

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carryout architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,300,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$35,400,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,384,417,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$879,550,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), \$86,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$87,205,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$80,200,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,089,812,000.

(6) For the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1967), \$18,800,000.

(7) For the construction of the force XXI soldier development center, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1966), \$14,000,000.

(8) For the construction of the railhead facility, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$14,800,000.

(9) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$28,500,000.

(10) For the construction of the whole barracks complex renewal, Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$32,000,000.

(11) For the construction of the multi-purpose digital training range, Fort Knox, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$16,000,000.

(12) For the construction of the power plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2183), \$35,400,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total

cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$46,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii);

(3) \$22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina);

(4) \$10,000,000 (the balance of the amount authorized under section 2101(a) for the construction of tank trail erosion mitigation at the Yakima Training Center, Fort Lewis, Washington); and

(5) \$10,100,000 (the balance of the amount authorized under section 2101(a) for the construction of a tactical equipment shop at Fort Sill, Oklahoma).

(c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by \$7,750,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**TITLE XXII—NAVY**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

| State          | Installation or location                                | Amount       |
|----------------|---|--------------|
| Arizona        | Marine Corps Air Station, Yuma                          | \$24,220,000 |
|                | Navy Detachment, Camp Navajo                            | \$7,560,000  |
| California     | Marine Corps Air-Ground Combat Center, Twentynine Palms | \$34,760,000 |
|                | Marine Corps Base, Camp Pendleton                       | \$38,460,000 |
|                | Marine Corps Logistics Base, Barstow                    | \$4,670,000  |
|                | Marine Corps Recruit Depot, San Diego                   | \$3,200,000  |
|                | Naval Air Station, Lemoore                              | \$24,020,000 |
|                | Naval Air Station, North Island                         | \$54,420,000 |
|                | Naval Air Warfare Center, China Lake                    | \$4,000,000  |
|                | Naval Air Warfare Center, Corona                        | \$7,070,000  |
|                | Naval Air Warfare Center, Point Magu                    | \$6,190,000  |
|                | Naval Hospital, San Diego                               | \$21,590,000 |
|                | Naval Hospital, Twentynine Palms                        | \$7,640,000  |
|                | Naval Postgraduate School                               | \$5,100,000  |
| Florida        | Naval Air Station, Whiting Field, Milton                | \$5,350,000  |
|                | Naval Station, Mayport                                  | \$9,560,000  |
| Georgia        | Marine Corps Logistics Base, Albany                     | \$6,260,000  |
| Hawaii         | Marine Corps Air Station, Kaneohe Bay                   | \$5,790,000  |
|                | Naval Shipyard, Pearl Harbor                            | \$10,610,000 |
|                | Naval Station, Pearl Harbor                             | \$18,600,000 |
|                | Naval Submarine Base, Pearl Harbor                      | \$29,460,000 |
|                | Naval Surface Warfare Center, Bayview                   | \$10,040,000 |
| Idaho          | Naval Training Center, Great Lakes                      | \$57,290,000 |
| Illinois       | Naval Surface Warfare Center, Crone                     | \$7,270,000  |
| Indiana        | Naval Air Station, Brunswick                            | \$16,890,000 |
| Maine          | Naval Air Warfare Center, Patuxent River                | \$4,560,000  |
| Maryland       | Naval Surface Warfare Center, Indian Head               | \$10,070,000 |
| Mississippi    | Naval Air Station, Meridian                             | \$7,280,000  |
|                | Naval Construction Battalion Center Gulfport            | \$19,170,000 |
| Nevada         | Naval Air Station, Fallon                               | \$7,000,000  |
| New Jersey     | Naval Air Warfare Center Aircraft Division, Lakehurst   | \$15,710,000 |
| North Carolina | Marine Corps Air Station, New River                     | \$5,470,000  |
|                | Marine Corps Base, Camp Lejeune                         | \$21,380,000 |
| Pennsylvania   | Navy Ships Parts Control Center, Mechanicsburg          | \$2,990,000  |

Navy: Inside the United States—Continued

| State          | Installation or location  | Amount        |
|----------------|---|---------------|
| South Carolina | Norfolk Naval Shipyard Detachment, Philadelphia                 | \$13,320,000  |
|                | Naval Weapons Station, Charleston                               | \$7,640,000   |
| Texas          | Marine Corps Air Station, Beaufort                              | \$18,290,000  |
|                | Naval Station, Ingleside  | \$11,780,000  |
| Virginia       | Marine Corps Combat Development Command, Quantico               | \$20,820,000  |
|                | Naval Air Station, Oceana                                       | \$11,490,000  |
| Washington     | Naval Shipyard, Norfolk   | \$17,630,000  |
|                | Naval Station, Norfolk  | \$69,550,000  |
|                | Naval Weapons Station, Yorktown                                 | \$25,040,000  |
|                | Tactical Training Group Atlantic, Dam Neck                      | \$10,310,000  |
|                | Naval Ordnance Center Pacific Division Detachment, Port Hadlock | \$3,440,000   |
|                | Naval Undersea Warfare Center, Keyport                          | \$6,700,000   |
|                | Puget Sound Naval Shipyard, Bremerton                           | \$15,610,000  |
|                | Strategic Weapons Facility Pacific, Bremerton                   | \$6,300,000   |
|                | Total   | \$751,570,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations out-

side the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

| Country      | Installation or location             | Amount        |
|--------------|--------------------------------------|---------------|
| Bahrain      | Administrative Support Unit,         | \$83,090,000  |
| Diego Garcia | Naval Support Facility, Diego Garcia | \$8,150,000   |
| Greece       | Naval Support Activity, Souda Bay    | \$6,380,000   |
| Italy        | Naval Support Activity, Naples       | \$26,750,000  |
| Total        |                                      | \$124,370,000 |

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installa-

tions, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

| State  | Installation or location              | Purpose   | Amount       |
|--------|---------------------------------------|-----------|--------------|
| Hawaii | Marine Corps Air Station, Kaneohe Bay | 100 Units | \$26,615,000 |
|        | Naval Base Pearl Harbor               | 133 Units | \$30,168,000 |
|        | Naval Base Pearl Harbor               | 96 Units  | \$19,167,000 |
|        | Total                                 |           | \$75,950,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$17,715,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$7,342,000.

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by \$19,300,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$162,350,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$70,010,000.

SEC. 2205. AUTHORIZATION TO ACCEPT ELECTRICAL SUBSTATION IMPROVEMENTS, GUAM.

The Secretary of the Navy may accept from the Guam Power Authority various improvements to electrical transformers at the Agana and Harmon Substations in Guam, which are valued at approximately \$610,000 and are to be performed in accordance with plans and specifications acceptable to the Secretary.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,084,107,000 as follows:

(5) For military family housing functions:  
 (A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$256,015,000.  
 (B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$895,070,000.  
 (6) For the construction of berthing wharf, Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2189), \$12,690,000.

SEC. 2206. CORRECTION IN AUTHORIZED USE OF FUNDS, MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of \$8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) For military construction projects inside the United States authorized by section 2201(a), \$737,910,000.

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) For military construction projects outside the United States authorized by section 2201(b), \$124,370,000.

(2) \$13,660,000 (the balance of the amount authorized under section 2201(a) for the construction of a berthing wharf at Naval Air Station, North Island, California).

2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

**TITLE XXIII—AIR FORCE**  
**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section

2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

| State            | Installation or location        | Amount               |
|------------------|---------------------------------|----------------------|
| Alabama          | Maxwell Air Force Base          | \$10,600,000         |
| Alaska           | Eielson Air Force Base          | \$24,100,000         |
|                  | Elmendorf Air Force Base        | \$32,800,000         |
| Arizona          | Davis-Monthan Air Force Base    | \$7,800,000          |
| Arkansas         | Little Rock Air Force Base      | \$7,800,000          |
| California       | Beale Air Force Base            | \$8,900,000          |
|                  | Edwards Air Force Base          | \$5,500,000          |
|                  | Travis Air Force Base           | \$11,200,000         |
| Colorado         | Peterson Air Force Base         | \$40,000,000         |
|                  | Schriever Air Force Base        | \$16,100,000         |
|                  | U.S. Air Force Academy          | \$17,500,000         |
| CONUS Classified | Classified Location             | \$16,870,000         |
| Florida          | Eglin Air Force Base            | \$18,300,000         |
|                  | Eglin Auxiliary Field 9         | \$18,800,000         |
|                  | MacDill Air Force Base          | \$5,500,000          |
|                  | Patrick Air Force Base          | \$17,800,000         |
|                  | Tyndall Air Force Base          | \$10,800,000         |
| Georgia          | Fort Benning                    | \$3,900,000          |
|                  | Moody Air Force Base            | \$5,950,000          |
|                  | Robins Air Force Base           | \$3,350,000          |
| Hawaii           | Hickam Air Force Base           | \$3,300,000          |
| Idaho            | Mountain Home Air Force Base    | \$17,000,000         |
| Kansas           | McConnell Air Force Base        | \$9,600,000          |
| Kentucky         | Fort Campbell                   | \$6,300,000          |
| Mississippi      | Columbus Air Force Base         | \$5,100,000          |
|                  | Keesler Air Force Base          | \$27,000,000         |
| Missouri         | Whiteman Air Force Base         | \$24,900,000         |
| Nebraska         | Offutt Air Force Base           | \$8,300,000          |
| Nevada           | Nellis Air Force Base           | \$18,600,000         |
| New Jersey       | McGuire Air Force Base          | \$11,800,000         |
| New York         | Rome Research Site              | \$3,002,000          |
| New Mexico       | Kirtland Air Force Base         | \$14,000,000         |
| North Carolina   | Fort Bragg                      | \$4,600,000          |
|                  | Pope Air Force Base             | \$7,700,000          |
| North Dakota     | Minot Air Force Base            | \$3,000,000          |
| Ohio             | Wright-Patterson Air Force Base | \$35,100,000         |
| Oklahoma         | Tinker Air Force Base           | \$23,800,000         |
|                  | Vance Air Force Base            | \$12,600,000         |
| South Carolina   | Charleston Air Force Base       | \$18,200,000         |
| Tennessee        | Arnold Air Force Base           | \$7,800,000          |
| Texas            | Dyess Air Force Base            | \$5,400,000          |
|                  | Lackland Air Force Base         | \$13,400,000         |
|                  | Laughlin Air Force Base         | \$3,250,000          |
|                  | Randolph Air Force Base         | \$3,600,000          |
| Utah             | Hill Air Force Base             | \$4,600,000          |
| Virginia         | Langley Air Force Base          | \$6,300,000          |
| Washington       | Fairchild Air Force Base        | \$15,550,000         |
|                  | McChord Air Force Base          | \$7,900,000          |
|                  | <b>Total</b>                    | <b>\$635,272,000</b> |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force

may acquire real property and carry out military construction projects for the installations and locations outside the United

