

Calendar No. 546

106TH CONGRESS
2D SESSION

S. 2552

To authorize appropriations for fiscal year 2001 for defense activities of the Department of Energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2000

Mr. WARNER, from the Committee on Armed Services, reported, under authority of the order of the Senate of May 11th, 2000, the following original bill; which was read twice and placed on the calendar

A BILL

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 Representatives 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.
- Sec. 3107. Interim storage activities.

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.

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.

Subtitle E—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.

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.

TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

Sec. 3401. Authorized uses of stockpile funds.
 Sec. 3402. Increased receipts under prior disposal authority.

- 1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**
- 2 For purposes of this Act, the term “congressional de-
- 3 fense committees” means—
- 4 (1) the Committee on Armed Services and the
- 5 Committee on Appropriations of the Senate; and
- 6 (2) the Committee on National Security and the
- 7 Committee on Appropriations of the House of Rep-
- 8 resentatives.

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

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

6 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
7 **TION.**

8 (a) IN GENERAL.—Funds are hereby authorized to
9 be appropriated to the Department of Energy for fiscal
10 year 2001 for national nuclear security administration in
11 carrying out programs necessary for national security in
12 the amount of \$6,214,835,000, to be allocated as follows:

13 (1) WEAPONS ACTIVITIES.—For weapons activi-
14 ties necessary for national nuclear security adminis-
15 tration, \$4,672,800,000, to be allocated as follows:

16 (A) STEWARDSHIP OPERATION AND MAIN-
17 TENANCE.—For stewardship operation and
18 maintenance in carrying out weapons activities
19 necessary for national nuclear security adminis-
20 tration, \$3,887,383,000, to be allocated as fol-
21 lows:

22 (i) For directed stockpile work,
23 \$842,603,000.

24 (ii) For campaigns, \$1,496,982,000.

(iii) For readiness in technical base and facilities, \$1,547,798,000.

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

10 (ii) For program direction (secure
11 transportation), \$36,316,000.

12 (C) PROGRAM DIRECTION.—For program
13 direction in carrying out weapons activities nec-
14 essary for national nuclear security administra-
15 tion, \$221,257,000.

16 (D) CONSTRUCTION.—For construction
17 (including maintenance, restoration, planning,
18 construction, acquisition, modification of facil-
19 ties, and the continuation of projects authorized
20 in prior years, and land acquisition related
21 thereto) in carrying out weapons activities nec-
22 essary for national nuclear security administra-
23 tion, \$448,173,000, to be allocated as follows:

24 Project 01-D-101, distributed infor-
25 mation systems laboratory, Sandia Na-

6 Project 01-D-124, highly enriched
7 uranium (HEU) materials facility, Y-12
8 Plant, Oak Ridge, Tennessee,
9 \$17,800,000.

10 Project 01-D-126, weapons evalua-
11 tion test laboratory, Pantex Plant, Ama-
12 rillo, Texas, \$3,000,000.

17 Project 00-D-105, strategic com-
18 puting complex, Los Alamos National Lab-
19 oratory, Los Alamos, New Mexico,
20 \$56,000,000.

21 Project 00-D-107, joint computa-
22 tional engineering laboratory, Sandia Na-
23 tional Laboratories, Albuquerque, New
24 Mexico, \$6,700,000.

1 Project 99-D-103, isotope sciences
2 facilities, Lawrence Livermore National
3 Laboratory, Livermore, California,
4 \$5,000,000.

5 Project 99-D-104, protection of real
6 property (roof reconstruction, Phase II)
7 Lawrence Livermore National Laboratory,
8 Livermore, California, \$2,800,000.

9 Project 99-D-106, model validation
10 and systems certification test center,
11 Sandia National Laboratories, Albu-
12 querque, New Mexico, \$5,200,000.

16 Project 99-D-125, replace boilers and
17 controls, Kansas City Plant, Kansas City,
18 Missouri, \$13,000,000.

19 Project 99-D-127, stockpile manage-
20 ment restructuring initiative, Kansas City
21 Plant, Kansas City, Missouri,
22 \$23,765,000.

23 Project 99-D-128, stockpile manage-
24 ment restructuring initiative, Pantex Plant
25 consolidation, Amarillo, Texas, \$4,998,000.

1 Project 99-D-132, stockpile management
2 restructuring initiative, nuclear materials
3 safeguards and security upgrades
4 project, Los Alamos National Laboratory,
5 Los Alamos, New Mexico, \$18,043,000.

6 Project 98-D-123, stockpile manage-
7 ment restructuring initiative, tritium facil-
8 ity modernization and consolidation, Sa-
9 vannah River Site, Aiken, South Carolina,
10 \$30,767,000.

11 Project 98-D-125, tritium extraction
12 facility, Savannah River Site, Aiken, South
13 Carolina, \$75,000,000.

14 Project 98-D-126, Accelerator Pro-
15 duction of Tritium (APT), various loca-
16 tions, \$34,000,000.

17 Project 97-D-102, dual-axis radio-
18 graphic hydrotest facility (DARHT), Los
19 Alamos National Laboratory, Los Alamos,
20 New Mexico, \$35,232,000.

24 Project 96-D-111, national ignition
25 facility (NIF), Lawrence Livermore Na-

3 Project 95-D-102, chemistry and
4 metallurgy research upgrades project, Los
5 Alamos National Laboratory, Los Alamos,
6 New Mexico, \$13,337,000.

