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during the one-year period beginning on the date of the enactment of this Act.
(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeasternmost naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.
(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) during the one-year period referred to in subsection (a).

SEC. 2903. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—
(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;
(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;
(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and
(4) a continuation in high-quality management of United States natural and cultural resources is required for the United States to preserve its national heritage.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2000

On May 27, 1999, the bill, S. 1062, was passed by the Senate. The text of the bill is as follows:

SEC. 1. SHORT TITLE.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the "Department of Energy National Security Act for Fiscal Year 2000".

SEC. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Committees of defense committees defined.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

Title 3101. Weapons activities.
Title 3102. Defense environmental restoration and waste management.
Title 3103. Other defense activities.
Title 3104. Defense nuclear waste disposal.
Title 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

Title 3121. Reprogramming.
Title 3122. Limits on general plant projects.
Title 3123. Limits on construction projects.
Title 3124. Fund transfer authority.
Title 3125. Authority for conceptual and construction design.
Title 3126. Authority for emergency planning, design, and construction activities.
Title 3127. Funds available for all national security programs of the Department of Energy.
Title 3128. Availability of funds.
Title 3129. Transfers of Defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Title 3131. Prohibition on use of funds for certain activities under Formerly Utilized Site Remedial Action Program.

SEC. 3122. Continuation of processing, treatment, and disposition of legacy nuclear materials.
SEC. 3133. Nuclear weapons stockpile life extension program.
SEC. 3134. Tritium production.
SEC. 3135. Independent cost estimate of Accelerator Production of Tritium.
SEC. 3136. Nonproliferation initiatives and activities.

Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities

Title 3131. Short title.
Title 3132. Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities.
Title 3133. Background investigations of certain personnel at Department of Energy facilities.
Title 3134. Plan for polygraph examinations of certain personnel at Department of Energy facilities.
Title 3135. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding of restricted data.
Title 3136. Moratorium on laboratory-to-laboratory and foreign visitors and assignments programs.
Title 3137. Increased penalties for misuse of restricted data.
Title 3138. Organization of Department of Energy counterintelligence and intelligence programs and activities.
Title 3139. Counterintelligence activities at certain Department of Energy facilities.
Title 3160. Whistleblower protection.
Title 3161. Investigation and remediation of alleged reprisals for disclosure of certain information to Congress.
Title 3162. Notification to Congress of certain security and counterintelligence failures at Department of Energy facilities.
Title 3163. Conduct of security clearances.
Title 3164. Protection of classified information at laboratory-to-laboratory exchanges.
Title 3165. Definition.

Subtitle E—Other Matters

Title 3171. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.
Title 3172. Modification of budget and planning requirements for Department of Energy national security activities.
Title 3173. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
Title 3174. Integrated fissile materials management plan.
Title 3175. Use of amounts for award fees for Department of Energy closure projects for additional cleanup projects at closure project sites.
Title 3176. Pilot program for project management oversight regarding Department of Energy construction projects.
Title 3177. Extension of review of Waste Isolation Pilot Plant, New Mexico.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD


TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.

Sec. 3302. Limitations on previous authority for disposal of stockpile materials.

TITLE XXXIV—PANAMA CANAL COMMISSION

Sec. 3401. Short title.

Sec. 3402. Authorization of expenditures.

Sec. 3403. Purchase of vehicles.

Sec. 3404. Expenditures only in accordance with treaties.

Sec. 3405. Office of Transition Administration.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES EXIZED.

For purposes of this Act, the term "congressional defense committees" means—

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

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

Authorizations

SEC. 3101. WEAPONS ACTIVITIES

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 $4,532,866,000, to be allocated as follows:

(A) For operation and maintenance, $1,880,621,000, to be allocated as follows:

(i) For core stockpile stewardship, $1,748,500,000, to be allocated as follows:

(A) 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), $133,145,000, to be allocated as follows:

Project 00–D–103, 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 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $2,590,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for programs in the amount of $242,000,000.

(4) SITE PROJECT AND CONSTRUCTION.—For site projects and construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $352,866,000, to be allocated as follows:

(A) 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), $105,290,000, to be allocated as follows:

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $7,055,000.