States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

| Country        | Installation or location   | Amount              |
|----------------|----------------------------|---------------------|
| Guam           | Andersen Air Force Base    | \$8,900,000         |
| Italy          | Aviano Air Base            | \$3,700,000         |
| Korea          | Osan Air Base              | \$19,600,000        |
| Portugal       | Lajes Field, Azores        | \$1,800,000         |
| United Kingdom | Ascension Island           | \$2,150,000         |
|                | Royal Air Force Feltwell   | \$3,000,000         |
|                | Royal Air Force Lakenheath | \$18,200,000        |
|                | Royal Air Force Mildenhall | \$17,600,000        |
|                | Royal Air Force Molesworth | \$1,700,000         |
|                | <b>Total</b>               | <b>\$76,650,000</b> |

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section

2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the in-

stallations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

| State                      | Installation or location             | Purpose                   | Amount        |
|----------------------------|--------------------------------------|---------------------------|---------------|
| Arizona .....              | Davis-Monthan Air Force Base .....   | 64 Units .....            | \$10,000,000  |
| California .....           | Beale Air Force Base .....           | 60 Units .....            | \$8,500,000   |
|                            | Edwards Air Force Base .....         | 188 Units .....           | \$32,790,000  |
|                            | Vandenberg Air Force Base .....      | 91 Units .....            | \$16,800,000  |
| District of Columbia ..... | Bolling Air Force Base .....         | 72 Units .....            | \$9,375,000   |
| Florida .....              | Eglin Air Force Base .....           | 130 Units .....           | \$14,080,000  |
|                            | MacDill Air Force Base .....         | 54 Units .....            | \$9,034,000   |
| Kansas .....               | McConnell Air Force Base .....       | Safety Improve-<br>ments. | \$1,363,000   |
| Mississippi .....          | Columbus Air Force Base .....        | 100 Units .....           | \$12,290,000  |
| Montana .....              | Malmstrom Air Force Base .....       | 34 Units .....            | \$7,570,000   |
| Nebraska .....             | Offutt Air Force Base .....          | 72 Units .....            | \$12,352,000  |
| New Mexico .....           | Holloman Air Force Base .....        | 76 Units .....            | \$9,800,000   |
| North Carolina .....       | Seymour Johnson Air Force Base ..... | 78 Units .....            | \$12,187,000  |
| North Dakota .....         | Grand Forks Air Force Base .....     | 42 Units .....            | \$10,050,000  |
|                            | Minot Air Force Base .....           | 72 Units .....            | \$10,756,000  |
| Texas .....                | Lackland Air Force Base .....        | 48 Units .....            | \$7,500,000   |
| Portugal .....             | Lajes Field, Azores .....            | 75 Units .....            | \$12,964,000  |
|                            |                                      | Total .....               | \$197,411,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$17,093,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$124,492,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,874,053,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$605,272,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$76,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$32,104,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$338,996,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by \$9,602,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CONSOLIDATE AIR FORCE RESEARCH LABORATORY, ROME RESEARCH SITE, NEW YORK.**

(a) PLAN REQUIRED.—Not later than January 1, 2000, the Secretary of the Air Force

shall submit to Congress a plan for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Air Force Research Laboratory located at the Rome Research Site at former Griffiss Air Force Base in Rome, New York. The plan shall include details on how the Air Force will complete the multi-phase construction and renovation of the consolidated building 2/3 complex at the Rome Research Site, by January 1, 2005, including the cost of the project and options for financing it.

(b) RELATION TO STATE CONTRIBUTIONS.—Nothing in this section shall be construed to limit or expand the authority of the Secretary of a military department to accept funds from a State for the purpose of consolidating military functions within a military installation.

**TITLE XXIV—DEFENSE AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

| Agency                             | Installation or location                                | Amount        |
|------------------------------------|---|---------------|
| Chemical Demilitarization .....    | Blue Grass Army Depot, Kentucky .....                   | \$206,800,000 |
| Defense Education Activity .....   | Laurel Bay, South Carolina .....                        | \$2,874,000   |
|                                    | Marine Corps Base, Camp LeJeune, North Carolina .....   | \$10,570,000  |
| Defense Logistics Agency .....     | Defense Distribution New Cumberland, Pennsylvania ..... | \$5,000,000   |
|                                    | Elmendorf Air Force Base, Alaska .....                  | \$23,500,000  |
|                                    | Eielson Air Force Base, Alaska .....                    | \$26,000,000  |
|                                    | Fairchild Air Force Base, Washington .....              | \$12,400,000  |
|                                    | Various Locations .....                                 | \$1,300,000   |
| Defense Manpower Data Center ..... | Presidio, Monterey, California .....                    | \$28,000,000  |
| National Security Agency .....     | Fort Meade, Maryland .....                              | \$2,946,000   |
| Special Operations Command .....   | Fleet Combat Training Center, Dam Neck, Virginia .....  | \$4,700,000   |
|                                    | Fort Benning, Georgia .....                             | \$10,200,000  |
|                                    | Fort Bragg, North Carolina .....                        | \$20,100,000  |
|                                    | Mississippi Army Ammunition Plant, Mississippi .....    | \$9,600,000   |
|                                    | Naval Amphibious Base, Coronado, California .....       | \$6,000,000   |
| TRICARE Management Agency .....    | Andrews Air Force Base, Maryland .....                  | \$3,000,000   |

Defense Agencies: Inside the United States—Continued

| Agency | Installation or location                                     | Amount        |
|--------|--|---------------|
|        | Cheatham Annex, Virginia .....                               | \$1,650,000   |
|        | Davis-Monthan Air Force Base, Arizona .....                  | \$10,000,000  |
|        | Fort Lewis, Washington .....                                 | \$5,500,000   |
|        | Fort Riley, Kansas .....                                     | \$6,000,000   |
|        | Fort Sam Houston, Texas .....                                | \$5,800,000   |
|        | Fort Wainwright, Alaska .....                                | \$133,000,000 |
|        | Los Angeles Air Force Base, California .....                 | \$13,600,000  |
|        | Marine Corps Air Station, Cherry Point, North Carolina ..... | \$3,500,000   |
|        | Moody Air Force Base, Georgia .....                          | \$1,250,000   |
|        | Naval Air Station, Jacksonville, Florida .....               | \$3,780,000   |
|        | Naval Air Station, Norfolk, Virginia .....                   | \$4,050,000   |
|        | Naval Air Station, Patuxent River, Maryland .....            | \$4,150,000   |
|        | Naval Air Station, Pensacola, Florida .....                  | \$4,300,000   |
|        | Naval Air Station, Whidbey Island, Washington .....          | \$4,700,000   |
|        | Patrick Air Force Base, Florida .....                        | \$1,750,000   |
|        | Travis Air Force Base, California .....                      | \$7,500,000   |
|        | Wright-Patterson Air Force Base, Ohio .....                  | \$3,900,000   |
|        | Total .....  | \$587,420,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section

2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations

and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

| Agency  | Installation or location                                      | Amount        |
|---|---|---------------|
| Drug Interdiction and Counter-Drug Activities ... | Manta, Ecuador .....  | \$25,000,000  |
| Defense Education Activity .....                  | Curacao, Netherlands Antilles .....                           | \$11,100,000  |
|   | Andersen Air Force Base, Guam .....                           | \$44,170,000  |
| Defense Logistics Agency .....                    | Naval Station Rota, Spain .....                               | \$17,020,000  |
|   | Royal Air Force, Feltwell, United Kingdom .....               | \$4,570,000   |
|   | Royal Air Force, Lakenheath, United Kingdom .....             | \$3,770,000   |
|   | Andersen Air Force Base, Guam .....                           | \$24,300,000  |
| National Security Agency .....                    | Moron Air Base, Spain .....                                   | \$15,200,000  |
|   | Royal Air Force, Menwith Hill Station, United Kingdom .....   | \$500,000     |
| Tri-Care Management Agency .....                  | Naval Security Group Activity, Sabana Seca, Puerto Rico ..... | \$4,000,000   |
|   | Ramstein Air Force Base, Germany .....                        | \$7,100,000   |
|   | Royal Air Force, Lakenheath, United Kingdom .....             | \$7,100,000   |
|   | Yongsan, Korea .....  | \$41,120,000  |
|   | Total .....   | \$204,950,000 |

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed \$50,000.

SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated by section 2405(a)(8)(C), \$78,756,000 shall be available for credit to the Department of Defense Family Housing Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$6,558,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$1,618,965,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$288,420,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$204,950,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$49,024,000.

(6) For Energy Conservation projects authorized by section 2404 of this Act, \$6,558,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$705,911,000.

(8) For military family housing functions: (A) For improvement of military family housing and facilities, \$50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$41,440,000 of which not more than \$35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403 of this Act, \$78,756,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Author-

ization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 and 1993 (division B of Public Law 102-190; 105 Stat. 1508), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2586); and section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337, 108 Stat. 3040), \$7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized in section 2401 of Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), \$61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998

(division B of Public Law 105-85; 111 Stat. 1982); and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), \$35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), \$66,600,000.

(13) For the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), \$61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of this Act, \$11,800,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a replacement hospital at Fort Wainwright, Alaska); and

(3) \$184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a chemical demilitarization facility at Blue Grass Army Depot, Kentucky).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by \$20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.**

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), is amended—

(1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program by striking “\$179,000,000” in the amount column and inserting “\$203,500,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$549,954,000”.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking “\$179,000,000” and inserting “\$203,500,000”.

**SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CONSTRUCTION FUNDS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

In addition to the conditions specified in section 1022 on the development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights, amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2) for the projects set forth in the table in section 2401(b) under the heading “Drug Interdiction and Counter-Drug Activities” may not be obligated until after the end of the 30-day period beginning on the date on which the Secretary of Defense submits to Congress a report describing in detail the purposes for which the amounts will be obligated and expended.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of \$191,000,000.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

**SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code

(including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—  
(A) for the Army National Guard of the United States, \$123,878,000; and

(B) for the Army Reserve, \$92,515,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$21,574,000.

(3) For the Department of the Air Force—  
(A) for the Air National Guard of the United States, \$151,170,000; and

(B) for the Air Force Reserve, \$48,564,000.

**TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

**SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or  
(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or  
(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

**SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 1997 Project Authorization**

| State          | Installation or location | Project                              | Amount        |
|----------------|--------------------------|--------------------------------------|---------------|
| Colorado ..... | Pueblo Army Depot .....  | Ammunition Demilitarization Facility | \$203,500,000 |

**Navy: Extension of 1997 Project Authorization**

| State          | Installation or location                      | Project                    | Amount      |
|----------------|---|----------------------------|-------------|
| Virginia ..... | Marine Corps Combat Development Command ..... | Infrastructure Development | \$8,900,000 |

Navy: Extension of 1997 Family Housing Authorizations

| State                | Installation or location                | Family Housing  | Amount       |
|----------------------|---|-----------------|--------------|
| Florida .....        | Mayport Naval Station .....             | 100 units ..... | \$10,000,000 |
| Maine .....          | Brunswick Naval Air Station .....       | 92 units .....  | \$10,925,000 |
| North Carolina ..... | Camp Lejuene .....                      | 94 units .....  | \$10,110,000 |
| South Carolina ..... | Beaufort Marine Corps Air Station ..... | 140 units ..... | \$14,000,000 |
| Texas .....          | Corpus Christi Naval Complex .....      | 104 units ..... | \$11,675,000 |
| .....                | Kingsville Naval Air Station .....      | 48 units .....  | \$7,550,000  |
| Washington .....     | Everett Naval Station .....             | 100 units ..... | \$15,015,000 |

Army National Guard: Extension of 1997 Project Authorization

| State             | Installation or location | Project                              | Amount      |
|-------------------|--------------------------|--------------------------------------|-------------|
| Mississippi ..... | Camp Shelby .....        | Multi-Purpose Range (Phase II) ..... | \$5,000,000 |

SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 541), authoriza-

tions for the projects set forth in the tables in subsection (b), as provided in section 2202 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Family Housing Authorization

| State            | Installation or location | Family Housing  | Amount       |
|------------------|--------------------------|-----------------|--------------|
| California ..... | Camp Pendleton .....     | 138 units ..... | \$20,000,000 |

Army National Guard: Extension of 1996 Project Authorizations

| State             | Installation or location                           | Project                              | Amount      |
|-------------------|--|--------------------------------------|-------------|
| Mississippi ..... | Camp Shelby .....                                  | Multipurpose Range Complex (Phase I) | \$5,000,000 |
| Missouri .....    | National Guard Training Site, Jefferson City ..... | Multipurpose Range .....             | \$2,236,000 |

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 1999; or
- (2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY ORGANIZATIONS SECURITY INVESTMENT.

Section 2806(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “, including support for the actual implementation of a military operations plan approved by the North Atlantic Council”.

SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§2814. Special authority for development of Ford Island, Hawaii

“(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

“(2) The Secretary of the Navy may not exercise any authority under this section until—

“(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and

“(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

“(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

“(A) is excess to the needs of the Navy and all of the other armed forces; and

“(B) will promote the purpose of this section.

“(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

“(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

“(A) is excess to the needs of the Navy and all of the other armed forces; and

“(B) will promote the purpose of this section.

“(2) A lease under this subsection shall be subject to section 2667(b)(1) of this title and may include such other terms as the Secretary considers appropriate to protect the interests of the United States.

“(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

“(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

“(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

“(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

“(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for purposes of this section.

“(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

“(4) The Secretary of the Navy may enter into a lease under this subsection only if the lease is specifically authorized by a law enacted after the date of the enactment of this section.

“(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

“(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of

real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

“(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

“(A) The construction or improvement of facilities at Ford Island.

“(B) The restoration or rehabilitation of real property at Ford Island.

“(C) The provision of property support services for property or facilities at Ford Island.

“(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

“(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

“(A) a detailed description of the transaction; and

“(B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

“(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

“(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the ‘Ford Island Improvement Account’.

“(2) There shall be deposited into the account the following amounts:

“(A) Amounts authorized and appropriated to the account.

“(2) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

“(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

“(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

“(B) To carry out improvements of property or facilities at Ford Island.

“(C) To obtain property support services for property or facilities at Ford Island.

“(2) To extent that the authorities provided under subchapter IV of this chapter are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing.

“(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

“(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of this title.

“(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of this title.

“(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of this title for activities authorized under subchapter IV of this chapter at Ford Island.

“(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

“(1) Sections 2667 and 2696 of this title.

“(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

“(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

“(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

“(1) PROPERTY SUPPORT SERVICE DEFINED.—In this section, the term ‘property support service’ means the following:

“(1) Any utility service or other service listed in section 2686(a) of this title.

“(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.”

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2814. Special authority for development of Ford Island, Hawaii.”

(b) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.”; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

“(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.”

**SEC. 2803. RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES FOR HOUSING UNITS.**

Section 2881 of title 10, United States Code, is amended—

(1) by inserting “(a) AUTHORITY TO ACQUIRE OR CONSTRUCT.—” before “Any project”; and

(2) by adding at the end the following new subsection:

“(b) RESTRICTION.—The ancillary supporting facilities authorized by subsection (a) may not be in direct competition with any resale activities provided by the Defense Commissary Agency or the Army and Air Force Exchange Service, the Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the morale, welfare and recreation of members of the armed forces.”

**SEC. 2804. PLANNING AND DESIGN FOR MILITARY CONSTRUCTION PROJECTS FOR RESERVE COMPONENTS.**

Section 18233(f)(1) of title 10, United States Code, is amended by inserting “design,” after “planning.”

**SEC. 2805. LIMITATIONS ON AUTHORITY TO CARRY OUT SMALL PROJECTS FOR ACQUISITION OF FACILITIES FOR RESERVE COMPONENTS.**

(a) UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) An unspecified minor construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, except that the expenditure or contribution for the project may not exceed \$3,000,000.”

(b) USE OF OPERATION AND MAINTENANCE FUNDS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (b) of such section is

amended by inserting after “or less” the following: “(or \$1,000,000 or less if the project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening).”

**SEC. 2806. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

“(5) The term ‘eligible entity’ means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking “private persons” and inserting “eligible entities”.

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking “persons in the private sector” and inserting “an eligible entity”; and

(B) by striking “such persons” and inserting “the eligible entity”; and

(2) in subsection (b)(1)—

(A) by striking “any person in the private sector” and inserting “an eligible entity”; and

(B) by striking “the person” and inserting “the eligible entity”.

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking “nongovernmental entities” and inserting “an eligible entity”; and

(2) in subsection (c)—

(A) by striking “a nongovernmental entity” both places it appears and inserting “an eligible entity”; and

(B) by striking “the entity” each place it appears and inserting “the eligible entity”; and

(3) in subsection (d), by striking “nongovernmental” and inserting “eligible”; and

(4) in subsection (e), by striking “a nongovernmental entity” and inserting “an eligible entity”.

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking “private persons” and inserting “eligible entities”.

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking “private”.

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking “private persons” and inserting “eligible entities”.

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

“§ 2875. Investments.”

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to such section and inserting the following new item:

“2875. Investments.”

#### Subtitle B—Real Property and Facilities Administration

**SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.**

Section 2680(d) of title 10, United States Code, is amended by striking “September 30, 2000” and inserting “September 30, 2005”.

**SEC. 2812. UTILITY PRIVATIZATION AUTHORITY.**

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Subsection (c) of section 2688 of title 10, United States Code, is amended by

adding at the end the following new paragraph:

“(3) A contract for the receipt of utility services as consideration under paragraph (1), or any other contract for utility services entered into by the Secretary concerned in connection with the conveyance of a utility system under this section, may be for a period not to exceed 50 years.”

(b) DEFINITION OF UTILITY SYSTEM.—Subsection (g)(2)(B) of such section is amended by striking “Easements” and inserting “Real property, easements.”

(c) FUNDS TO FACILITATE PRIVATIZATION.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j); and

(2) by inserting after subsection (f) the following new subsection:

“(g) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY SYSTEMS.—In lieu of carrying out a military construction project to construct, repair, or replace a utility system, the Secretary concerned may use funds authorized and appropriated for the project to facilitate the conveyance of the utility system under this section by making a contribution toward the cost of construction, repair, or replacement of the utility system by the entity to which the utility system is being conveyed. The Secretary concerned shall consider any such contribution in the economic analysis required under subsection (e).”

**SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROPERTY TRANSACTIONS.**

Section 2695(b) of title 10, United States Code, is amended—

(1) by inserting “involving real property under the control of the Secretary of a military department” after “transactions”; and

(2) by adding at the end the following new paragraph:

“(4) The disposal of real property of the United States for which the Secretary will be the disposal agent.”

**SEC. 2814. STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.**

(a) UTAH NATIONAL DEFENSE LANDS DEFINED.—In this section, the term “Utah national defense lands” means public lands under the jurisdiction of the Bureau of Land Management in the State of Utah that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath the Military Operating Areas, Restricted Areas, and airspace that make up the Utah Test and Training Range.

(b) READINESS IMPACT STUDY.—The Secretary of Defense shall conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land management of the Utah national defense lands. In conducting the study, the Secretary of Defense shall consider the following:

(1) The present military requirements for and missions conducted at Utah Test and Training Range, as well as projected requirements for the support of aircraft, unmanned aerial vehicles, missiles, munitions and other military requirements.

