of Defense designated by the Secretary of Defense shall be one of the members of the Board.”; and

(2) in the last sentence, by striking out “Secretary of Defense or a designee of the Secretary of Defense” and inserting in lieu thereof “the officer of the Department of Defense designated by the Secretary of Defense to be a member of the Board”.

(b) Repeal of Superseded Provision.—Section 302 of Public Law 105–18 (111 Stat. 168) is repealed.
TITLE XXXVI—COMMERCIAL ACTIVITIES OF PEOPLE’S LIBERATION ARMY

SEC. 3601. APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO CHINESE MILITARY COMPANIES.

(a) Determination of Communist Chinese Military Companies.—

(1) In general.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall compile a list of persons who are Communist Chinese military companies and who are operating directly or indirectly in the United States or any of its territories and possessions, and shall publish the list of such persons in the Federal Register. On an ongoing basis, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall make additions or deletions to the list based on the latest information available.
(2) **COMMUNIST CHINESE MILITARY COMPANY.**—For purposes of making the determination required by paragraph (1), the term “Communist Chinese military company”—

(A) means a person that is—

(i) engaged in providing commercial services, manufacturing, producing, or exporting, and

(ii) owned or controlled by the People’s Liberation Army, and

(B) includes, but is not limited to, any person identified in the United States Defense Intelligence Agency publication numbered VP–1920–271–90, dated September 1990, or PC–1921–57–95, dated October 1995, and any update of such reports for the purposes of this title.

(b) **PRESIDENTIAL AUTHORITY.**—

(1) **AUTHORITY.**—The President may exercise the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) with respect to any commercial activity in the United States by a Communist Chinese military company (except with respect to authorities
relating to importation), without regard to section 202 of that Act.

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issued under paragraph (1).

SEC. 3602. DEFINITION.

For purposes of this title, the term “People’s Liberation Army” means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People’s Republic of China, and any member of any such service or of such police.

TITLE XXXVII—FORCED OR INDENTURED LABOR

SEC. 3701. FINDINGS.

Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, or indentured labor, in several countries.

(2) The United States Customs Service has made limited attempts to prohibit the import of products made with forced labor, resulting in only a
few seizures, detention orders, fines, and criminal
prosecutions.

(3) The United States Customs Service has
taken 21 formal administrative actions in the form
of detention orders against different products des-
tined for the United States market, found to have
been made with forced labor, including products
from the People’s Republic of China.

(4) However, the United States Customs Serv-
vice has never formally investigated or pursued en-
forcement with respect to attempts to import prod-
ucts made with forced or indentured child labor.

(5) The United States Customs Service can use
additional resources and tools to obtain the timely
and in-depth verification necessary to identify and
interdict products made with forced labor or inden-
tured labor, including forced or indentured child
labor, that are destined for the United States mar-
ket.

(6) The International Labor Organization esti-
mates that approximately 250,000,000 children be-
tween the ages of 5 and 14 are working in develop-
ing countries, including millions of children in bond-
age or otherwise forced to work for little or no pay.

SEC. 3702. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED OR INDENTURED LABOR.

There are authorized to be appropriated $2,000,000 for fiscal year 1999 to the United States Customs Service to monitor the importation of products made with forced labor or indentured labor, including forced or indentured child labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code.

SEC. 3703. REPORTING REQUIREMENT ON FORCED LABOR OR INDENTURED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.

(a) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Customs shall prepare and transmit to Congress a report on products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.
(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor or indentured labor, including forced or indentured child labor in manufacturing or mining products destined for the United States market.

(2) The volume of products made or mined with forced labor or indentured labor, including forced or indentured child labor that is—

(A) destined for the United States market,

(B) in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, and

(C) seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor or indentured labor, including forced or indentured child labor that are destined for the United States market.

SEC. 3704. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.

It is the sense of Congress that the President should determine whether any country with which the United
States has a memorandum of understanding with respect to reciprocal trade that involves goods made with forced labor or indentured labor, including forced or indentured child labor is frustrating implementation of the memorandum. If an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor or indentured labor, including forced or indentured child labor. The memorandum of understanding should include improved procedures for requesting investigations of suspected work sites by international monitors.

**TITLE XXXVIII—FAIR TRADE IN AUTOMOTIVE PARTS**

**SEC. 3801. SHORT TITLE.**

This title may be cited as the “Fair Trade in Automotive Parts Act of 1998”.

**SEC. 3802. DEFINITIONS.**

In this title:

1. **JAPANESE MARKETS.**—The term “Japanese markets” refers to markets, including markets in the United States and Japan, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese automobiles.
(2) JAPANESE AND OTHER ASIAN MARKETS.—
The term “Japanese and other Asian markets” refers to markets, including markets in the United States, Japan, and other Asian countries, where automotive parts and accessories, both original equipment and aftermarket, are purchased for use in the manufacture or repair of Japanese, American, or other Asian automobiles.