10 (2) DEFENSE NUCLEAR NONPROLIFERATION.—
11 For defense nuclear nonproliferation necessary for
12 national nuclear security administration,
13 \$847,035,000, to be allocated as follows:

14 (A) NONPROLIFERATION AND
15 VERIFICATION RESEARCH AND DEVELOP-
16 MENT.—For nonproliferation and verification
17 research and development technology in car-
18 rying out defense nuclear nonproliferation nec-
19 essary for national nuclear security administra-
20 tion, \$262,990,000, to be allocated as follows:

21 (i) For operation and maintenance,
22 \$255,990,000.

23 (ii) For the following plant project
24 (including maintenance, restoration, plan-
25 ning, construction, acquisition, modifica-

5 Project 00-D-192, nonprolifera-
6 tion and international security center
7 (NISC), Los Alamos National Labora-
8 tory, Los Alamos, New Mexico,
9 \$7,000,000.

10 (B) ARMS CONTROL.—For arms control in
11 carrying out defense nuclear nonproliferation
12 necessary for national nuclear security adminis-
13 tration, \$308,060,000, to be allocated as fol-
14 lows:

15 (i) For arms control operations,
16 \$272,870,000.

17 (ii) For highly enriched uranium
18 (HEU) transparency implementation,
19 \$15,190,000.

20 (iii) For international nuclear safety,
21 \$20,000,000.

22 (C) FISSILE MATERIALS DISPOSITION.—
23 For fissile materials disposition in carrying out
24 defense nuclear nonproliferation necessary for

1 national nuclear security administration,
2 \$224,517,000, to be allocated as follows:

12 Project 00-D-142, immobiliza-
13 tion and associated processing facility,
14 titles I and II design, Savannah River
15 Site, Aiken, South Carolina,
16 \$3,000,000.

17 Project 99-D-141, pit dis-
18 assembly and conversion facility, titles
19 I and II design, Savannah River Site,
20 Aiken, South Carolina, \$31,000,000.

21 Project 99-D-143, mixed oxide
22 fuel fabrication facility, titles I and II
23 design, Savannah River Site, Aiken,
24 South Carolina, \$15,000,000.

1 (D) PROGRAM DIRECTION.—For program
2 direction in carrying out defense nuclear non-
3 proliferation necessary for national nuclear se-
4 curity administration, \$51,468,000.

14 (i) For operation and maintenance,
15 \$644,900,000.

1 Project 01-D-200, major office
2 replacement building, Schenectady,
3 New York, \$1,300,000.

8 (B) PROGRAM DIRECTION.—For program
9 direction in carrying out naval reactors activi-
10 ties necessary for national nuclear security ad-
11 ministration, \$21,400,000.

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

14 (a) IN GENERAL.—Subject to subsection (b), funds
15 are hereby authorized to be appropriated to the Depart-
16 ment of Energy for fiscal year 2001 for environmental res-
17 toration and waste management activities in carrying out
18 programs necessary for national security in the amount
19 of \$5,501,824,000, to be allocated as follows:

14 Project 01-D-402, Intec cathodic
15 protection system expansion, Idaho Na-
16 tional Engineering and Environmental
17 Laboratory, Idaho Falls, Idaho, \$500,000.

18 Project 01-D-407, highly enriched
19 uranium (HEU) blend down, Savannah
20 River Site, Aiken, South Carolina,
21 \$27,932,000.

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

1 Project 99-D-404, health physics in-
2 strumentation laboratory, Idaho National
3 Engineering and Environmental Labora-
4 tory, Idaho Falls, Idaho, \$4,300,000.

5 Project 98-D-453, plutonium sta-
6 bilization and handling system for pluto-
7 nium finishing plant, Richland, Wash-
8 ington, \$1,690,000.

9 Project 97-D-470, regulatory moni-
10 toring and bioassay laboratory, Savannah
11 River Site, Aiken, South Carolina,
12 \$3,949,000.

13 Project 96-D-471, chlorofluorocarbon
14 heating, ventilation, and air conditioning
15 and chiller retrofit, Savannah River Site,
16 Aiken, South Carolina, \$12,512,000.

17 Project 92-D-140, F&H canyon ex-
18 haust upgrades, Savannah River Site,
19 Aiken, South Carolina, \$8,879,000.

20 Project 86-D-103, decontamination
21 and waste treatment facility, Lawrence
22 Livermore National Laboratory, Liver-
23 more, California, \$2,000,000.

24 (3) POST 2006 COMPLETION.—For post-2006
25 completion in carrying out environmental restoration

1 and waste management activities necessary for na-
2 tional security programs, \$3,028,457,000, to be allo-
3 cated as follows:

4 (A) For operation and maintenance,
5 \$2,533,725,000.

6 (B) For plant projects (including mainte-
7 nance, restoration, planning, construction, ac-
8 quisition, modification of facilities, and the con-
9 tinuation of projects authorized in prior years,
10 and land acquisition related thereto),
11 \$99,732,000, to be allocated as follows:

12 Project 01-D-403, immobilized high-
13 level waste interim storage facility, Rich-
14 land, Washington, \$1,300,000.

15 Project 99-D-403, privatization
16 phase I infrastructure support, Richland,
17 Washington, \$7,812,000.

18 Project 97-D-402, tank farm restora-
19 tion and safe operations, Richland, Wash-
20 ington, \$46,023,000.

21 Project 94-D-407, initial tank re-
22 trieval systems, Richland, Washington,
23 \$17,385,000.

24 Project 93-D-187, high-level waste
25 removal from filled waste tanks, Savannah

12 (b) ADJUSTMENT.—The total amount authorized to
13 be appropriated by subsection (a) is the sum of the
14 amounts authorized to be appropriated by paragraphs (1)
15 through (5) of that subsection, reduced by \$141,317,000.