(2) The future requirements for force structure and doctrine changes, such as the Expeditionary Aerospace Force concept, that could require the use of the Utah Test and Training Range.

(3) All other pertinent issues, such as overflight requirements, access to electronic tracking and communications sites, ground access to respond to emergency or accident locations, munitions safety buffers, noise requirements, ground safety and encroachment issues.

(c) COOPERATION AND COORDINATION.—The Secretary of Defense shall conduct the study

in cooperation with the Secretary of the Air Force and the Secretary of the Army and coordinate the study with the Secretary of the Interior.

(d) EFFECT OF STUDY.—Until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

**Subtitle C—Defense Base Closure and Realignment**

**SEC. 2821. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990 FOR ACTIVITIES REQUIRED TO CLOSE OR REALIGN MILITARY INSTALLATIONS.**

(a) DURATION OF ACCOUNT.—Subsection (a) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).”

(b) EFFECT OF CONTINUATION ON USE OF ACCOUNT.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: “After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.”

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and, in such paragraph, by inserting after “this part” the following: “and no later than 60 days after the closure of the Account under subsection (a)(3)”;

(2) in subsection (e), by striking “the termination of the authority of the Secretary to carry out a closure or realignment under this part” and inserting “the closure of the Account under subsection (a)(3)”.

**Subtitle D—Land Conveyances**

**PART I—ARMY CONVEYANCES**

**SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.**

(a) TRANSFER OF LAND FOR INCLUSION IN NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 152 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Fort Sam Houston National Cemetery and use the conveyed property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be de-

termined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

**SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KANKAKEE, ILLINOIS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Kankakee, Illinois (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1600 Willow Street in Kankakee, Illinois, and contains the vacant Stefaninch Army Reserve Center for the purpose of permitting the City to use the parcel for economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2833. LAND CONVEYANCE, FORT DES MOINES, IOWA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Fort Des Moines Black Officers Memorial, Inc., a nonprofit corporation organized in the State of Iowa (in this section referred to as the “Corporation”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at Fort Des Moines, Iowa, and containing the post chapel (building #49) and Clayton Hall (building #46) for the purpose of permitting the Corporation to develop and use the parcel as a memorial and for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2834. LAND CONVEYANCE, ARMY MAINTENANCE SUPPORT ACTIVITY (MARINE) NUMBER 84, MARCUS HOOK, PENNSYLVANIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Borough of Marcus Hook, Pennsylvania (in this section referred to as the “Borough”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5 acres that is located at 7 West Delaware Avenue in Marcus Hook, Pennsylvania, and contains the facility known as the Army Maintenance Support Activity (Marine) Number 84, for the purpose of permitting the Borough to develop the parcel for recreational or economic development purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Borough—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for recreational or economic purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for recreational or economic development purposes, as required by subsection (b), all right, title, and interest in and to the property conveyed under subsection (a), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2835. LAND CONVEYANCES, ARMY DOCKS AND RELATED PROPERTY, ALASKA.**

(a) JUNEAU NATIONAL GUARD DOCK.—The Secretary of the Army may convey, without consideration, to the City of Juneau, Alaska, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 1030 Thane Highway in Juneau, Alaska, and consisting of approximately 0.04 acres and the appurtenant facility known as the Juneau National Guard Dock.

(b) WHITTIER DELONG DOCK.—The Secretary may convey, without consideration, to the Alaska Railroad Corporation all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located in Whittier, Alaska, and consisting of approximately 6.13 acres and the appurtenant facility known as the DeLong Dock.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the recipient of the real property.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2836. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Services Commission of the State of Arizona (in this section referred to as the "Commission"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 130 acres at Fort Huachuca, Arizona, for the purpose of permitting the Commission to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commission.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional

terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2837. LAND CONVEYANCE, ARMY RESERVE CENTER, CANNON FALLS, MINNESOTA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Cannon Falls Area Schools, Minnesota Independent School District Number 252 (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 710 State Street East in Cannon Falls, Minnesota, and contains an Army Reserve Center for the purpose of permitting the District to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2838. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, and was a former family housing site for Nike Battery 80, for the purpose of permitting the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2839. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Moline, Illinois (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately .3 acres at the Rock Island Arsenal for the purpose of permitting the City to construct a new entrance and exit ramp for the bridge that crosses the southeast end of the island containing the Arsenal.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .2 acres and located in the vicinity of the parcel to be conveyed under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels to be conveyed under this section shall be determined by a survey satisfactory to the Sec-

retary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2840. MODIFICATION OF LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.**

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 605) is amended—

(1) by inserting "(1)" before "The conveyance"; and

(2) by adding at the end the following new paragraph:

"(2) The landfill established on the real property conveyed under subsection (a) may contain only waste generated in the county in which the landfill is established and waste generated in municipalities located at least in part in that county. The landfill shall be closed and capped after 23 years of operation."

**SEC. 2841. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.**

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**PART II—NAVY CONVEYANCES**

**SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314

acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall cover over into the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the ac-

tivities of that tenant at the property during the period covered by that paragraph.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2852. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE CENTER, ORANGE, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Orange County Navigation and Port District of Orange County, Texas (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the Naval and Marine Corps Reserve Center in Orange, Texas, which consists of approximately 2.4 acres and contains the facilities designated as Buildings 135 and 163, for the purpose of permitting the District to develop the parcel for economic development, educational purposes, and the furtherance of navigation-related commerce.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2853. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 20 acres at the Marine Corps Air Station, Cherry Point, North Carolina, for the purpose of permitting the State to develop the parcel for educational purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the State convey to the United States such easements and rights-of-way regarding the parcel as the Secretary considers necessary to ensure use of the parcel by the State is compatible with the use of the Marine Corps Air Station.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional

terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**PART III—AIR FORCE CONVEYANCES**

**SEC. 2861. CONVEYANCE OF FUEL SUPPLY LINE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.**

(a) CONVEYANCE AUTHORIZED.—In conjunction with the disposal of property at former Pease Air Force Base, New Hampshire, under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), the Secretary of the Air Force may convey to the redevelopment authority for Pease Air Force Base all right, title, and interest of the United States in and to the deactivated fuel supply line at Pease Air Force Base, including the approximately 14.87 acres of real property associated with such supply line.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) may only be made if the redevelopment authority agrees to make the fuel supply line available for use by the New Hampshire Air National Guard under terms and conditions acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the redevelopment authority.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Panama City, Florida (in this section referred to as the "City"), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 33.07 acres in Bay County, Florida, and containing the military family housing project for Tyndall Air Force Base known as Cove Garden.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to construct or improve military family housing units at Tyndall Air Force Base and to improve ancillary supporting facilities related to such housing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE, ALASKA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force and the Secretary of the Interior may convey, without consideration, to the Port of Anchorage, an entity of the City of Anchorage, Alaska (in this section referred to as the "Port"), all right, title, and interest of the United States in

and to two parcels of real property, including improvements thereon, consisting of a total of approximately 14.22 acres located adjacent to the Port of Anchorage Marine Industrial Park in Anchorage, Alaska, and leased by the Port from the Department of the Air Force and the Bureau of Land Management.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior. The cost of the survey shall be borne by the Port.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

**SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX, NEW YORK.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Ohio, New York (in this section referred to as the “Town”), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 164 acres in Herkimer County, New York, and approximately 18 acres in Oneida County, New York, and containing the Forestport Test Annex for the purpose of permitting the Town to develop the parcel for economic purposes and to further the provision of municipal services.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.**

(a) CONVEYANCE AUTHORIZED.—Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the “Regents”), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the

atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not exceed \$17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding subsection (b) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**Subtitle E—Other Matters**

**SEC. 2871. EXPANSION OF ARLINGTON NATIONAL CEMETERY.**

(a) LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIRGINIA.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over the following parcels of land situated in Arlington, Virginia:

(A) Certain lands which comprise approximately 26 acres bounded by Columbia Pike to the south and east, Oak Street to the west, and the boundary wall of Arlington National Cemetery to the north including Southgate Road.

(B) Certain lands which comprise approximately 8 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, property of the Virginia Department of Transportation to the west, Columbia Pike to the north, and Joyce Street to the east.

(C) Certain lands which comprise approximately 2.5 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, Joyce Street to the west, Columbia Pike to the north, and the cloverleaf interchange of Route 100 and Columbia Pike to the east.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the parcels of land transferred under paragraph (1) into Arlington National Cemetery.

(3) REMEDIATION OF LAND FOR CEMETERY USE.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall

provide for the removal of any improvements on the parcels of land and, in consultation with the Superintendent of Arlington National Cemetery, the preparation of the land for use for interment of remains of individuals in Arlington National Cemetery.

(4) NEGOTIATION WITH LOCAL OFFICIALS.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall enter into negotiations with appropriate State and local officials to acquire any real property, under the jurisdiction of such officials, that separates such parcels of land from each other.

(5) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report explaining in detail the measures required to prepare the land for use as a part of Arlington National Cemetery.

(6) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction over the parcels of land under this subsection not later than the earlier of—

(A) January 1, 2010; or

(B) the date when those parcels are no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

(b) MODIFICATION OF BOUNDARY OF ARLINGTON NATIONAL CEMETERY.—

(1) IN GENERAL.—The Secretary of the Army shall modify the boundary of Arlington National Cemetery to include the following parcels of land situated in Fort Myer, Arlington, Virginia:

(A) Certain lands which comprise approximately 5 acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(B) Certain lands which comprise approximately 3 acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report describing additional parcels of land located in Fort Myer, Arlington, Virginia, that may be suitable for use to expand Arlington National Cemetery.

(3) SURVEY.—The Secretary of the Army may determine the exact acreage and legal description of the parcels of land described in paragraph (1) by a survey.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. WEAPONS ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of \$4,541,500,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of \$2,258,700,000, to be allocated as follows:

(A) For core stockpile stewardship, \$1,763,500,000, to be allocated as follows:

(i) For operation and maintenance, \$1,640,355,000.

(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), \$123,145,000, to be allocated as follows:

Project 00-D-103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, \$8,000,000.

Project 00-D-105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, \$26,000,000.

