

**Air Force: Extension of 1995 Project Authorizations**

State	Installation or location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center	\$10,400,000
	Los Angeles Air Force Station	Family Housing (50 units)	\$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility	\$2,450,000
	Pope Air Force Base	Fire Training Facility	\$1,100,000

**Defense Agencies: Extension of 1995 Project Authorizations**

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System	\$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility	\$115,000,000
California	Defense Contract Management Area Office, El Segundo	Administrative Building	\$5,100,000
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility	\$186,000,000

**Army National Guard: Extension of 1995 Project Authorizations**

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop	\$3,910,000
	Camp Roberts	Combat Pistol Range	\$952,000
Pennsylvania	Fort Indiantown Gap	Barracks	\$6,200,000

**Naval Reserve: Extension of 1995 Project Authorization**

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center	\$2,650,000

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160, 107 Stat. 1880), authoriza-

tions for the projects set forth in the tables in subsection (b), as provided in section 2201 or 2601 of such Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2783), shall re-

main in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

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

**Navy: Extension of 1994 Project Authorizations**

State	Installation or Location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	\$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility	\$1,450,000

**Army National Guard: Extension of 1994 Project Authorization**

State	Installation or Location	Project	Amount
New Mexico	White Sands Missile Range	MATES	\$3,570,000

**SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602), the authorizations for the projects set forth in the

tables in subsection (b), as provided in section 2101 or 2601 of such Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division

B of Public Law 104-201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

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

**Army: Extension of 1993 Project Authorization**

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	\$15,000,000

**Army National Guard: Extension of 1993 Project Authorization**

State	Installation or Location	Project	Amount
Alabama	Union Springs	Armory	\$813,000

**SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of

such Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3047), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for

Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2785), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 1992 Project Authorizations**

State	Installation or location	Project	Amount
Oregon .....	Umatilla Army Depot .....	Ammunition Demilitarization Support Facility .....	\$3,600,000
	Umatilla Army Depot .....	Ammunition Demilitarization Utilities .....	\$7,500,000

**SEC. 2706. EXTENSION OF AVAILABILITY OF FUNDS FOR CONSTRUCTION OF RELOCATABLE OVER-THE-HORIZON RADAR, NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.**

Amounts appropriated under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE" in title VI of the Department of Defense Appropriations Act, 1995 (Public Law 103-335; 108 Stat. 2615), and transferred to the "Military Construction, Navy" appropriation for construction of a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico, shall remain available for that purpose until the later of—

- (1) October 1, 1998; or
- (2) the date of enactment of an Act authorizing funds for military construction for fiscal year 1999.

**SEC. 2707. EFFECTIVE DATE.**

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

- (1) October 1, 1997; 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. Use of mobility enhancement funds for unspecified minor construction.
- Sec. 2802. Limitation on use of operation and maintenance funds for facility repair projects.
- Sec. 2803. Leasing of military family housing, United States Southern Command, Miami, Florida.
- Sec. 2804. Use of financial incentives provided as part of energy savings and water conservation activities.
- Sec. 2805. Congressional notification requirements regarding use of Department of Defense housing funds for investments in non-governmental entities.

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

- Sec. 2811. Increase in ceiling for minor land acquisition projects.
- Sec. 2812. Permanent authority regarding conveyance of utility systems.
- Sec. 2813. Administrative expenses for certain real property transactions.
- Sec. 2814. Screening of real property to be conveyed by Department of Defense.
- Sec. 2815. Disposition of proceeds from sale of Air Force Plant 78, Brigham City, Utah.
- Sec. 2816. Fire protection and hazardous materials protection at Fort Meade, Maryland.

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

- Sec. 2821. Consideration of military installations as sites for new Federal facilities.

- Sec. 2822. Adjustment and diversification assistance to enhance performance of military family support services by private sector sources.
- Sec. 2823. Security, fire protection, and other services at property formerly associated with Red River Army Depot, Texas.
- Sec. 2824. Report on closure and realignment of military installations.
- Sec. 2825. Sense of Senate regarding utilization of savings derived from base closure process.
- Sec. 2826. Prohibition against certain conveyances of property at Naval Station, Long Beach, California.

**Subtitle D—Land Conveyances**

**PART I—ARMY CONVEYANCES**

- Sec. 2831. [S2820. Land conveyance, Army Reserve Center, Greensboro, Alabama.
- Sec. 2832. [H2831. Land conveyance, James T. Coker Army Reserve Center, Durant, Oklahoma.
- Sec. 2833. Land conveyance, Gibson Army Reserve Center, Chicago, Illinois.
- Sec. 2834. Land conveyance, Fort A. P. Hill, Virginia.
- Sec. 2835. Land conveyances, Fort Dix, New Jersey.
- Sec. 2836. Land conveyances, Fort Bragg, North Carolina.
- Sec. 2837. Land conveyance, Hawthorne Army Ammunition Depot, Mineral County, Nevada.
- Sec. 2838. Expansion of land conveyance authority, Indiana Army Ammunition Plant, Charlestown, Indiana.
- Sec. 2839. Modification of land conveyance, Lompoc, California.
- Sec. 2840. Modification of land conveyance, Rocky Mountain Arsenal, Colorado.
- Sec. 2841. Correction of land conveyance authority, Army Reserve Center, Anderson, South Carolina.