16 SEC. 3103. OTHER DEFENSE ACTIVITIES.

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

23 (1) INTELLIGENCE.—For intelligence in car-
24 rying out other defense activities necessary for na-

1 tional security programs, \$38,059,000, to be allo-
2 cated as follows:

3 (A) For operation and maintenance,
4 \$36,059,000.

5 (B) For the following plant project (includ-
6 ing maintenance, restoration, planning, con-
7 struction, acquisition, modification of facilities,
8 and the continuation of projects authorized in
9 prior years, and land acquisition related there-
10 to), \$2,000,000, to be allocated as follows:

11 Project 01-D-800, sensitive compart-
12 mented information facility, Lawrence
13 Livermore National Laboratory, Liver-
14 more, California, \$2,000,000.

15 (2) COUNTERINTELLIGENCE.—For counter-
16 intelligence in carrying out other defense activities
17 necessary for national security programs,
18 \$75,200,000.

19 (3) SECURITY AND EMERGENCY OPERATIONS.—
20 For security and emergency operations in carrying
21 out other defense activities necessary for national se-
22 curity programs, \$281,576,000, to be allocated as
23 follows:

24 (A) For nuclear safeguards and security,
25 \$124,409,000.

1 (B) For security investigations,
2 \$33,000,000.

3 (C) For emergency management,
4 \$37,300,000.

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

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

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

24 (A) For operation and maintenance,
25 \$21,500,000.

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

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

10 (2) The total amount authorized to be appropriated
11 by subsection (a) is the sum of the amounts authorized
12 to be appropriated by paragraphs (1) through (7) of that
13 subsection, reduced by \$50,000,000.

14 SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-
15 VATIZATION.

16 (a) IN GENERAL.—Funds are hereby authorized to
17 be appropriated to the Department of Energy for fiscal
18 year 2001 for privatization initiatives in carrying out envi-
19 ronmental restoration and waste management activities
20 necessary for national security programs in the amount
21 of \$540,092,000, to be allocated as follows:

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

1 Project 97-PVT-1, tank waste remediation sys-
2 tem project, phase I, Richland, Washington,
3 \$450,000,000.

4 Project 97-PVT-2, advanced mixed waste
5 treatment project Idaho Falls, Idaho, \$65,000,000.

6 (b) EXPLANATION OF ADJUSTMENT.—The amount
7 authorized to be appropriated pursuant to subsection (a)
8 is the sum of the amounts authorized to be appropriated
9 for the projects in that subsection reduced by \$25,092,000
10 for use of prior year balances of funds for defense environ-
11 mental management privatization.

12 **SEC. 3105. ENERGY EMPLOYEES COMPENSATION INITIA-
13 TIVE.**

14 Funds are hereby authorized to be appropriated to
15 the Department of Energy for fiscal year 2001 for an en-
16 ergy employees compensation initiative in the amount of
17 \$17,000,000.

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

19 Funds are hereby authorized to be appropriated to
20 the Department of Energy for fiscal year 2001 for pay-
21 ment to the Nuclear Waste Fund established in section
22 302(c) of the Nuclear Waste Policy Act of 1982 (42
23 U.S.C. 10222(c)) in the amount of \$112,000,000.

1 **SEC. 3107. INTERIM STORAGE ACTIVITIES.**

2 The amounts authorized to be appropriated to the
3 Department of Energy by sections 3101, 3102, 3103,
4 3104, 3105, and 3106 are hereby reduced by
5 \$85,000,000, for interim storage activities.

6 **Subtitle B—Recurring General
7 Provisions**8 **SEC. 3121. REPROGRAMMING.**

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

15 (1) in amounts that exceed, in a fiscal year—
16 (A) 110 percent of the amount authorized
17 for that program by this title; or
18 (B) \$ 1,000,000 more than the amount au-
19 thorized for that program by this title; or
20 (2) which has not been presented to, or re-
21 quested of, Congress.

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

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

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

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

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

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

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

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

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

11 (A) the amount authorized for the project; or
12 (B) the amount of the total estimated cost for
13 the project as shown in the most recent budget jus-
14 tification data submitted to Congress.

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

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

21 (B) a period of 30 days has elapsed after the
22 date on which the report is received by the commit-
23 tees.

24 (3) In the computation of the 30-day period under
25 paragraph (2), there is excluded any day on which either

1 House of Congress is not in session because of an adjourn-
2 ment of more than 3 days to a day certain.

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

6 **SEC. 3124. FUND TRANSFER AUTHORITY.**

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

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

24 (2) Not more than 5 percent of any such authoriza-
25 tion may be transferred between authorizations under

1 paragraph (1). No such authorization may be increased
2 or decreased by more than 5 percent by a transfer under
3 such paragraph.

4 (c) LIMITATIONS.—The authority provided by this
5 subsection to transfer authorizations—

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

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

13 (d) NOTICE TO CONGRESS.—The Secretary of En-
14 ergy shall promptly notify the Committees on Armed Serv-
15 ices of the Senate and House of Representatives of any
16 transfer of funds to or from authorizations under this
17 title.

18 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
19 **TION DESIGN.**

20 (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1)
21 Subject to paragraph (2) and except as provided in para-
22 graph (3), before submitting to Congress a request for
23 funds for a construction project that is in support of a
24 national security program of the Department of Energy,

1 the Secretary of Energy shall complete a conceptual de-
2 sign for that project.