Project 96–D–107, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $178,000,000.

Project 99–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $217,600,000.

(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), $158,679,000, to be allocated as follows:

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $2,590,000.

Project 99–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $11,971,000.

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–164, electrical and utility system expansion, Idaho National Engineering and Environmental Laboratory, Idaho, $1,971,000.

Project 96–D–471, chloroform and carbon heating and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $391,000.

Project 96–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.
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Project 98–PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.
Project 98–PVT-5, 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, $12,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the project and the $4,231,000 subsection, reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3111. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and the 30-day period 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 Act;

(B) $1,000,000 more than the amount authorized for that program by this Act; 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 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

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

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

SEC. 3112. 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. 3113. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—Except as provided in paragraph (2), construction of any construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, when- ever 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—

(1) 110 percent of the amount authorized for that program by this Act;

(2) the current estimated cost of the construction project.
(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 $3,000,000.

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 5 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 of necessity 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 specified denied funds.

(d) NOTICES TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services 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, 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.

(b) TRANSFER TO 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 pursuant to this title to another such program or project.

(c) LIMITATION.—(1) Only one transfer may be made to or from any one 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 $3,000,000 in any fiscal year.

(d) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary may appropriate and 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 this title to carry out emergency planning and construction design under sections 3101, 3102, and 3103 for emergency planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, is necessary.

(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 3126(b) 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 DEFENSE.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities conducted under the 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 appropriation 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 2000.

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 pursuant to this title to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any one 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 $3,000,000 in any 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) EXEMPTION FROM APPROPRIATIONS ACT.—In subsection (a), the term ‘program or project’ means, with respect to a field office of the Department of Energy, any of the following:

(A) A program or project 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 field office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(B) A program or project described in subparagraph (B) that is for environmental restoration or waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The manager of the field office of the Department of Energy pursuant to an authorization of appropriation Act 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. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the defense activities of the Department of Energy for a fiscal year after fiscal year 2000, may be obligated or expended to conduct treatment, storage, or disposal activities at any site designated as a site under the Formerly Utilized Site Remedial Action Program as of the date of the enactment of this Act.

SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT, AND REMEDIATION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness to remove all quantities of legacy nuclear materials at the Savannah River Site, Aiken, South Carolina, and shall provide the technical
SEC. 3123. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile.

(b) ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.—The program under subsection (a) shall be a program within the Office of Defense Programs of the Department of Energy.

(c) PROGRAM PLAN.—As part of the program under subsection (a), the Secretary shall develop a long-term plan for the extension of the life of the weapons in the nuclear weapons stockpile. The plan shall provide the following:

(1) Mechanisms to provide for the remanufacture of each weapon design designated by the Secretary for inclusion in the enduring nuclear weapons stockpile as of the date of the enactment of this Act.

(2) Mechanism to expedite the collection of data necessary for carrying out the program, including data relating to the aging of materials, replacement parts, and the replacement or substitution of materials.

(3) Mechanisms to ensure the appropriate assignment of roles and missions for each Department nuclear weapons laboratory and production plant, including mechanisms for allocation of workload, mechanisms to ensure a proper carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

(4) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

(d) ANNUAL SUBMITTAL OF PLAN.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under subsection (c) not later than January 1, 2000.

(2) The Secretary shall submit to the committees referred to in paragraph (1) each year after 2000, at the same time as the submission for the fiscal year beginning in such year under section 1105 of title 31, United States Code, an update of the plan submitted under paragraph (1). Each update shall contain the same level of detail as the plan submitted under paragraph (1).

(e) SENSE OF CONGRESS REGARDING FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in the fiscal year covered by such budget the activities under the program under subsection (a) that are specified in the most current version of the plan for the program under this section.

SEC. 3134. TRITIUM PRODUCTION.

(a) PRODUCTION OF NEW TRITIUM.—The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) SUPPORT.—To support the method of tritium production specified in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the

Area of the Savannah River Site, Aiken, South Carolina.

(c) DESIGN AND ENGINEERING DEVELOPMENT.—The Secretary shall—

(1) complete preliminary design and engineering of the production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstrate a detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCELERATOR PRODUCTION OF TRITIUM.

