

106TH CONGRESS  
2D SESSION

# S. 2597

To clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration.

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2000

Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration.

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

1 **SECTION 1. CONTINUED APPLICABILITY OF ENVIRON-**  
 2 **MENTAL PROTECTION, SAFETY, AND HEALTH**  
 3 **PROVISIONS TO THE NATIONAL NUCLEAR SE-**  
 4 **CURITY ADMINISTRATION.**

5 (a) COMPLIANCE REQUIRED.—Section 3261 of the  
 6 National Nuclear Security Administration Act (title  
 7 XXXII of Public Law 106–65; 113 Stat. 967; 50 U.S.C.  
 8 2461) is amended—

9 (1) by amending subsection (a) to read as fol-  
 10 lows:

11 “(a) COMPLIANCE REQUIRED.—The Administrator  
 12 shall ensure that the operations and activities of the Ad-  
 13 ministration are executed in full compliance with the mat-  
 14 ters described in subsection (e).”; and

15 (2) by inserting after subsection (c) the fol-  
 16 lowing new subsections:

17 “(d) SAVINGS CLAUSE.—Nothing in this title shall be  
 18 construed to limit, impair, enlarge, or otherwise alter the  
 19 matters described in subsection (e), or any obligation of  
 20 the Administration or the Department to comply with any  
 21 such matter.

22 “(e) MATTERS INCLUDED.—The matters referred to  
 23 in subsections (a) and (d) are requirements, whether pro-  
 24 cedural or substantive, of—

1           “(1) Federal environmental, safety, and health  
2       laws, regulations, and rules, including any waivers of  
3       Federal sovereign immunity in any such laws;

4           “(2) State, interstate, or local environmental,  
5       safety, and health laws, regulations, and rules for  
6       which the Federal Government has waived its sov-  
7       ereign immunity;

8           “(3) to the extent authorized by the laws, regu-  
9       lations, rules, and requirements referred to in para-  
10      graphs (1) and (2) (including any waiver of Federal  
11      sovereign immunity in any such laws), any orders,  
12      permits, licenses, and other directives issued pursu-  
13      ant to such laws, regulations, rules and require-  
14      ments, including—

15           “(A) civil and administrative fines and  
16      penalties, whether coercive or punitive, and  
17      whether imposed for isolated, intermittent, or  
18      continuing violations;

19           “(B) fees and charges; and

20           “(C) civil and administrative processes, au-  
21      thorities, and sanctions, including injunctive re-  
22      lief; and

23           “(4) agreements entered into pursuant to those  
24      laws, regulations, and rules.”.

1 (b) CONFORMING AMENDMENTS.—Section 3296 of  
 2 such Act (113 Stat. 971; 50 U.S.C. 2484) is amended—

3 (1) by inserting “(b) OTHER PROVISIONS.—”  
 4 before “Unless”;

5 (2) by inserting “other” before “provisions”;  
 6 and

7 (3) by inserting before subsection (b) (as des-  
 8 ignated by paragraph (1)) the following new sub-  
 9 section:

10 “(a) ENVIRONMENTAL, SAFETY, AND HEALTH PRO-  
 11 VISIONS.—All provisions of the matters described in sub-  
 12 section (e) of section 3261 in effect immediately before  
 13 the effective date of this title that are applicable to the  
 14 functions or facilities of the Department of Energy speci-  
 15 fied in section 3291 shall continue to apply to the cor-  
 16 responding functions or facilities of the Administration.  
 17 Nothing in this section shall be construed to impair the  
 18 application to the Administration of any such matter that  
 19 becomes effective on or after the effective date of this  
 20 title.”.

21 (c) EFFECTIVE DATE.—The amendments made by  
 22 this section shall take effect on March 1, 2000.

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