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

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

10 (A) for a construction project the total esti-
11 mated cost of which is less than \$5,000,000; or

12 (B) for emergency planning, design, and con-
13 struction activities under section 3126.

14 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)
15 Within the amounts authorized by this title, the Secretary
16 of Energy may carry out construction design (including
17 architectural and engineering services) in connection with
18 any proposed construction project if the total estimated
19 cost for such design does not exceed \$600,000.

20 (2) If the total estimated cost for construction design
21 in connection with any construction project exceeds
22 \$600,000, funds for that design must be specifically au-
23 thorized by law.

1 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

3 (a) AUTHORITY.—The Secretary of Energy may use
4 any funds available to the Department of Energy pursuant
5 to an authorization in this title, including funds authorized
6 to be appropriated for advance planning and construction
7 design under sections 3101, 3102, and 3103, to perform
8 planning, design, and construction activities for any De-
9 partment of Energy national security program construc-
10 tion project that, as determined by the Secretary, must
11 proceed expeditiously in order to protect public health and
12 safety, to meet the needs of national defense, or to protect
13 property.

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

20 (c) SPECIFIC AUTHORITY.—The requirement of sec-
21 tion 3125(b)(2) does not apply to emergency planning, de-
22 sign, and construction activities conducted under this sec-
23 tion.

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

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

10 **SEC. 3128. AVAILABILITY OF FUNDS.**

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

15 (b) **EXCEPTION FOR PROGRAM DIRECTION FUNDS.**—
16 Amounts appropriated for program direction pursuant to
17 an authorization of appropriations in subtitle A shall re-
18 main available to be expended only until the end of fiscal
19 year 2003.

20 **SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MAN-**
21 **AGEMENT FUNDS.**

22 (a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRON-**
23 **MENTAL MANAGEMENT FUNDS.**—The Secretary of En-
24 ergy shall provide the manager of each field office of the
25 Department of Energy with the authority to transfer de-
26 fense environmental management funds from a program

1 or project under the jurisdiction of the office to another
2 such program or project.

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

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

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

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

19 (c) EXEMPTION FROM REPROGRAMMING REQUI-
20 MENTS.—The requirements of section 3121 shall not
21 apply to transfers of funds pursuant to subsection (a).

22 (d) NOTIFICATION.—The Secretary, acting through
23 the Assistant Secretary of Energy for Environmental
24 Management, shall notify Congress of any transfer of

1 funds pursuant to subsection (a) not later than 30 days
2 after such transfer occurs.

3 (e) DEFINITIONS.—In this section:

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

7 (A) A program referred to or a project list-
8 ed in paragraphs (2) through (5) of section
9 3102(a).

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

19 (2) The term “defense environmental manage-
20 ment funds” means funds appropriated to the De-
21 partment of Energy pursuant to an authorization for
22 carrying out environmental restoration and waste
23 management activities necessary for national secu-
24 rity programs.

1 (f) DURATION OF AUTHORITY.—The managers of the
2 field offices of the Department may exercise the authority
3 provided under subsection (a) during the period beginning
4 on October 1, 2000, and ending on September 30, 2001.

5 **Subtitle C—National Nuclear
6 Security Administration**

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

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

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

19 (c) POSITION DESCRIBED.—The position of Under
20 Secretary for Nuclear Security of the Department of En-
21 ergy referred to in this section is the position established
22 by subsection (c) of section 202 of the Department of En-
23 ergy Organization Act (42 U.S.C. 7132), as added by sec-
24 tion 3202 of the National Nuclear Security Administration
25 Act (title XXXII of Public Law 106–65; 113 Stat. 954)).

1 **SEC. 3132. MEMBERSHIP OF UNDER SECRETARY FOR NU-**2 **CLEAR SECURITY ON THE JOINT NUCLEAR**3 **WEAPONS COUNCIL.**4 (a) **MEMBERSHIP.**—Section 179 of title 10, United

5 States Code, is amended—

6 (1) in subsection (a), by striking paragraph (3)

7 and inserting the following new paragraph (3):

8 “(3) The Under Secretary for Nuclear Security

9 of the Department of Energy.”; and

10 (2) in subsection (b)(2), by striking “the rep-

11 resentative designated under subsection (a)(3)” and

12 inserting “the Under Secretary for Nuclear Security

13 of the Department of Energy”.

14 (b) **CONFORMING AMENDMENT.**—Section 3212 of the

15 National Nuclear Security Administration Act (title

16 XXXII of the Public Law 106–65; 50 U.S.C. 2402) is

17 amended by adding at the end the following new sub-

18 section:

19 “(e) **MEMBERSHIP ON JOINT NUCLEAR WEAPONS**20 **COUNCIL.**—The Administrator serves as a member of the

21 Joint Nuclear Weapons Council under section 179 of title

22 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.

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:

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

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

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.

(I) Advanced design and production technologies.

(J) Inertial confinement fusion (ICF) ignition 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.

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 o

21 detail as follows:

22 (A) Op

23 (B) Program direction relating

24 portation.

25 (5) Program

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.

(c) DEADLINE FOR SUBMITTAL.—The future-years nuclear security program required by subsection (a) shall 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(c) may be obligated or expended until 45 days after
14 the date on which the Under Secretary of Energy for Nu-
15 clear Security submits to the congressional defense com-
16 mittees 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.

1 **Subtitle D—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3151. PROCESSING, TREATMENT, AND DISPOSITION OF**
5 **LEGACY NUCLEAR MATERIALS.**

6 (a) CONTINUATION.—The Secretary of Energy shall
7 continue operations and maintain a high state of readiness
8 at the F-canyon and H-canyon facilities at the Savannah
9 River Site, Aiken, South Carolina, and shall provide tech-
10 nical staff necessary to operate and so maintain such fa-
11 cilities.