(a) INDEPENDENT COST ESTIMATE.—(1) The Secretary of Energy shall secure an independent cost estimate of the Accelerator Production of Tritium.

(2) The estimate shall be conducted at the highest possible level, but in no event at a level below that currently defined by the Secretary as Type III, "Sampling Technique".

(b) REPORT.—Not later than April 1, 2000, the Secretary shall submit to the congressional defense committees a report on the independent cost estimate conducted under subsection (a).

SEC. 3138. NONPROLIFERATION INITIATIVES AND ACTIVITIES.

(a) INITIATIVE FOR PROLIFERATION PREVENTION PROGRAM.—(1) Not more than 40 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently involved in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(2) None of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program for purposes of providing assistance under the initiative to more than three nuclear cities shall be to ensure the following:

(i) that the military applications of such projects, and any income relating to such applications, is not inadvertently transferred or utilized for military purposes;

(ii) that activities under the projects are not redirected toward work related to weapons of mass destruction.

(iii) that the national security interests of the United States are not considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(b) NUCLEAR CITIES INITIATIVE.—(1) No amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy or the President should enter into negotiations with the Russian Government for purposes of concluding an agreement between the United States Government and the Russian Government to provide for the permanent exemption from taxation by the Russian Government of the nonproliferation activities of the Department of Energy under the Initiative for Proliferation Prevention program.

(2) The Secretary shall evaluate the projects carried out under the Initiative for Proliferation Prevention program to determine whether or not such projects are likely to achieve their intended commercial objectives.

(3) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(4) It is the sense of Congress that the President should enter into negotiations with the Russian Government for purposes of providing assistance under the Initiative for Proliferation Prevention program for commercial purposes to determine whether or not the mechanisms for job creation are to be discontinued.

(5) The Secretary shall certify to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(6) Notwithstanding a certification under paragraph (5), amounts so appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic benefits of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under the program are likely to lead to the creation of the jobs intended to be created by the program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of the program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any interagency participation in or contribution to the initiative.
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SEC. 3151. SHORT TITLE.

This subtitle may be cited as the “Department of Energy Safeguards, Security, and Counterintelligence at Department of Energy Facilities Act of 1999.”

SEC. 3152. COMMISSION ON SAFEGUARDS, SECURITY, AND COUNTERINTELLIGENCE AT DEPARTMENT OF ENERGY FACILITIES.

(a) Establishment.—There is hereby established a commission to be known as the “Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities” (in this section referred to as the “Commission”).

(b) Organizational Matters.—(1) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security, safety, and personnel security in the performance of duties of the Commission, including procedures for calling such meetings, requirements for quorums, and the manner of taking votes.

(2) The Commission shall meet not less often than once every three months.

(3) The Commission may commence its activities under this section upon the designation of the chairman of the Commission by the Secretary of Energy for a term of two years.

(c) Duties.—(1) The Commission shall, in accordance with this section, review the adequacy of the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities for:

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines to be necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities.

(b) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security, safety, and personnel security in the performance of duties of the Commission, including procedures for calling such meetings, requirements for quorums, and the manner of taking votes.

(2) The Commission shall meet not less often than once every three months.

(c) Duties.—(1) The Commission shall, in accordance with this section, review the adequacy of the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities for:

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines to be necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities.
appropriate for the matters considered by the Commission in the discharge of its duties under this section.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) FUNDING.—(1) From amounts authorized to be appropriated by sections 3101 and 3103, the Secretary shall make available to the Commission not more than $1,000,000 for the activities of the Commission under this section.

(2) Amounts made available to the Commission under this subsection shall remain available until expended.

(h) TERMINATION OF DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.—(1) Section 3161 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 42 U.S.C. 2271 note) is repealed.

(2) Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–86; 111 Stat. 2049; 42 U.S.C. 7274 note) is amended—

(A) by striking ''(a) IN GENERAL.—''; and

(B) by striking subsection (b).

SEC. 3153. BACKGROUND INVESTIGATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall ensure that an investigation meeting the requirements of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is made for each Department of Energy employee, or contractor employee, at a Department of Energy facility who—

(1) carries out duties or responsibilities in, or around a location where Restricted Data is present or may be present; or

(2) has or may have regular access to a location where Restricted Data is present.