Project 00-D-107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$1,800,000.

Project 99-D-102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, \$3,900,000.

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

Project 99-D-104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, \$2,400,000.

Project 99-D-105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 99-D-106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, \$6,500,000.

Project 99-D-108, renovate existing roadways, Nevada Test Site, Nevada, \$7,005,000.

Project 97-D-102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$61,000,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, 2,640,000.

Project 96-D-104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$10,900,000.

(iii) The total amount authorized to be appropriated pursuant to clause (ii) is the sum of the amounts authorized to be appropriated in that clause, reduced by \$10,000,000.

(B) For inertial fusion, \$475,700,000, to be allocated as follows:

(i) For operation and maintenance, \$227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), \$248,100,000, to be allocated as follows:

Project 96-D-111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, \$248,100,000.

(C) For technology partnership and education, \$19,500,000, to be allocated for technology partnership only.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of \$2,046,300,000, to be allocated as follows:

(A) For operation and maintenance, \$1,897,621,000.

(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), \$148,679,000, to be allocated as follows:

Project 99-D-122, rapid reactivation, various locations, \$11,700,000.

Project 99-D-127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, \$17,000,000.

Project 99-D-128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, \$3,429,000.

Project 99-D-132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$11,300,000.

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, \$21,800,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 Plant consolidation, Oak Ridge, Tennessee, \$3,150,000.

Project 98-D-125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, \$33,000,000.

Project 98-D-126, accelerator production of tritium, various locations, \$31,000,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, \$4,800,000.

Project 95-D-102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$18,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$3,500,000.

(C) The total amount authorized to be appropriated pursuant to subparagraph (B) is the sum of the amounts authorized to be appropriated in that subparagraph, reduced by \$10,000,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$236,500,000.

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

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of \$5,652,368,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—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 \$1,092,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,006,419,000, to be allocated as follows:

(A) For operation and maintenance, \$918,129,000.

(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), \$88,290,000, to be allocated as follows:

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

Project 99-D-404, health physics instrumentation laboratory, Idaho National Engineering Laboratory, Idaho, \$7,200,000.

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

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, \$16,860,000.

Project 98-D-700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, \$2,590,000.

Project 97-D-450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, \$4,000,000.

Project 97-D-470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, \$12,220,000.

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

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$11,971,000.

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

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$3,005,848,000, to be allocated as follows:

(A) For operation and maintenance, \$2,951,297,000.

(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), \$54,551,000, to be allocated as follows:

Project 00-D-401, spent nuclear fuel treatment and storage facility, Title I and II, Savannah River Site, Aiken, South Carolina, \$7,000,000.

Project 99-D-403, privatization phase I infrastructure support, Richland, Washington, \$13,988,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, \$20,516,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$4,060,000.

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

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$240,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$327,109,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by \$20,000,000, to be derived from environmental restoration and waste management, environment, safety, and health programs.

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

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of \$1,772,459,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, \$658,200,000, to be allocated as follows:

(A) For verification and control technology, \$454,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, \$221,000,000, to be allocated as follows:

(I) For operation and maintenance, \$215,000,000.

(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), \$6,000,000, to be allocated as follows:

Project 00-D-192, nonproliferation and international security center, Los Alamos

National Laboratory, Los Alamos, New Mexico, \$6,000,000.

(ii) For arms control, \$233,000,000.

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

(C) For international nuclear safety, \$15,300,000.

(D) For security investigations, \$10,000,000.

(E) For emergency management, \$21,000,000.

(F) For highly enriched uranium transparency implementation, \$15,750,000.

(G) For program direction, \$83,050,000.

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

(3) COUNTERINTELLIGENCE.—For counterintelligence, \$31,200,000.

(4) WORKER AND COMMUNITY TRANSITION.—For worker and community transition, \$20,000,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, \$239,000,000, to be allocated as follows:

(A) For operation and maintenance, \$168,766,000.

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

(C) 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), \$62,891,000, to be allocated as follows:

Project 00-D-142, immobilization and associated processing facility, various locations, \$21,765,000.

Project 99-D-141, pit disassembly and conversion facility, various locations, \$28,751,000.

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

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, \$104,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), \$79,231,000.

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

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

(8) NAVAL REACTORS.—For naval reactors, \$681,000,000, to be allocated as follows:

(A) For naval reactors development, \$660,400,000, to be allocated as follows:

(i) For operation and maintenance, \$636,400,000.

(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), \$24,000,000, to be allocated as follows:

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

Project 98-D-200, site laboratory/facility upgrade, various locations, \$3,000,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$12,000,000.

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

#### SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 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 \$73,000,000.

#### SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$228,000,000, to be allocated as follows:

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, \$5,000,000.

Project 98-PVT-5, environmental management and waste disposal, Oak Ridge, Tennessee, \$20,000,000.

Project 97-PVT-1, tank waste remediation system phase I, Hanford, Washington, \$106,000,000.

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

Project 97-PVT-3, transuranic waste treatment, Oak Ridge, Tennessee, \$12,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by \$25,000,000 for use of prior year balances of funds for defense environmental management privatization.

#### SEC. 3106. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE CYBER SECURITY PROGRAM.

(a) INCREASED FUNDS FOR COUNTERINTELLIGENCE CYBER SECURITY.—The amounts provided in section 3103 in the matter preceding paragraph (1) and in paragraph (3) are each hereby increased by \$8,600,000, to be available for Counterintelligence Cyber Security programs.

(b) OFFSETTING REDUCTIONS DERIVED FROM CONTRACTOR TRAVEL.—(1) The amount provided in section 3101 in the matter preceding paragraph (1) (for weapons activities in carrying out programs necessary for national security) is hereby reduced by \$4,700,000.

(2) The amount provided in section 3102 in the matter preceding paragraph (1) of subsection (a) (for environmental restoration and waste management in carrying out programs necessary for national security) is hereby reduced by \$1,900,000.

(3) The amount provided in section 3103 in the matter preceding paragraph (1) is hereby reduced by \$2,000,000.

#### 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 60 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 action.

(2) In the computation of the 60-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 immediately 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 transferred 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 authorization 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.

(c) LIMITATION.—The authority provided by this section 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 Energy shall promptly notify the Committee on Armed Services 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, design, and construction activities conducted under this section.

**SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY 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 Department 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 remain available to be expended only until the end of fiscal year 2001.

**SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer 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 specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—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) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project 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 the 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 security programs.

(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, 1999, and ending on September 30, 2000.

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

**SEC. 3131. LIMITATION ON USE AT DEPARTMENT OF ENERGY LABORATORIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.**

(a) **LIMITATION.**—Not more than 25 percent of the funds appropriated for any fiscal year for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may be spent at the Department of Energy laboratories.

(b) **EFFECTIVE DATE.**—The limitation in subsection (a) applies with respect to funds

appropriated for any fiscal year after fiscal year 1999.

**SEC. 3132. PROHIBITION ON USE FOR PAYMENT OF RUSSIAN GOVERNMENT TAXES AND CUSTOMS DUTIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.**

Funds appropriated for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may not be used to pay any tax or customs duty levied by the government of the Russian Federation.

**SEC. 3133. MODIFICATION OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT TO PROVIDE FUNDS FOR THEATER BALLISTIC MISSILE DEFENSE.**

(a) **CONDUCT OF PROGRAMS.**—The Secretary of Energy shall ensure that the national laboratories carry out theater ballistic missile defense development programs in accordance with—

(1) the memorandum of understanding between the Secretary of Energy and the Secretary of Defense required by section 3131(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034; 10 U.S.C. 2431 note); and

(2) such regulations as the Secretary of Energy may prescribe.

(b) **FUNDING.**—Of the funds provided by the Department of Energy to the national laboratories for national security activities, the Secretary of Energy shall provide a specific amount, equal to 3 percent of such funds, to be used by such laboratories for theater ballistic missile defense development programs.

(c) **NATIONAL LABORATORIES.**—For purposes of this section, the term “national laboratories” has the meaning given such term in section 3131(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034; 10 U.S.C. 2431 note).

(d) **KINETIC ENERGY WARHEAD PROGRAMS.**—(1) Notwithstanding subsection (a), during fiscal year 2000 the Secretary of Energy shall use the funds required to be made available pursuant to subsection (b) for theater ballistic missile defense development programs for the purpose of the development and test of advanced kinetic energy ballistic missile defense warheads based on advanced explosive technology, the designs of which—

(A) are compatible with the Army Theater High-Altitude Area-Wide Defense (THAAD) system, the Navy Theater Wide system, the Navy Area Defense system, and the Patriot Advanced Capability-3 (PAC-3) system; and

(B) will be available for ground lethality testing not later than one year after the date of the enactment of this Act.

(2) Of the funds made available for purposes of paragraph (1), one-half shall be made available for work at Los Alamos National Laboratory and one-half shall be made available for work at Lawrence Livermore National Laboratory.

(3) If the Secretary does not use the full amount referred to in paragraph (1) for the purposes stated in that paragraph, the remainder of such amount shall be used in accordance with subsection (a).

(e) **REDUCTION IN LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.**—Subsection (c) of section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a) is amended by striking “6 percent” and inserting “3 percent”.

**SEC. 3134. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) **FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.**—Of the amounts authorized to be appropriated to the Department of Energy pursuant to section 3101, \$30,000,000 shall be available only for research, development, and demonstra-

tion activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034).

(c) METHOD OF FUNDING.—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.

#### **Subtitle D—Commission on Nuclear Weapons Management**

##### **SEC. 3151. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on Nuclear Weapons Management” (hereinafter in this subtitle referred to as the “Commission”).

(b) COMPOSITION.—The Commission shall be composed of nine members, appointed as follows:

(1) Two members shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the House of Representatives.

(3) Two members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(4) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the Senate.

(5) One member, who shall serve as chairman of the Commission, shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate, acting jointly, in consultation with the ranking minority party member of the Committee on Armed Services of the House of Representatives and the ranking minority party member of the Committee on Armed Services of the Senate.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in nuclear weapons policy, organization, and management matters.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(f) SECURITY CLEARANCES.—The Secretary of Defense shall expedite the processing of appropriate security clearances for members of the Commission.