12 (b) LIMITATION ON USE OF FUNDS FOR DECOMMIS-
13 SIONING OF F-CANYON FACILITY.—No amounts author-
14 ized to be appropriated or otherwise made available for
15 the Department of Energy by this Act or any other Act
16 may be obligated or expended for purposes of commencing
17 the decommissioning of the F-canyon facility at the Savan-
18 nah River Site, including any studies and planning relat-
19 ing to such decommissioning, until the Secretary and the
20 Defense Nuclear Facilities Safety Board jointly submit to
21 the congressional defense committees a certification as fol-
22 lows:

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

6 (c) PLAN FOR TRANSFER OF LONG-TERM CHEMICAL
7 SEPARATION ACTIVITIES.—Not later than February 15,
8 2001, the Secretary shall submit to the Committees on
9 Armed Services of the Senate and House of Representa-
10 tives a plan for the transfer of all long-term chemical sepa-
11 ration activities from the F-canyon facility to the H-cany-
12 on facility at the Savannah River Site commencing in fis-
13 cal year 2002.

14 SEC. 3152. FORMERLY UTILIZED SITES REMEDIAL ACTION
15 PROGRAM.

16 (a) CONTINGENT LIMITATION ON AVAILABILITY OF
17 FUNDS FOR CERTAIN TRAVEL EXPENSES.—Subject to
18 the provisions of this section, no funds authorized to be
19 appropriated or otherwise made available for the Depart-
20 ment of Energy by this or any other Act may be obligated
21 or expended for travel by the Secretary of Energy or any
22 employees of the Office of the Secretary of Energy.

23 (b) APPLICABILITY.—The prohibition in subsection
24 (a) shall take effect on March 1, 2001, unless the Sec-
25 retary of Energy makes a certification to the congressional

1 defense committees before that date that the Department
2 of Energy is in compliance with the requirements of sec-
3 tion 3131 of the National Defense Authorization Act for
4 Fiscal Year 2000 (Public Law 106-65; 113 Stat. 925; 10
5 U.S.C. 2701 note).

6 (c) TERMINATION.—If the prohibition in subsection
7 (a) takes effect under subsection (b), the prohibition shall
8 remain in effect until the date on which the Secretary
9 makes the certification described in subsection (b).

10 **SEC. 3153. DEPARTMENT OF ENERGY DEFENSE NUCLEAR**
11 **NONPROLIFERATION PROGRAMS.**

12 (a) NUCLEAR MATERIALS PROTECTION, CONTROL,
13 AND ACCOUNTING PROGRAM.—(1) Not later than Janu-
14 ary 1, 2001, and each year thereafter, the Secretary of
15 Energy shall submit to the Committees on Armed Services
16 of the Senate and House of Representatives a report on
17 the status of efforts during the preceding fiscal year under
18 the Nuclear Materials Protection, Control, and Accounting
19 Program of the Department of Energy to secure weapons-
20 usable nuclear materials in Russia that have been identi-
21 fied as being at risk for theft or diversion.

22 (2) Each report under paragraph (1) shall set forth
23 the following:

24 (A) The number of buildings, including building
25 locations, that received complete and integrated ma-

1 terials protection, control, and accounting systems
2 for nuclear materials described in paragraph (1)
3 during the year covered by such report.

4 (B) The amounts of highly enriched uranium
5 and plutonium in Russia that have been secured
6 under systems described in subparagraph (A) as of
7 the date of such report.

8 (C) The amount of nuclear materials described
9 in paragraph (1) that continues to require securing
10 under systems described in subparagraph (A) as of
11 the date of such report.

12 (D) A plan for actions to secure the nuclear
13 materials identified in subparagraph (C) under sys-
14 tems described in subparagraph (A), including an es-
15 timate of the cost of such actions.

16 (E) The amounts expended through the fiscal
17 year preceding the date of such report to secure nu-
18 clear materials described in paragraph (1) under
19 systems described in subparagraph (A), set forth by
20 total amount and by amount per fiscal year.

21 (3)(A) No amounts authorized to be appropriated for
22 the Department of Energy by this Act or any other Act
23 for purposes of the Nuclear Materials Protection, Control,
24 and Accounting Program may be obligated or expended
25 after September 30, 2000, for any project under the pro-

1 gram at a nuclear weapons complex in Russia until the
2 Secretary submits to the Committees on Armed Services
3 of the Senate and House of Representatives a report on
4 the access policy established with respect to such project,
5 including a certification that the access policy has been
6 implemented.

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

9 (i) permit appropriate determinations by United
10 States officials regarding security requirements, in-
11 cluding security upgrades, for the project; and

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

15 (b) NUCLEAR CITIES INITIATIVE.—(1)(A) Except as
16 provided in subparagraph (B), no amounts authorized to
17 be appropriated or otherwise made available 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 a copy of an agreement de-
24 scribed in subparagraph (C).

1 (B) Subparagraph (A) shall not apply with respect
2 to the obligation or expenditure of funds for purposes of
3 providing assistance under the Nuclear Cities Initiative to
4 the following:

5 (i) Not more than three nuclear cities in Rus-
6 sia.

7 (ii) Not more than two serial production facili-
8 ties in Russia.

9 (C) An agreement referred to in this subparagraph
10 is a written agreement between the United States Govern-
11 ment and the Government of the Russian Federation
12 which provides that Russia will close some of its facilities
13 engaged in nuclear weapons assembly and disassembly
14 work.