(b) COMPLIANCE.—The Secretary shall have one year from the date of the enactment of this Act to meet the requirement in subsection (a).

SEC. 3154. PLAN FOR POLYGRAPH EXAMINATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) PLAN.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Congress a plan for conducting, as part of the Department of Energy personnel assurance programs, periodic polygraph examinations of each Department of Energy employee, and contractor employee, at a Department of Energy facility who has or may have access to Restricted Data or Sensitive Compartmented Information. The purpose of the examinations is to minimize the potential for release or disclosure of such data or information by such employees.

(2) The plan shall include recommendations for an alternative action necessary to implement the plan.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMITTAL OF PLAN.—Not more than 50 percent of the amounts authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2000 for travel expenses may be obligated or expended for any part of the submittal of the plan required by subsection (a).

SEC. 3155. 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 224A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.—

"(a) Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereunder (or who has been or may be an employee or who has been or may have access to 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 of Energy a provision that has the effect of providing an appropriation or otherwise making available for the contractor under the contract in the event of a violation by the contractor or a contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information (the proviso shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation).

"(c) The procedures and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this subsection.

"(d) CIVIL MONETIES.—The table of penalties under section 234A of that Act (42 U.S.C. 2282a) is amended by inserting the following:

"(2) $40,000.

"(2) $40,000.

"SEC. 3156. MORATORIUM ON LABORATORY-TO-LABORATORY AND FOREIGN VIOLATIONS AND ASSIGNMENTS PROGRAMS.

(a) CERTIFICATION.—(1) The Secretary of Energy, the Director of the Office of Counterintelligence, and the Director of the Federal Bureau of Investigation shall jointly submit to the committees referred to in paragraph (3) a certification that an obligation that escaped the review required in paragraph (2) meets the following conditions:

(A) That the program complies with applicable orders, regulations, and policies of the Department of Energy relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such orders, regulations, and policies.

(B) That the program complies with Presidential Decision Directives and similar requirements relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such Directives or requirements.

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2271) is amended by striking the first sentence.
(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, an employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any right, or privilege by the employee within the Bureau, or any confidentiality or privilege relating to the employee's employment or service as Director of the Office.

(4) The Director of the Office shall report directly to the Secretary.

(c)(1) The Director of the Office shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

(2) The Director of the Office shall be responsible for the implementation of the personnel assurance programs of the Department.

(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

(d)(1) Not later than March 1 each year, the Director of the Office shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities for the preceding year.

(2) Each report shall include for the year covered--

(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities.

(i) the number of violations that were investigated; and

(ii) the number of violations that remain unresolved.

(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) OFFICE OF INTELLIGENCE.—That title is further amended by adding at the end the following:

"S 214. (a) There is within the Department an Office of Intelligence.

(b)(1) The Head of the Office shall be the Director of the Office of Intelligence.

(2) The Director of the Office shall be a senior executive service employee of the Department.

(3) The Director of the Office shall report directly to the Secretary.

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

(c) CLERICAL AMENDMENT.—The table of contents for this Act is amended by inserting after the item relating to section 212 the following items:

"213. Office of Counterintelligence.

214. Office of Intelligence."

SECT. 3159. COUNTERINTELLIGENCE ACTIVITIES AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—The Secretary of Energy shall assign to each Department of Energy facility 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.

SECT. 3160. WHISTLEBLOWER PROTECTION.

(a) PROGRAM.—The Secretary of Energy shall establish a program to ensure that an employee of the Department of Energy, or a contractor or subcontractor employee, is not discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or entity referred to in subsection (b) information relating to the protection of classified information which the employee or contractor employee reasonably believes to provide direct and specific evidence of a violation described in subsection (c).

(b) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this subsection is the following:

(1) A member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Federal Government to which the disclosed information relates.

(2) An employee of Congress who—

(A) is a staff member of a committee of Congress having primary responsibility for oversight of the agency, or element of the Federal Government to which the disclosed information relates; and

(B) has an appropriate security clearance for access to the classified information.