##### **SEC. 3152. DUTIES OF COMMISSION.**

(a) IN GENERAL.—The Commission shall examine the organizational and management structures within the Department of Energy and the Department of Defense that are responsible for the following, as they pertain to nuclear weapons:

(1) Development of nuclear weapons policy and standards.

(2) Generation of requirements.

(3) Inspection and certification of the nuclear stockpile.

(4) Research, development, and design.

(5) Manufacture, assembly, disassembly, refurbishment, surveillance, and storage.

(6) Operation and maintenance.

(7) Construction.

(8) Sustainment and development of high-quality personnel.

(b) STRUCTURES.—The organizational and management structures to be examined under subsection (a) shall include the following:

(1) The management headquarters of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(2) Headquarters support activities of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(3) The acquisition organizations in the Department of Energy and the Department of Defense.

(4) The nuclear weapons complex, including the nuclear weapons laboratories, the nuclear weapons production facilities, and defense environmental remediation sites.

(5) The Nuclear Weapons Council and its standing committee.

(6) The United States Strategic Command.

(7) The Defense Threat Reduction Agency.

(8) Policy-oriented elements of the Government that affect the management of nuclear weapons, including the following:

(A) The National Security Council.

(B) The Arms Control and Disarmament Agency.

(C) The Office of the Under Secretary of Defense for Policy.

(D) The office of the Deputy Chief of Staff of the Air Force for Air and Space Operations.

(E) The office of the Deputy Chief of Naval Operations for Plans, Policy, and Operations.

(F) The headquarters of each combatant command (in addition to the United States Strategic Command) that has nuclear weapons responsibilities.

(G) Such other organizations as the Commission determines appropriate to include.

(c) EVALUATIONS.—In carrying out its duties, the Commission shall—

(1) evaluate the rationale for current management and organization structures, and the relationship among the entities within those structures;

(2) evaluate the efficiency and effectiveness of those structures; and

(3) propose and evaluate alternative organizational and management structures, including alternatives that would transfer authorities of the Department of Energy for the defense program and defense environmental management to the Department of Defense.

(d) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the

Secretary of Energy, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

##### **SEC. 3153. REPORTS.**

The Commission shall submit to Congress an interim report containing its preliminary findings and conclusions not later than October 15, 2000, and a final report containing its findings and conclusions not later than January 1, 2001.

##### **SEC. 3154. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Department of Energy, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

##### **SEC. 3155. COMMISSION PROCEDURES.**

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

##### **SEC. 3156. PERSONNEL MATTERS.**

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

**SEC. 3157. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

(a) **POSTAL AND PRINTING SERVICES.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) **MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.**—The Secretary of Defense and the Secretary of Energy shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

**SEC. 3158. FUNDING.**

(a) **SOURCE OF FUNDS.**—Funds for activities of the Commission shall be provided from—

(1) amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000; and

(2) amounts appropriated for the Department of Energy for program direction for weapons activities and for defense environmental restoration and waste management for fiscal year 2000.

(b) **DISBURSEMENT.**—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense and the Secretary of Energy shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

**SEC. 3159. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 60 days after the date of the submission of its final report under section 3153.

**Subtitle E—Other Matters**

**SEC. 3161. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.**

(a) **ACCELERATOR PRODUCTION PLAN.**—Not later than January 15, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan (in this section referred to as an “accelerator production plan”) to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production by expediting the completion of the design and the initiation of the construction of a particle accelerator for the production of tritium.

(b) **TECHNOLOGY FOR TRITIUM PRODUCTION.**—If the Nuclear Regulatory Commission does not grant to the Tennessee Valley Authority the amended licenses described in subsection (c) by December 31, 2002, the Secretary of Energy shall on January 1, 2003—

(1) designate particle accelerator technology as the primary technology for the production of tritium;

(2) designate commercial light water reactor technology as the backup technology for the production of tritium; and

(3) implement the accelerator production plan.

(c) **AMENDED LICENSES.**—The amended licenses referred to in subsection (b) are the amended licenses for the operation of each of the following commercial light water reactors:

(1) Watts Bar reactor, Spring City, Tennessee.

(2) Sequoia reactor, Daisy, Tennessee.

**SEC. 3162. 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 (Public Law 104-208; 110 Stat. 3009-383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2002.

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

(c) **REPORT.**—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the recipients specified in paragraph (3) a report describing how the Department has used the authority to pay voluntary separation incentive payments under subsection (a).

(2) The report under paragraph (1) shall include the occupations and grade levels of each employee paid a voluntary separation incentive payment under subsection (a) and shall describe how the use of the authority to pay voluntary separation incentive payments under such subsection relates to the restructuring plans of the Department.

(3) The recipients specified in this paragraph are the following:

(A) The Office of Personnel Management.

(B) The Committee on Armed Services of the House of Representatives.

(C) The Committee on Armed Services of the Senate.

(D) The Committee on Government Reform of the House of Representatives.

(E) The Committee on Governmental Affairs of the Senate.

(d) **ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.**—For purposes of this section, the requirement of an agency remittance of an amount equal to 15 percent in paragraph (1) of section 663(d) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-383; 5 U.S.C. 5597 note) shall be deemed to be a requirement of an agency remittance of an amount equal to 26 percent.

**SEC. 3163. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.**

(a) **IN GENERAL.**—Subsection (a) of section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking “the Secretary” in the second sentence and all that follows through “provide educational assistance” and inserting “the Secretary shall provide educational assistance”;

(2) by striking the semicolon after “complex” in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) **ELIGIBLE INDIVIDUALS.**—Subsection (b) of such section is amended by inserting “are United States citizens who” in the matter preceding paragraph (1) after “program”.

(c) **COVERED FACILITIES.**—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

“(5) The Lawrence Livermore National Laboratory, Livermore, California.

“(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

“(7) The Sandia National Laboratory, Albuquerque, New Mexico.”.

(d) **AGREEMENT REQUIRED.**—Subsection (f) of such section is amended to read as follows:

“(f) **AGREEMENT.**—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

“(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant’s agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.”.

(e) **PLAN.**—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 42 U.S.C. 2121 note), as amended by this section.

(2) The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.

(f) **FUNDING.**—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, \$5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 42 U.S.C. 2121 note), as amended by this section.

**SEC. 3164. DEPARTMENT OF ENERGY RECORDS DECLASSIFICATION.**

(a) **IDENTIFICATION IN BUDGET.**—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for national security programs for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts necessary for programmed activities during that fiscal year to declassify records to carry out Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) **LIMITATION.**—The total amount expended by the Department of Energy during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed \$8,500,000.

**SEC. 3165. MANAGEMENT OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.**

(a) **AUTHORITY AND RESPONSIBILITY OF ASSISTANT SECRETARY FOR DEFENSE PROGRAMS.**—The Secretary of Energy, in assigning functions under section 203 of the Department of Energy Organization Act (42 U.S.C. 7133), shall assign direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories in all matters relating to national security to the Assistant Secretary assigned the functions under section 203(a)(5) of that Act.

(b) **COVERED FUNCTIONS.**—The functions assigned to the Assistant Secretary under subsection (a) shall include, but not be limited to, authority over, and responsibility for, the national security functions of those facilities and laboratories with respect to the following:

- (1) Strategic management.
- (2) Policy development and guidance.
- (3) Budget formulation and guidance.
- (4) Resource requirements determination and allocation.
- (5) Program direction.
- (6) Administration of contracts to manage and operate nuclear weapons production facilities and national laboratories.
- (7) Environment, safety, and health operations.
- (8) Integrated safety management.
- (9) Safeguard and security operations.
- (10) Oversight.
- (11) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

(c) **REPORTING OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.**—In all matters relating to national security, the nuclear weapons production facilities and the national laboratories shall report to, and be accountable to, the Assistant Secretary.

(d) **DELEGATION BY ASSISTANT SECRETARY.**—The Assistant Secretary may delegate functions assigned under subsection (a) only within the headquarters office of the Assistant Secretary, except that the Assistant Secretary may delegate to a head of a specified operations office functions including, but not limited to, supporting the following activities at a nuclear weapons production facility or a national laboratory:

- (1) Operational activities.
- (2) Program execution.
- (3) Personnel.
- (4) Contracting and procurement.
- (5) Facility operations oversight.
- (6) Integration of production and research and development activities.
- (7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

(e) **REPORTING OF OPERATIONS OFFICES.**—For each delegation made under subsection (d) to a head of a specified operations office, that head of that specified operations office shall directly report to, and be accountable to, the Assistant Secretary.

(f) **DEFINITIONS.**—As used in this section:

- (1) The term “nuclear weapons production facility” means any of the following facilities:

- (A) The Kansas City Plant, Kansas City, Missouri.
- (B) The Pantex Plant, Amarillo, Texas.
- (C) The Y-12 Plant, Oak Ridge, Tennessee.
- (D) The tritium operations at the Savannah River Site, Aiken, South Carolina.
- (E) The Nevada Test Site, Nevada.

(2) The term “national laboratory” means any of the following laboratories:

- (A) The Los Alamos National Laboratory, Los Alamos, New Mexico.
- (B) The Lawrence Livermore National Laboratory, Livermore, California.
- (C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(3) The term “specified operations office” means any of the following operations offices of the Department of Energy:

- (A) Albuquerque Operations Office, Albuquerque, New Mexico.
- (B) Oak Ridge Operations Office, Oak Ridge, Tennessee.
- (C) Oakland Operations Office, Oakland, California.
- (D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.
- (E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

**SEC. 3166. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Energy shall notify the committees specified in subsection (c), notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, that the Secretary has received information indicating that classified information relating to military applications of nuclear energy is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) **MANNER OF NOTIFICATION.**—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Energy.

(c) **SPECIFIED COMMITTEES.**—The committees referred to in subsection (a) are the following:

- (1) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.
- (2) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(d) **FOREIGN POWER.**—For purposes of this section, the terms “foreign power” and “agent of a foreign power” have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

**SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.**

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

“SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

“a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed by or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed \$100,000 for each such violation.

“b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

“c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.”

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

(c) **CLERICAL AMENDMENT.**—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

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

“Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.”