15 (2)(A) Of the amounts appropriated or otherwise
16 made available for the Department of Energy for fiscal
17 year 2001 for the Nuclear Cities Initiative, not more than
18 50 percent of such amounts may be obligated or expended
19 for purposes of the Initiative until the Secretary of Energy
20 establishes and implements project review procedures for
21 projects under the Initiative.

22 (B) The project review procedures established under
23 subparagraph (A) shall ensure that any scientific, tech-
24 nical, or commercial project initiated under the Nuclear
25 Cities Initiative—

6 (iii) shall be commercially viable; and

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

10 (C) Not later than January 1, 2001, the Secretary
11 of Energy shall submit to the Committees on Armed Serv-
12 ices of the Senate and House of Representatives a report
13 on the project review procedures established and imple-
14 mented under this paragraph.

15 (3) In this subsection, the term “Nuclear Cities Ini-
16 tiative” means the initiative arising pursuant to the March
17 1998 discussion between the Vice President of the United
18 States and the Prime Minister of the Russian Federation
19 and between the Secretary of Energy of the United States
20 and the Minister of Atomic Energy of the Russian Federa-
21 tion.

22 (c) INTERNATIONAL NUCLEAR SECURITY PRO-
23 GRAM.—Amounts authorized to be appropriated or other-
24 wise made available by this title for the Department of
25 Energy for fiscal year 2001 for the International Nuclear

1 Security Program in the former Soviet Union and Eastern
2 Europe shall be available only for purposes of reactor safe-
3 ty upgrades and training relating to nuclear operator and
4 reactor safety.

5 **SEC. 3154. MODIFICATION OF COUNTERINTELLIGENCE**
6 **POLYGRAPH PROGRAM.**

7 (a) COVERED PERSONS.—Subsection (b) of section
8 3154 of the Department of Energy Facilities Safeguards,
9 Security, and Counterintelligence Enhancement Act of
10 1999 (subtitle D of title XXXI of Public Law 106-65;
11 113 Stat. 941; 42 U.S.C. 7383h) is amended to read as
12 follows:

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

16 “(A) An officer or employee of the Department.
17 “(B) An expert or consultant under contract to
18 the Department.

19 “(C) An officer or employee of a contractor of
20 the Department.

21 “(D) An individual assigned or detailed to the
22 Department.

23 “(E) An applicant for a position in the Depart-
24 ment.

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

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

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

11 “(1) The programs known as Special Access
12 Programs and Personnel Security and Assurance
13 Programs.

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

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

19 (1) by inserting “(1)” before “The Secretary”;
20 and

21 (2) by adding at the end the following new
22 paragraphs:

23 “(2) Subject to paragraph (3), the Secretary may
24 waive the applicability of paragraph (1) to a covered
25 person—

1 “(A) if—

7 “(iii) the covered person acknowledges in a
8 signed writing that the capacity of the covered
9 person to perform duties under a high-risk pro-
10 gram after the expiration of the waiver is condi-
11 tional upon meeting the requirements of para-
12 graph (1) within the effective period of the
13 waiver;

14 “(B) if another Federal agency certifies to the
15 Secretary that the covered person has completed
16 successfully a full-scope or counterintelligence-scope
17 polygraph examination during the 5-year period end-
18 ing on the date of the certification; or

19 “(C) if the Secretary determines, after consulta-
20 tion with the covered person, that the treatment of
21 a medical or psychological condition of the covered
22 person should preclude the administration of the ex-
23 amination.

24 “(3)(A) Any waiver under paragraph (2)(A) shall be
25 effective for not more than 120 days.

1 “(B) Any waiver under paragraph (2)(C) shall be ef-
2 fective for the duration of the treatment on which such
3 waiver is based.”.

4 (d) SCOPE OF COUNTERINTELLIGENCE POLYGRAPH
5 EXAMINATION.—Subsection (f) of that section is
6 amended—

7 (1) by inserting “terrorism,” after “sabotage,”;
8 and

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

12 **SEC. 3155. EMPLOYEE INCENTIVES FOR EMPLOYEES AT
13 CLOSURE PROJECT FACILITIES.**

14 (a) AUTHORITY TO PROVIDE INCENTIVES.—Not-
15 withstanding any other provision of law, the Secretary of
16 Energy may provide to any eligible employee of the De-
17 partment of Energy one or more of the incentives de-
18 scribed in subsection (d).

19 (b) ELIGIBLE EMPLOYEES.—An individual is an eli-
20 gible employee of the Department of Energy for purposes
21 of this section if the individual—

22 (1) has worked continuously at a closure facility
23 for at least two years;
24 (2) is an employee (as that term is defined in
25 section 2105(a) of title 5, United States Code);

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

8 (c) CLOSURE FACILITY DEFINED.—For purposes of
9 this section, the term “closure facility” means a Depart-
10 ment of Energy facility at which the Secretary is carrying
11 out a closure project selected under section 3143 of the
12 National Defense Authorization Act for Fiscal Year 1997
13 (42 U.S.C. 7274n).

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

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

24 (A) any annual leave that remains unused
25 when an employee transfers to a position in a

1 department or agency of the Federal Govern-
2 ment shall be liquidated upon the transfer by
3 payment to the employee of a lump sum for
4 leave in excess of 30 days, or in excess of 240
5 hours based on a standard work week; and

6 (B) upon separation from service, annual
7 leave accumulated under this paragraph shall
8 be treated as any other accumulated annual
9 leave is treated.