(4) The Federal Bureau of Investigation.

(b) An employee of the Department of Energy designated by the Secretary as authorized to receive information of the type disclosed.

(c) COVERED VIOLATIONS.—A violation referred to in subsection (a) is—

(1) a violation of law or Federal regulation;

(2) gross mismanagement, a gross waste of funds, or abuse of authority; or

(3) a false statement to Congress on an issue of material fact.

SECT. 3161. INVESTIGATION AND REMEDIATION OF ALLEGED REPRISALS FOR DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) SUBMISSION OF ALLEGATIONS TO INSPECTOR GENERAL.—A Department of Energy employee or contractor employee who believes that the employee has been discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information referred to in subsection (a) of section 3160 in accordance with the provisions of that section may submit a complaint relating to such action to the Inspector General of the Department of Energy.

(b) INVESTIGATION.—(1) For each complaint submitted under subsection (a), the Inspector General shall—

(A) determine whether or not the complaint is frivolous; and

(B) if the Inspector General determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Inspector General shall submit a report on each investigation undertaken under paragraph (1)(B) to—

(A) the employee who submitted the complaint on which the investigation is based;

(B) the contractor concerned if any; and

(C) the Secretary of Energy.

(c) REMEDIAL ACTIONS.—(1) If the Secretary determines that an employee has been subjected to an adverse personnel action referred to in subsection (a) in contravention of the provisions of section 3160(a), the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2) If a contractor fails to comply with an order issued under paragraph (1), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(d) QUARTERLY REPORT.—(1) Not later than 30 days after the commencement of each fiscal quarter, the Inspector General shall submit a report to the congressional defense committees a report on the investigations undertaken under subsection (b)(1)(B) during the preceding fiscal quarter, including a summary of the results of such investigations.

(2) A report under paragraph (1) shall not identify or otherwise provide any information on an individual person submitting a complaint under this section without the consent of the person.

SECT. 3162. NOTIFICATION TO CONGRESS OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES AT DEPARTMENT OF ENERGY FACILITIES.

(a) REQUIREMENT.—The head of the Department of Energy, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate, shall submit to the congressional defense committees a notification of each serious security or counterintelligence failure at a Department of Energy facility that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(b) DEADLINE.—The notification shall be submitted not later than 30 days after learning of the failure.

(c) PROCEDURE.—(1) The Secretary and the congressional defense committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

(d) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—(1) The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, all information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to the congressional defense committees pursuant to this section.

(2) Such procedures shall be established in consultation with the Secretary of Energy,
the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation.

(e) SAVING PROVISIONS.—(1) Nothing in this section shall be construed as authority to withhold from the congressional defense committees on the grounds that providing the information to such committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources or methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States and for the intelligence committees to notify promptly other congressional committees of any matter relating to intelligence taking the initiative and requiring the attention of such committees.

SEC. 3163. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—(1) The Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking “the Civil Service Commission” each place it appears in subsections a., b., and c. and inserting “the Federal Bureau of Investigation”.

(b) CONFORMING AMENDMENTS.—(1) That section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(G) The Council will meet not less than once every three months.”.

(2) Subsection (c) of that section is amended by adding at the end the following new paragraph:

“(3) If the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs remains vacant for a period of more than 9 months, the Secretary of Energy shall appoint a qualified individual to serve as acting staff director of the Council until the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is filled.”

(b) REESTABLISHMENT OF JOINT NUCLEAR WEAPONS COUNCIL.—(1) The Secretary of Defense shall jointly and submit to the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code.

(2) The plan shall include any proposed modification to the membership or responsibilities of the Council that the Secretaries jointly determine advisable to enhance the capability of the Council to ensure the integration of Department of Defense requirements for nuclear weapons into the programs and budget processes of the Department of Energy.

(c) ANNUAL REPORT ON COUNCIL ACTIVITIES.—The Secretary of Defense, shall, after consultation with the Secretary of Energy, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of the responsibilities of the Congress during the 12-month period ending on the date of the report together with any assessments or studies conducted by the following:

(1) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

(2) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program on or before the date of that report.