**PART II—NAVY CONVEYANCES**

- Sec. 2851. Land conveyance, Topsham Annex, Naval Air Station, Brunswick, Maine.
- Sec. 2852. Land conveyance, Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.
- Sec. 2853. Correction of lease authority, Naval Air Station, Meridian, Mississippi.

**PART III—AIR FORCE CONVEYANCES**

- Sec. 2861. [H2861. Land transfer, Eglin Air Force Base, Florida.
- Sec. 2862. [H2863. Land conveyance, March Air Force Base, California.
- Sec. 2863. [H2864/S2818. Land conveyance, Ellsworth Air Force Base, South Dakota.
- Sec. 2864. Land conveyance, Hancock Field, Syracuse, New York.

- Sec. 2865. Land conveyance, Havre Air Force Station, Montana, and Havre Training Site, Montana.
- Sec. 2866. Land conveyance, Charleston Family Housing Complex, Bangor, Maine.
- Sec. 2867. Study of land exchange options, Shaw Air Force Base, South Carolina.

**Subtitle E—Other Matters**

- Sec. 2871. Repeal of requirement to operate Naval Academy dairy farm.
- Sec. 2872. Long-term lease of property, Naples, Italy.
- Sec. 2873. [H2883. Designation of military family housing at Lackland Air Force Base, Texas, in honor of Frank Tejeda, a former Member of the House of Representatives.
- Sec. 2874. Fiber-optics based telecommunications linkage of military installations.

**Subtitle A—Military Construction Program and Military Family Housing Changes**

**SEC. 2801. USE OF MOBILITY ENHANCEMENT FUNDS FOR UNSPECIFIED MINOR CONSTRUCTION.**

(a) CONGRESSIONAL NOTIFICATION.—Subsection (b)(1) of section 2805 of title 10, United States Code, is amended by adding at the end the following new sentence: "This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies."

(b) RESTRICTION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

- (1) in paragraph (1), by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and
- (2) by adding at the end the following new paragraph:

"(3) The limitations specified in paragraph (1) shall not apply to an unspecified minor military construction project if the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies."

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

- (1) in subsection (a)(1)—
  - (A) by striking out "minor military construction projects" in the first sentence and inserting in lieu thereof "unspecified minor military construction projects";
  - (B) by striking out "A minor" in the second sentence and inserting in lieu thereof "An unspecified minor"; and
  - (C) by striking out "a minor" in the last sentence and inserting in lieu thereof "an unspecified minor";
- (2) in subsection (b)(1), by striking out "A minor" and inserting in lieu thereof "An unspecified minor";
- (3) in subsection (b)(2), by striking out "a minor" and inserting in lieu thereof "an unspecified minor"; and
- (4) in subsection (c), by striking out "unspecified military" each place it appears and

inserting in lieu thereof "unspecified minor military".

**SEC. 2802. LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR FACILITY REPAIR PROJECTS.**

Section 2811 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(d) CONGRESSIONAL NOTIFICATION.—When a decision is made to carry out a repair project under this section with an estimated cost in excess of \$10,000,000, the Secretary concerned shall submit to the appropriate committees of Congress a report containing—

"(1) the justification for the repair project and the current estimate of the cost of the project; and

"(2) the justification for carrying out the project under this section.

"(e) REPAIR PROJECT DEFINED.—In this section, the term 'repair project' means a project to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose."

**SEC. 2803. LEASING OF MILITARY FAMILY HOUSING, UNITED STATES SOUTHERN COMMAND, MIAMI, FLORIDA.**

(a) LEASES TO EXCEED MAXIMUM RENTAL.—Section 2828(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) and (4)";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) The Secretary of the Army may lease not more than eight housing units in the vicinity of Miami, Florida, for key and essential personnel, as designated by the Secretary, for the United States Southern Command for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation, including security enhancements) exceeds the expenditure limitations in paragraphs (2) and (3). The total amount for all leases under this paragraph may not exceed \$280,000 per year, and no lease on any individual housing unit may exceed \$60,000 per year."

(b) CONFORMING AMENDMENT.—Paragraph (5) of such section, as redesignated by subsection (a)(2), is amended by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraphs (2), (3), and (4)".

**SEC. 2804. USE OF FINANCIAL INCENTIVES PROVIDED AS PART OF ENERGY SAVINGS AND WATER CONSERVATION ACTIVITIES.**

(a) ENERGY SAVINGS.—Section 2865 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking out "and financial incentives described in subsection (d)(2)";

(B) in paragraph (2), by striking out "section 2866(b)" both places it appears and inserting in lieu thereof "section 2866(a)(3)"; and

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

"(3) Financial incentives received from gas or electric utilities under subsection (d)(2), and from utilities for management of water demand or water conservation under section 2866(a)(2) of this title, shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged."; and

(2) in subsection (f), by adding at the end the following new sentence: "The Secretary shall also include in each report the types and amount of financial incentives received under subsection (d)(2) and section 2866(a)(2)

of this title during the period covered by the report and the appropriation account or accounts to which the incentives were credited."