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

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

20 (4) The right to receive a voluntary separation
21 incentive payment in the amount equal to the
22 amount the employee would be entitled to receive
23 under section 5595(c) of title 5, United States Code,
24 subject to the terms, conditions, and procedures set
25 forth in section 663 of the Treasury, Postal Service,

1 and General Government Appropriations Act, 1997
2 (5 U.S.C. 5597 note), except that the date in section
3 663(c)(2)(D) of that Act does not apply.

4 (e) AGREEMENT.—(1) An eligible employee of the
5 Department of Energy provided an incentive under this
6 section shall enter into an agreement with the Secretary
7 to remain employed at the closure facility at which the
8 employee is employed as of the date of the agreement until
9 a specific date or for a specific period of time.

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

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

20 (2) Except as provided under paragraph (3), an eligi-
21 ble employee of the Department of Energy who is paid
22 a retention allowance under subsection (d)(2), receives a
23 voluntary separation incentive payment under subsection
24 (d)(4), or both, and who violates an agreement under sub-
25 section (e), or is dismissed for cause, before the end of

1 the period or date of employment agreed upon under such
2 agreement shall refund to the United States an amount
3 that bears the same ratio to the aggregate amount so paid
4 to or received by the employee as the unserved part of
5 such employment bears to the total period of employment
6 agreed upon under such agreement.

7 (3) The Secretary may waive the applicability of
8 paragraph (1) or (2) to an employee otherwise covered by
9 such paragraph if the Secretary determines that there is
10 good and sufficient reason for the waiver.

11 (g) REPORT.—The Secretary shall include in each re-
12 port on a closure project under section 3143(h) of the Na-
13 tional Defense Authorization Act for Fiscal Year 1997 a
14 report on the incentives, if any, provided under this section
15 with respect to the project for the period covered by such
16 report.

17 (h) EXPIRATION OF AUTHORITY.—The authority to
18 provide incentives under this section shall expire on Sep-
19 tember 23, 2011.

20 (i) DETAILS.—(1) Section 3341 of title 5, United
21 States Code, is amended to read as follows:

22 **“§ 3341. Details: within and among Executive agen-**
23 **cies; to non-Federal employers”**

24 “(a) The head of an Executive agency may detail em-
25 ployees among the components of the agency, except em-

1 employees who are required by law to be engaged exclusively
2 in some specific work.

3 “(b) The head of an Executive agency may detail to
4 duties in the Executive agency or another Executive agen-
5 cy or to a non-Federal employer, on a nonreimbursable
6 basis, an employee who has been identified by the Execu-
7 tive agency as being, or likely to become, a surplus em-
8 ployee or displaced employee.

9 “(c) For purposes of this section:

10 “(1) The term ‘Executive agency’ has the
11 meaning given that term by section 105, but does
12 not include a Government corporation or the General
13 Accounting Office.

14 “(2) The term ‘displaced employee’ means an
15 employee who has been given specific notice that the
16 employee is to be separated due to a reduction in
17 force.

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

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

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

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

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

7 “(C) Notwithstanding subparagraph (B), if the basis
8 for continued coverage under this section is a voluntary
9 or involuntary separation from the Department of Energy
10 by reason of a closure project under section 3143 of the
11 National Defense Authorization Act for Fiscal Year 1997
12 (42 U.S.C. 7274n)—

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

16 “(ii) the Department of Energy shall pay the
17 remaining portion of the amount required is under
18 paragraph (1)(A).”.

19 **Subtitle E—Other Matters**

20 **SEC. 3171. EXTENSION OF AUTHORITY FOR APPOINTMENT**
21 **OF CERTAIN SCIENTIFIC, ENGINEERING, AND**
22 **TECHNICAL PERSONNEL.**

23 Section 3161(c)(1) of the National Defense Author-
24 ization Act for Fiscal Year 1995 (42 U.S.C. 7231 note)

1 is amended by striking “September 30, 2000” and insert-
2 ing “September 30, 2002”.

3 **SEC. 3172. UPDATES OF REPORT ON NUCLEAR TEST READI-**
4 **NESS POSTURES.**

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

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

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

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

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

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

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

23 “(C) A description of the readiness status of
24 the skills and capabilities described in subparagraph

1 (A) and of the infrastructure and physical plant de-
2 scribed in subparagraph (B).

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

6 **SEC. 3173. FREQUENCY OF REPORTS ON INADVERTENT RE-**
7 **LEASES OF RESTRICTED DATA AND FOR-**
8 **MERLY RESTRICTED DATA.**

9 (a) FREQUENCY OF REPORTS.—Section 3161(f)(2)
10 of the Strom Thurmond National Defense Authorization
11 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
12 2261; 50 U.S.C. 435 note) is amended to read as follows:

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

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on the date of the enact-
20 ment of this Act and shall apply with respect to inad-
21 vertent releases of Restricted Data and Formerly Re-
22 stricted Data that are discovered on or after that date.

1 **SEC. 3174. FORM OF CERTIFICATIONS REGARDING THE**
2 **SAFETY OR RELIABILITY OF THE NUCLEAR**
3 **WEAPONS STOCKPILE.**

4 Any certification submitted to the President by the
5 Secretary of Defense or the Secretary of Energy regarding
6 confidence in the safety or reliability of a nuclear weapon
7 type in the United States nuclear weapons stockpile shall
8 be submitted in classified form only.