(3) An assessment of the extent to which the requirements referred to in paragraph (2) are being addressed by the Department of Energy.

(d) NUCLEAR WEAPONS MANAGEMENT PLAN.—The Secretary of Defense shall develop and implement a plan to ensure the continued capability of the Department of Defense to carry out its nuclear deterrent mission. The plan shall—

(1) articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters;

(2) establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required;

(3) establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission;

(4) take into account requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission; and

(5) take into account the relevant programs and plans of the military departments and the defense agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.

(e) NUCLEAR EXPERTISE RETENTION MEASURES.—(1) The Secretary of Energy and Secretary of Defense shall jointly submit to the following:

(1) A proposal for recruitment and retention measures to address the loss of such skills or capabilities.

(2) A plan for the training and evaluation of personnel with core scientific, engineering, and technical skills and capabilities.

(3) A statement of the skills or capabilities that are at risk of being lost within the next ten years.

(4) A proposal for recruitment and retention measures to address the loss of such skills or capabilities.

(5) A statement of the additional advanced manufacturing programs and process engineering programs that are required to maintain the nuclear deterrent force indefinitely.

(6) An assessment of the desirability of establishing a nuclear weapons workforce reserve to ensure the availability of the skills and capabilities of present and former employees of the Department of Energy.

(f) REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES.—Section 309 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2842; 42 U.S.C. 2776e) is amended—

(1) by redesigning subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(2) Use of Provided Funds.—The Director of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees specifically trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of States or other Department contractors to a cooperative exchange program on or before the date of the enactment of this Act, the Department of Energy shall establish a pool of Department employees and Department contractor employees specifically trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Secretary of Defense shall conduct an annual review of the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is amended by amending by adding at the end the following new paragraph:

“(a) Administration.—Joint Nuclear Weapons Council, (1) Subsections (b), (c), and (d) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(b) The Joint Nuclear Weapons Council shall not meet less than once every three months.”.

(2) Nothing in this section shall be construed as authority to withhold from the congressional defense committees on the grounds that providing the information to such committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources or methods, or sensitive law enforcement information.

(3) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States and for the intelligence committees to notify promptly other congressional committees of any matter relating to intelligence taking the initiative and requiring the attention of such committees.
that accompany the annual certification of the status and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted.

(g) TECHNICAL AMENDMENT.—Section 179(f) of title 18, United States Code, is amended by striking "the Committee on Armed Services" and all that follows through "House of Representatives" and inserting "the Committees on Armed Services and Appropriations of the Senate and the Committees on Armed Services and Appropriations of the House of Representatives".

SEC. 3172. MODIFICATION OF BUDGET AND PLANNING REQUIREMENTS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY ACTIVITIES.

(a) ENHANCEMENT OF ANNUAL FIVE-YEAR BUDGET.—(1) Section 3155 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271b) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by striking subsection (a) and inserting the following new subsections:

"(a) REQUIREMENT.—The Secretary of Energy shall prepare for each fiscal year after fiscal year 2000 a program and budget plan for the national security programs of the Department of Energy for the five-fiscal year period beginning in the year the program and budget plan is prepared.

(b) ELEMENTS.—Each program and budget plan shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs of the Department during the five-fiscal year period covered by the program and budget plan, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) A description of the anticipated workload requirements for each Department site during that five-fiscal year period.; and

(C) in subsection (c), as so redesignated, by striking "fiscal years" and inserting "five-fiscal year period".

(2) The section heading of such section is amended by striking "FIVE-YEAR BUDGET" and inserting "FIVE-FISCAL YEAR PROGRAM AND BUDGET PLAN".

(b) ADDITIONAL REQUIREMENTS FOR WEAPONS ACTIVITIES BUDGET.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

"(c) IMPACT OF BUDGET ON STOCKPILE.—The Secretary shall include in the materials the Secretary submits to Congress in support of the budget for any fiscal year after fiscal year 2000 that is submitted by the President pursuant to section 1105 of title 31, United States Code, a description of how the funds identified for each program element in the weapons activities budget of the Department for such fiscal year would affect the Congress and the Secretary's assessment of the feasibility and desirability of pursuing programs identified in such budget.