SEC. 3803. RE-ESTABLISHMENT OF INITIATIVE ON AUTOMOTIVE PARTS SALES TO JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall re-establish the initiative to increase the sale of United States made automotive parts and accessories to Japanese markets.

(b) FUNCTIONS.—In carrying out this section, the Secretary shall—

(1) foster increased access for United States made automotive parts and accessories to Japanese companies, including specific consultations on access to Japanese markets;

(2) facilitate the exchange of information between United States automotive parts manufacturers and the Japanese automobile industry;

(3) collect data and market information on the Japanese automotive industry regarding needs,
trends, and procurement practices, including the
types, volume, and frequency of parts sales to Japa-
nese automobile manufacturers;

(4) establish contacts with Japanese automobile
manufacturers in order to facilitate contact between
United States automotive parts manufacturers and
Japanese automobile manufacturers;

(5) report on and attempt to resolve disputes,
policies or practices, whether public or private, that
result in barriers to increased commerce between
United States automotive parts manufacturers and
Japanese automobile manufacturers;

(6) take actions to initiate periodic consulta-
tions with officials of the Government of Japan re-
garding sales of United States-made automotive
parts in Japanese markets; and

(7) transmit to Congress the annual report pre-
pared by the Special Advisory Committee under sec-
tion 3804(c)(5).

SEC. 3804. ESTABLISHMENT OF SPECIAL ADVISORY COM-
MITTEE ON AUTOMOTIVE PARTS SALES IN
JAPANESE AND OTHER ASIAN MARKETS.

(a) IN GENERAL.—The Secretary of Commerce shall
seek the advice of the United States automotive parts in-
dustry in carrying out this title.
(b) ESTABLISHMENT OF COMMITTEE.—The Secretary of Commerce shall establish a Special Advisory Committee for purposes of carrying out this title.

(c) FUNCTIONS.—The Special Advisory Committee established under subsection (b) shall—

(1) report to the Secretary of Commerce on barriers to sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(2) review and consider data collected on sales of United States-made automotive parts and accessories in Japanese and other Asian markets;

(3) advise the Secretary of Commerce during consultations with other governments on issues concerning sales of United States-made automotive parts in Japanese and other Asian markets;

(4) assist in establishing priorities for the initiative established under section 3803, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and

(5) assist the Secretary in reporting to Congress by submitting an annual written report to the Secretary on the sale of United States-made automotive parts in Japanese and other Asian markets,
as well as any other issues with respect to which the Committee provides advice pursuant to this title.

(d) Authority.—The Secretary of Commerce shall draw on existing budget authority in carrying out this title.

SEC. 3805. EXPIRATION DATE.

The authority under this title shall expire on December 31, 2003.

TITLE XXXIX —RADIO FREE ASIA

SEC. 3901. SHORT TITLE.

This title may be cited as the “Radio Free Asia Act of 1998”.

SEC. 3902. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People’s Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People’s Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency, Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February 1996 the “Interim
Internet Management Rules”, which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the Internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People’s Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Enhanced broadcasting service to China and Tibet can efficiently be established through a combination of Radio Free Asia and Voice of America programming.

(6) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People’s Republic of China in multiple languages, have the capability to establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.
(7) Simultaneous broadcastings on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3903. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) Authorization of Appropriations for Radio Free Asia.—

(1) Authorization of Appropriations.—

There are authorized to be appropriated for “Radio Free Asia” $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) Limitations.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one-time capital costs.

(3) Sense of Congress.—It is the sense of Congress that of the funds under paragraph (1), a significant amount shall be directed towards broadcasting to China and Tibet in the appropriate languages and dialects.

(b) Authorization of Appropriations for International Broadcasting to China.—In addition
to such sums as are otherwise authorized to be appropriated for “International Broadcasting Activities” for fiscal years 1998 and 1999, there are authorized to be appropriated for “International Broadcasting Activities” $5,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China. Of the funds authorized under this subsection $100,000 is authorized to be appropriated for each of the fiscal years 1998 and 1999 for additional personnel to staff Hmong language broadcasting.

(c) Authorization of Appropriations for Radio Construction.—In addition to such sums as are otherwise authorized to be appropriated for “Radio Construction” for fiscal years 1998 and 1999, there are authorized to be appropriated for “Radio Construction” $10,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China, including the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

SEC. 3904. REPORTING REQUIREMENT.

(a) Report.—Not later than 90 days after the date of enactment of this Act, the Broadcasting Board of Governors shall prepare and submit to the appropriate con-
gressional committees an assessment of the board’s efforts
to increase broadcasting by Radio Free Asia and Voice
of America to China and Tibet. This report shall include
an analysis of Chinese government control of the media,
the ability of independent journalists and news organiza-
tions to operate in China, and the results of any research
conducted to quantify listenership.

(b) PURPOSES.—For purposes of this section, appro-
priate congressional committees are defined as the Senate
Committees on Foreign Relations and Appropriations and
the House Committees on International Relations and Ap-
propriations.

Passed the Senate June 25, 1998.

Attest: GARY SISCO,
Secretary.