9 **SEC. 3175. ENGINEERING AND MANUFACTURING RE-**
10 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**
11 **TION BY PLANT MANAGERS OF CERTAIN NU-**
12 **CLEAR WEAPONS PRODUCTION PLANTS.**

13 (a) **AUTHORITY.**—The Secretary of Energy may au-
14 thorize the plant manager of a covered nuclear weapons
15 production plant to engage in research, development, and
16 demonstration activities with respect to the engineering
17 and manufacturing capabilities at such plant in order to
18 maintain and enhance such capabilities at such plant.

19 (b) **FUNDING.**—Of the amount allocated by the Sec-
20 retary to a covered nuclear weapons production plant each
21 fiscal year from amounts available to the Department of
22 Energy for such fiscal year for national security programs,
23 not more than an amount equal to 2 percent of such
24 amount may be used for activities authorized under sub-
25 section (a).

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

6 (2) The Y-12 Plant, Oak Ridge, Tennessee.

7 (3) The Pantex Plant, Amarillo, Texas.

8 SEC. 3176. COOPERATIVE RESEARCH AND DEVELOPMENT

11 (a) STRATEGIC PLANS.—Subsection (a) of section 12
12 of the Stevenson-Wydler Technology Innovation Act of
13 1980 (15 U.S.C. 3710a) is amended by striking “joint
14 work statement,” and inserting “joint work statement or,
15 if permitted by the agency, in an agency-approved annual
16 strategic plan.”.

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

20 “(6)(A) In the case of a Department of Energy lab-
21 oratory, a designated official of the Department of Energy
22 may waive any license retained by the Government under
23 paragraph (1)(A), (2), or (3)(D), in whole or in part and
24 according to negotiated terms and conditions, if the des-
25 ignated official finds that the retention of the license by

1 the Department of Energy would substantially inhibit the
2 commercialization of an invention that would otherwise
3 serve an important Federal mission.

4 “(B) The authority to grant a waiver under subparagraph
5 graph (A) shall expire on the date that is 5 years after
6 the date of the enactment of the Department of Energy
7 National Security Act for Fiscal Year 2001.

8 “(C) The expiration under subparagraph (B) of au-
9 thority to grant a waiver under subparagraph (A) shall
10 not effect any waiver granted under subparagraph (A) be-
11 fore the expiration of such authority.”.

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

14 (1) by striking subparagraph (C);

15 (2) by redesignating subparagraph (D) as sub-
16 paragraph (C); and

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

18 (A) in clause (i)—

19 (i) by striking “with a small business
20 firm”; and

21 (ii) by inserting “if” after “state-
22 ment”; and

23 (B) by adding at the end the following new
24 clauses:

1 “(iv) Any agency that has contracted with a non-Fed-
2 eral entity to operate a laboratory may develop and pro-
3 vide to such laboratory one or more model cooperative re-
4 search and development agreements for purposes of stand-
5 ardizing practices and procedures, resolving common legal
6 issues, and enabling review of cooperative research and de-
7 velopment agreements to be carried out in a routine and
8 prompt manner.

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

12 SEC. 3177. COMMENDATION OF DEPARTMENT OF ENERGY
13 AND CONTRACTOR EMPLOYEES FOR EXEM-
14 PLARY SERVICE IN STOCKPILE STEWARD-
15 SHIP AND SECURITY.

16 (a) AUTHORITY TO PRESENT CERTIFICATE OF COM-
17 MENDATION.—The Secretary of Energy may present a
18 certificate of commendation to any current or former em-
19 ployee of the Department of Energy, and any current or
20 former employee of a Department contractor, whose serv-
21 ice to the Department in matters relating to stockpile
22 stewardship and security assisted the Department in fur-
23 thering the national security interests of the United
24 States.

1 (b) CERTIFICATE.—The certificate of commendation
2 presented to a current or former employee under sub-
3 section (a) shall include an appropriate citation of the
4 service of the current or former employee described in that
5 subsection, including a citation for dedication, intellect,
6 and sacrifice in furthering the national security interests
7 of the United States by maintaining a strong, safe, and
8 viable United States nuclear deterrent during the Cold
9 War or thereafter.

10 (c) DEPARTMENT OF ENERGY DEFINED.—For pur-
11 poses of this section, the term “Department of Energy”
12 includes any predecessor agency of the Department of En-
13 ergy.

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

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

18 There are authorized to be appropriated for fiscal
19 year 2001, \$18,500,000 for the operation of the Defense
20 Nuclear Facilities Safety Board under chapter 21 of the
21 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.

1 **TITLE XXXIV—NATIONAL**
2 **DEFENSE STOCKPILE**

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

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

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

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

1 **SEC. 3402. INCREASED RECEIPTS UNDER PRIOR DISPOSAL**2 **AUTHORITY.**

3 Section 3303(a) of the Strom Thurmond National
4 Defense Authorization Act for Fiscal Year 1999 (Public
5 Law 105-261; 111 Stat. 2263; 50 U.S.C. 98d note) is
6 amended—

7 (1) in paragraph (2), by striking
8 “\$460,000,000” and inserting “\$409,000,000”;
9 (2) in paragraph (3), by striking
10 “\$555,000,000” and inserting “\$585,000,000”; and
11 (3) in paragraph (4), by striking
12 “\$590,000,000” and inserting “\$620,000,000”.

Calendar No. 546

106TH CONGRESS
2D SESSION **S. 2552**

A BILL

To authorize appropriations for fiscal year 2001 for defense activities of the Department of Energy, and for other purposes.

MAY 12, 2000

Reported from the Committee on Armed Services, under authority of the order of the Senate of May 11th, 2000, the following original bill; which was read twice and placed on the calendar