SEC. 3173. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—(1) Section 958(c)(2)(D) of title 5, United States Code, is amended to read—

"(2) Determining whether or not a project is covered by subsection (a) to the congressional defense committees not later than February 1, 2000.

(b) ELEMENTS.—The schedule under subsection (a) shall set forth—

(1) Determining whether or not a project is within budget;

(2) Determining whether or not a project is being carried out efficiently and effectively;

(3) Determining whether or not a project is being conducted, and

(b) an element in the management of large construction projects.

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE SITE.

(a) AUTHORITY TO USE AMOUNTS.—The Secretary of Energy shall Pay award amounts authorized to be appropriated for the payment of award fees for a Department of Energy closure project purposes of conducting additional cleanup projects at the closure site if the Secretary—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) REPORT ON USE OF AUTHORITY.—Not later than 30 days after each exercise of the authority under subsection (a), the Secretary shall submit to the congressional defense committees a report on the exercise of the authority.

SEC. 3176. PILOT PROGRAM FOR PROJECT MANAGEMENT OVERSIGHT REGARDING DEPARTMENT OF ENERGY CONSTRUCTION PROJECTS.

(a) REQUIREMENTS.—The Secretary of Energy shall carry out a pilot program on use of project management oversight (PMO) services for Department of Energy construction projects.

(b) PURPOSE.—The purpose of the pilot program is to provide a basis for determining whether or not the use of competitively procured, external project oversight services on construction projects would permit the Department to control excessive costs and schedule delays associated with Department construction projects having large capital costs.

(b) PROJECTS COVERED BY PROGRAM.—(1) Subject to paragraph (2), the Secretary shall carry out the pilot program on construction projects selected by the Secretary. The projects shall include one or more construction projects authorized pursuant to section 3102 and one construction project authorized pursuant to section 3102.

(2) The Secretary shall select projects that have capital project costs anticipated to be not less than $25,000,000.

(c) SERVICES UNDER PROGRAM.—The project management oversight services utilized under the pilot program shall include the following services:

(1) Monitoring the overall progress of a project;

(2) Determining whether or not a project is within budget;

(3) Determining whether or not a project is being carried out efficiently and effectively;

(4) Determining whether or not a project conforms with plans and specifications approved by the Department.

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

SEC. 3177. EXTENSION OF AUTHORITY TO PAY UNMIXED TRANSURANIC WASTE ISOLATION PILOT PLANT, NEW MEXICO.

Section 318(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking “nine additional one-year periods” and inserting “fourteen additional one-year periods”.

SEC. 3178. PROPOSED SCHEDULE FOR SHIPMENTS OF WASTE FROM THE ROCKY FLATS PLANT, COLORADO, TO THE WASTE ISOLATION PILOT PLANT, NEW MEXICO.

(a) SUBMITTAL OF PROPOSED SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committees on Appropriations of the Senate and House of Representatives a proposed schedule for the commencement of shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Plant, New Mexico.

(b) ELEMENTS.—The schedule under section (a) shall set forth:

(1) the proposed commencement date of shipments of mixed transuranic waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant; and

(c) SERVICES UNDER PROGRAM.—The project management oversight services utilized under the pilot program shall include the following services:

(1) Monitoring the overall progress of a project;
(2) That all waste that is transferable from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be removed from the Rocky Flats Plant by the end of the 45-day period beginning on the date on which Congress receives the notification.

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

SEC. 3302. LIMITATIONS ON PREVIOUS AUTHORITY FOR DISPOSAL OF STOCKPILE MATERIALS.

(a) Public Law 105-261 AUTHORITY.—Section 3308(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATIONS ON DISPOSAL QUANTITY.——" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

(b) Public Law 104-201 AUTHORITY.—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 104-201; 112 Stat. 2058; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.——" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

TITLE XXX—PANAMA CANAL COMMISSION

SEC. 3401. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 2000.

SEC. 3402. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, 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 the period October 1, 1999, through September 30, 2000.

(b) LIMITATIONS.—For the period described in subsection (a), the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $26,000 per vehicle.

(c) PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and trans-