**SEC. 3168. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.**

(a) **PROGRAM REQUIRED.**—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs or information.

(b) **COVERED PERSONS.**—For purposes of this section, a covered person is one of the following:

- (1) An officer or employee of the Department.
- (2) An expert or consultant under contract to the Department.
- (3) An officer or employee of any contractor of the Department.

(c) **HIGH-RISK PROGRAMS OR INFORMATION.**—For purposes of this section, high-risk programs or information are any of the following:

(1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—

- (A) Special Access Programs;
- (B) Personnel Security And Assurance Programs; and
- (C) Personnel Assurance Programs.

(2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) **INITIAL TESTING AND CONSENT.**—The Secretary may not permit a covered person to have any access to any high-risk program or information unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) **ADDITIONAL TESTING.**—The Secretary may not permit a covered person to have continued access to any high-risk program or information unless that person undergoes a counterintelligence polygraph examination—

- (1) not less frequently than every five years; and
- (2) at any time at the direction of the Director of the Office of Counterintelligence.

(f) **COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.**—For purposes of this section, the term “counterintelligence polygraph examination” means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

**SEC. 3169. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.**

(a) **IN GENERAL.**—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) **CONTENT OF REPORT.**—The report shall include, with respect to each national laboratory, the following:

- (1) The number of full-time counterintelligence and security professionals employed.
- (2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that

employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and security practices.

**SEC. 3170. TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.**

(a) **TECHNOLOGY TRANSFER COORDINATION.**—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall ensure, for each national laboratory, the following:

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) That the contractor operating the national laboratory make available to aggrieved private sector entities a range of expedited alternate dispute resolution procedures (including both binding and non-binding procedures) to resolve disputes that arise over patents, licenses, and commercialization activities, with costs and damages to be provided by the contractor to the extent that any such resolution attributes fault to the contractor.

(3) That the expedited procedure used for a particular dispute shall be chosen—

(A) collaboratively by the Secretary and by appropriate representatives of the contractor operating the national laboratory and of the private sector entity; and

(B) if an expedited procedure cannot be chosen collaboratively under subparagraph (A), by the Secretary.

(4) That the contractor operating the national laboratory submit an annual report to the Secretary, as part of the annual performance evaluation of the contractor, on technology transfer and intellectual property successes, current technology transfer and intellectual property disputes involving the laboratory, and progress toward resolving those disputes.

(5) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) **DEFINITION OF NATIONAL LABORATORY.**—As used in this section, the term “national laboratory” means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

**Subtitle F—Protection of National Security Information**

**SEC. 3181. SHORT TITLE.**

This subtitle may be cited as the “National Security Information Protection Improvement Act”.

**SEC. 3182. SEMI-ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA.**

(a) **REPORTS REQUIRED.**—The President shall transmit to Congress a report, not less often than every six months, on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intel-

ligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to the theft of sophisticated United States nuclear weapons design information and the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

(b) **INITIAL REPORT.**—The first report under this section shall be transmitted not later than January 1, 2000.

**SEC. 3183. REPORT ON WHETHER DEPARTMENT OF ENERGY SHOULD CONTINUE TO MAINTAIN NUCLEAR WEAPONS RESPONSIBILITY.**

Not later than January 1, 2000, the President shall transmit to Congress a report regarding the feasibility of alternatives to the current arrangements for controlling United States nuclear weapons development, testing, and maintenance within the Department of Energy, including the reestablishment of the Atomic Energy Commission as an independent nuclear agency. The report shall describe the benefits and shortcomings of each such alternative, as well as the current system, from the standpoint of protecting such weapons and related research and technology from theft and exploitation. The President shall include with such report the President's recommendation for the appropriate arrangements for controlling United States nuclear weapons development, testing, and maintenance outside the Department of Energy if it should be determined that the Department of Energy should no longer have that responsibility.

**SEC. 3184. DEPARTMENT OF ENERGY OFFICE OF FOREIGN INTELLIGENCE AND OFFICE OF COUNTERINTELLIGENCE.**

(a) **IN GENERAL.**—The Department of Energy Organization Act is amended by inserting after section 212 (42 U.S.C. 7143) the following new sections:

“OFFICE OF FOREIGN INTELLIGENCE

“SEC. 213. (a) There shall be within the Department an Office of Foreign Intelligence, to be headed by a Director, who shall report directly to the Secretary.

“(b) The Director shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

“(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

“OFFICE OF COUNTERINTELLIGENCE

“SEC. 214. (a) There shall be within the Department an Office of Counterintelligence, to be headed by a Director, who shall report directly to the Secretary.

“(b) The Director shall carry out all counterintelligence activities in the Department relating to the defense activities of the Department.

“(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

“(d)(1) The Director shall keep the intelligence committees fully and currently informed of all significant security breaches at any of the national laboratories.

“(2) For purposes of this subsection, the term ‘intelligence committees’ means the Permanent Select Committee of the House of Representatives and the Select Committee on Intelligence of the Senate.”

(b) **CLERICAL AMENDMENT.**—The table of contents in the first section of that Act is amended by inserting after the item relating to section 212 the following new items:

“Sec. 213. Office of Foreign Intelligence.

“Sec. 214. Office of Counterintelligence.”

**SEC. 3185. COUNTERINTELLIGENCE PROGRAM AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES.**

(a) **PROGRAM REQUIRED.**—The Secretary of Energy shall establish and maintain at each national laboratory a counterintelligence program for the defense-related activities of the Department of Energy at such laboratory.

(b) **HEAD OF PROGRAM.**—The Secretary shall ensure that, for each national laboratory, the head of the counterintelligence program of that laboratory—

(1) has extensive experience in counterintelligence activities within the Federal Government; and

(2) with respect to the counterintelligence program, is responsible directly to, and is hired with the concurrence of, the Director of Counterintelligence of the Department of Energy and the director of the national laboratory.

**SEC. 3186. COUNTERINTELLIGENCE ACTIVITIES AT OTHER DEPARTMENT OF ENERGY FACILITIES.**

(a) **ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.**—(1) The Secretary of Energy shall assign to each Department of Energy facility, other than a national laboratory, at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

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

(b) **SUPERVISION.**—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

**SEC. 3187. DEPARTMENT OF ENERGY POLYGRAPH EXAMINATIONS.**

(a) **COUNTERINTELLIGENCE POLYGRAPH PROGRAM REQUIRED.**—The Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense activities of the Department of Energy. The program shall consist of the administration on a regular basis of a polygraph examination to each covered person who has access to a program that the Director of Counterintelligence and the Assistant Secretary assigned the functions under section 203(a)(5) of the Department of Energy Organization Act determine requires special access restrictions.

(b) **COVERED PERSONS.**—For purposes of subsection (a), a covered person is any of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) **ADDITIONAL POLYGRAPH EXAMINATIONS.**—In addition to the polygraph examinations administered under subsection (a), the Secretary, in carrying out the defense activities of the Department—

(1) may administer a polygraph examination to any employee of the Department or of any contractor of the Department, for counterintelligence purposes; and

(2) shall administer a polygraph examination to any such employee in connection with an investigation of such employee, if such employee requests the administration of a polygraph examination for exculpatory purposes.

(d) **REGULATIONS.**—(1) The Secretary shall prescribe any regulations necessary to carry out this section. Such regulations shall include procedures, to be developed in consultation with the Director of the Federal Bureau of Investigation, for identifying and addressing “false positive” results of polygraph examinations.

(2) Notwithstanding section 501 of the Department of Energy Organization Act (42

U.S.C. 7191) or any other provision of law, the Secretary may, in prescribing regulations under paragraph (1), waive any requirement for notice or comment if the Secretary determines that it is in the national security interest to expedite the implementation of such regulations.

(e) NO CHANGE IN OTHER POLYGRAPH AUTHORITY.—This section shall not be construed to affect the authority under any other provision of law of the Secretary to administer a polygraph examination.

**SEC. 3188. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.**

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

“SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

“a. Any individual or entity that has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and that commits a gross violation or a pattern of gross violations of any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this subtitle relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed \$500,000 for each such violation.

“b. The Secretary shall include, in each contract entered into after the date of the enactment of this section with a contractor of the Department, provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

“c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.”

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

(c) CLERICAL AMENDMENT.—The table of sections in the first section of that Act is amended by inserting after the item relating to section 234 the following new items:

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

“234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.”

**SEC. 3189. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.**

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking “\$20,000” and inserting “\$400,000”; and

(2) in clause b., by striking “\$10,000” and inserting “\$200,000”.

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of such Act (42 U.S.C. 2275) is amended by striking “\$20,000” and inserting “\$400,000”.

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of such Act (42 U.S.C. 2277) is amended by striking “\$2,500” and inserting “\$50,000”.

**SEC. 3190. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.**

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress a certification described in paragraph (3).

(3) A certification referred to in paragraph (2) is a certification by the Director of Counterintelligence of the Department of Energy, with the concurrence of the Director of the Federal Bureau of Investigation, that all security measures are in place that are necessary and appropriate to prevent espionage or intelligence gathering by or for a sensitive country, including access by individuals referred to in paragraph (1) to classified information of the national laboratory.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

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

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

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—In the case of a program under-

taken pursuant to an international agreement between the United States and a foreign nation, the moratorium under subsection (b) shall not apply to the admittance to a facility that is important to that program of a citizen of that foreign nation whose admittance is important to that program.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

(g) DEFINITIONS.—For purposes of this section:

(1) The term “background review”, commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term “sensitive countries list” means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

**SEC. 3191. REQUIREMENTS RELATING TO ACCESS BY FOREIGN VISITORS AND EMPLOYEES TO DEPARTMENT OF ENERGY FACILITIES ENGAGED IN DEFENSE ACTIVITIES.**

(a) SECURITY CLEARANCE REVIEW REQUIRED.—The Secretary of Energy may not allow unescorted access to any classified area, or access to classified information, of any facility of the Department of Energy engaged in the defense activities of the Department to any individual who is a citizen of a foreign nation unless—

(1) the Secretary, acting through the Director of Counterintelligence, first completes a security clearance investigation with respect to that individual in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department; or

(2) a foreign government first completes a security clearance investigation with respect to that individual in a manner that the Secretary of State, pursuant to an international agreement between the United States and that foreign government, determines is equivalent to the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department.

(b) EFFECT ON CURRENT EMPLOYEES.—The Secretary shall ensure that any individual who, on the date of the enactment of this Act, is a citizen of a foreign nation and an employee of the Department or of a contractor of the Department is not discharged from such employment as a result of this section before the completion of the security clearance investigation of such individual under subsection (a) unless the Director of Counterintelligence determines that such discharge is necessary for the national security of the United States.

**SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DEFENSE FACILITIES OF THE DEPARTMENT OF ENERGY.**

(a) REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES.—Not later than March 1 of each year, the Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall submit a report on the security and counterintelligence standards at the national laboratories, and other

facilities of the Department of Energy engaged in the defense activities of the Department, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall be in classified form and shall contain, for each such national laboratory or facility, the following information:

(1) A description of all security measures that are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility.

(2) A certification by the Director of Counterintelligence of the Department of Energy as to whether—

(A) all security measures are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility; and

(B) such security measures comply with Presidential Decision Directives and other applicable Federal requirements relating to the safeguarding and security of classified information.

(3) For each admission of an individual under section 3190 not described in a previous report under this section, the identity of that individual, and whether the background review required by that section determined that information relevant to security exists with respect to that individual.

**SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.**

(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report, in consultation with the Director of Counterintelligence of the Department of Energy, on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called “red team” of individuals to perform an operational evaluation of the security vulnerabilities of the computers of the national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMATION ON DEPARTMENT OF ENERGY DEFENSE-RELATED COMPUTERS.**

(a) PROCEDURES REQUIRED.—The Secretary of Energy shall establish procedures to govern access to classified information on DOE defense-related computers. Those procedures shall, at a minimum, provide that each employee of the Department of Energy who requires access to classified information shall be required as a condition of such access to provide to the Secretary written consent which permits access by an authorized investigative agency to any DOE defense-related computer used in the performance of the defense-related duties of such employee during the period of that employee’s access to classified information and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN DOE DEFENSE-RELATED COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE defense-related computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITIONS.—For purposes of this section:

(1) The term “DOE defense-related computer” means a computer of the Department of Energy or a Department of Energy contractor that is used, in whole or in part, for a Department of Energy defense-related activity.

(2) The term “computer” means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to, or operating in conjunction with, such device.

(3) The term “authorized investigative agency” means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term “classified information” means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated.

(5) The term “employee” includes any person who receives a salary or compensation of any kind from the Department of Energy, is a contractor of the Department of Energy or an employee thereof, is an unpaid consultant of the Department of Energy, or otherwise acts for or on behalf of the Department of Energy.

(d) ESTABLISHMENT OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall prescribe such regulations as may be necessary to implement this section.

**SEC. 3195. DEFINITION OF NATIONAL LABORATORY.**

For purposes of this subtitle, the term “national laboratory” means any of the following:

(1) The Lawrence Livermore National Laboratory, Livermore, California.

(2) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(3) The Sandia National Laboratories, Albuquerque, New Mexico.

(4) The Oak Ridge National Laboratories, Oak Ridge, Tennessee.

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

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2000, \$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:

(1) The term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(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 2000, the National Defense Stockpile Manager may obligate up to \$78,700,000 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 on which 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. ELIMINATION OF CONGRESSIONALLY IMPOSED DISPOSAL RESTRICTIONS ON SPECIFIC STOCKPILE MATERIALS.**

Sections 3303 and 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 629) are repealed.

**TITLE XXXIV—MARITIME ADMINISTRATION**

**SEC. 3401. SHORT TITLE.**

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2000”.

**SEC. 3402. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000.**

Funds are hereby authorized to be appropriated, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$79,764,000 for fiscal year 2000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), \$34,893,000 for fiscal year 2000, of which—

(A) \$31,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$3,893,000 is for administrative expenses related to loan guarantee commitments under the program.

**SEC. 3403. AMENDMENTS TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.**

(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—Section 1108(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279a(a)) is amended by striking so much as precedes “guarantee of an obligation” and inserting the following:

“(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—(1) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel that will serve as security for the guarantee, the Secretary may accept and hold, in escrow under an escrow agreement with the obligor—

“(A) the proceeds of that obligation, including such interest as may be earned thereon; and

“(B) if required by the Secretary, an amount equal to 6 month’s interest on the obligation.

“(2) The Secretary may release funds held in escrow under paragraph (1) only if the Secretary determines that—

“(A) the obligor has paid its portion of the actual cost of construction, reconstruction, or reconditioning; and

“(B) the funds released are needed—

“(i) to pay, or make reimbursements in connection with payments previously made for work performed in that construction, reconstruction, or reconditioning; or

“(ii) to pay for other costs approved by the Secretary, with respect to the vessel or vessels.

“(3) If the security for the—

(b) AUTHORITY TO HOLD OBLIGOR’S CASH AS COLLATERAL.—Title XI of the Merchant Marine Act, 1936 is amended by inserting after section 1108 the following:

**“SEC. 1109. DEPOSIT FUND.**

“(a) ESTABLISHMENT OF DEPOSIT FUND.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

“(b) AGREEMENT.—

“(1) IN GENERAL.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

“(2) TERMS.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

“(3) SECURITY INTEREST OF UNITED STATES.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

“(c) INVESTMENT.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

“(d) WITHDRAWALS.—

“(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

“(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income

earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

“(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary’s recovery against the obligor in case of a default by the obligor on an obligation.”.

**SEC. 3404. EXTENSION OF WAR RISK INSURANCE AUTHORITY.**

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking “June 30, 2000” and inserting “June 30, 2005”.

**SEC. 3405. OWNERSHIP OF THE JEREMIAH O’BRIEN.**

Section 3302(1)(C) of title 46, United States Code, is amended by striking “owned by the United States Maritime Administration” and inserting “owned by the National Liberty Ship Memorial, Inc.”.

**TITLE XXXV—PANAMA CANAL COMMISSION**

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Panama Canal Commission Authorization Act for Fiscal Year 2000”.

**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 2000 until the termination of the Panama Canal Treaty of 1977.

(b) LIMITATIONS.—Until noon on December 31, 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than \$100,000 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 \$58,000 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 Panama Canal Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, the purchase price of which shall not exceed \$26,000 per vehicle.

**SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.**

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—Section 1305(c)(5) of the Panama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended by inserting “(A)” after “(5)” and by adding at the end the following:

“(B) The office established by subsection (b) is authorized to expend or obligate funds from the Fund for the purposes enumerated in clauses (i) and (ii) of paragraph (2)(A) until October 1, 2004.”.

(b) OPERATION OF THE OFFICE OF TRANSITION ADMINISTRATION.—

(1) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) shall continue to

govern the Office of Transition Administration until October 1, 2004.

(2) PROCUREMENT.—For purposes of exercising authority under the procurement laws of the United States, the director of such office shall have the status of the head of an agency.

(3) OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in the District of Columbia. Section 1110(b)(1) of the Panama Canal Act of 1973 (22 U.S.C. 3620(b)(1)) does not apply to such office in the Republic of Panama.

(4) EFFECTIVE DATE.—This subsection shall be effective on and after the termination of the Panama Canal Treaty of 1977.

(c) OFFICE OF TRANSITION ADMINISTRATION DEFINED.—In this section the term “Office of Transition Administration” means the office established under section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) to close out the affairs of the Panama Canal Commission.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. OBEY demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 365  
affirmative ..... } Nays ..... 58

¶62.18

[Roll No. 191]

AYES—365

|              |             |               |
|--------------|-------------|---------------|
| Abercrombie  | Callahan    | Dunn          |
| Ackerman     | Calvert     | Edwards       |
| Aderholt     | Camp        | Ehlers        |
| Allen        | Canady      | Ehrlich       |
| Andrews      | Cannon      | Emerson       |
| Archer       | Capps       | Engel         |
| Armye        | Cardin      | English       |
| Bachus       | Carson      | Etheridge     |
| Baird        | Castle      | Evans         |
| Baker        | Chabot      | Everett       |
| Baldacci     | Chambliss   | Ewing         |
| Ballenger    | Chenoweth   | Farr          |
| Barcia       | Clement     | Fletcher      |
| Barr         | Clyburn     | Foley         |
| Barrett (NE) | Coble       | Forbes        |
| Bartlett     | Coburn      | Ford          |
| Barton       | Collins     | Fossella      |
| Bass         | Combest     | Fowler        |
| Bateman      | Condit      | Franks (NJ)   |
| Bentsen      | Cook        | Frelinghuysen |
| Bereuter     | Cooksey     | Frost         |
| Berkley      | Costello    | Gallegly      |
| Berman       | Cox         | Ganske        |
| Berry        | Coyne       | Gejdenson     |
| Biggett      | Cramer      | Gekas         |
| Bilbray      | Crane       | Gephardt      |
| Bilirakis    | Cubin       | Gibbons       |
| Bishop       | Cunningham  | Gilchrest     |
| Blagojevich  | Danner      | Gillmor       |
| Bliley       | Davis (FL)  | Gilman        |
| Blumenauer   | Davis (VA)  | Gonzalez      |
| Blunt        | Deal        | Goode         |
| Boehlert     | DeLahunt    | Goodlatte     |
| Boehner      | DeLauro     | Goodling      |
| Bonilla      | DeLay       | Gordon        |
| Bonior       | DeMint      | Goss          |
| Borski       | Deutsch     | Granger       |
| Boswell      | Diaz-Balart | Green (TX)    |
| Boucher      | Dickey      | Green (WI)    |
| Boyd         | Dicks       | Greenwood     |
| Brady (PA)   | Dingell     | Gutknecht     |
| Brady (TX)   | Dixon       | Hall (OH)     |
| Brown (FL)   | Dooley      | Hansen        |
| Bryant       | Doolittle   | Hastert       |
| Burr         | Doyle       | Hastings (FL) |
| Burton       | Dreier      | Hastings (WA) |
| Buyer        | Duncan      | Hayes         |