(b) WATER CONSERVATION.—Section 2866(b) of such title is amended to read as follows:

"(b) USE OF FINANCIAL INCENTIVES AND WATER COST SAVINGS.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in section 2865(b)(3) of this title.

"(2) Water cost savings realized under subsection (a)(3) shall be used as provided in section 2865(b)(2) of this title."

**SEC. 2805. CONGRESSIONAL NOTIFICATION REQUIREMENTS REGARDING USE OF DEPARTMENT OF DEFENSE HOUSING FUNDS FOR INVESTMENTS IN NONGOVERNMENTAL ENTITIES.**

Section 2875 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) CONGRESSIONAL NOTIFICATION REQUIRED.—Amounts in the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund may be used to make a cash investment under this section in a nongovernmental entity only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the investment to the appropriate committees of Congress."

**Subtitle B—Real Property And Facilities Administration**

**SEC. 2811. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.**

(a) INCREASE.—Section 2672 of title 10, United States Code, is amended by striking out "\$200,000" both places it appears in subsection (a) and inserting in lieu thereof "\$500,000".

(b) CLERICAL AMENDMENTS.—(1) The section heading for such section is amended to read as follows:

**"§ 2672. Acquisition: interests in land when cost is not more than \$500,000".**

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2672 and inserting in lieu thereof the following new item:

"2672. Acquisition: interests in land when cost is not more than \$500,000."

**SEC. 2812. PERMANENT AUTHORITY REGARDING CONVEYANCE OF UTILITY SYSTEMS.**

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

**"§ 2688. Utility systems: conveyance authority**

"(a) CONVEYANCE AUTHORITY.—The Secretary of a military department may convey a utility system, or part of a utility system, under the jurisdiction of the Secretary to a municipal, private, regional, district, or cooperative utility company or other entity. The conveyance may consist of all right, title, and interest of the United States in the utility system or such lesser estate as the Secretary considers appropriate to serve the interests of the United States.

"(b) SELECTION OF CONVEYEE.—If more than one utility or entity referred to in subsection (a) notifies the Secretary concerned of an interest in a conveyance under such subsection, the Secretary shall carry out the conveyance through the use of competitive procedures.

"(c) CONSIDERATION.—(1) The Secretary concerned shall require as consideration for a conveyance under subsection (a) an amount equal to the fair market value (as determined by the Secretary) of the right, title, or interest of the United States conveyed. The consideration may take the form of—

"(A) a lump sum payment; or

"(B) a reduction in charges for utility services provided by the utility or entity concerned to the military installation at which the utility system is located.

"(2) If the utility services proposed to be provided as consideration under paragraph (1) are subject to regulation by a Federal or State agency, any reduction in the rate charged for the utility services shall be subject to establishment or approval by that agency.

"(d) TREATMENT OF PAYMENTS.—(1) A lump sum payment received under subsection (c) shall be credited, at the election of the Secretary concerned—

"(A) to an appropriation of the military department concerned available for the procurement of the same utility services as are provided by the utility system conveyed under this section;

"(B) to an appropriation of the military department available for carrying out energy savings projects or water conservation projects; or

"(C) to an appropriation of the military department available for improvements to other utility systems.

"(2) Amounts so credited shall be merged with funds in the appropriation to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriation with which merged.

"(e) NOTICE-AND-WAIT REQUIREMENT.—The Secretary concerned may not make a conveyance under subsection (a) until—

"(1) the Secretary submits to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) demonstrating that—

"(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

"(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned; and

"(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

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

"(g) UTILITY SYSTEM DEFINED.—(1) In this section, the term 'utility system' means any of the following:

"(A) A system for the generation and supply of electric power.

"(B) A system for the treatment or supply of water.

"(C) A system for the collection or treatment of wastewater.

"(D) A system for the generation or supply of steam, hot water, and chilled water.

"(E) A system for the supply of natural gas.

"(F) A system for the transmission of telecommunications.

"(2) The term 'utility system' includes the following:

"(A) Equipment, fixtures, structures, and other improvements utilized in connection with a system referred to in paragraph (1).

"(B) Easements and rights-of-ways associated with a system referred to in that paragraph.

"(h) LIMITATION.—This section shall not apply to projects constructed or operated by

the Army Corps of Engineers under its civil works authorities.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

“2688. Utility systems: conveyance authority.”.

**SEC. 2813. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.**

(a) ACCEPTANCE AUTHORIZED.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions**

“(a) AUTHORITY TO ACCEPT.—In connection with a real property transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may accept amounts provided by the person or entity to cover administrative expenses incurred by the Secretary in entering into the transaction.

“(b) COVERED TRANSACTIONS.—Subsection (a) applies to the following transactions:

- “(1) The exchange of real property.
- “(2) The grant of an easement over, in, or upon real property of the United States.
- “(3) The lease or license of real property of the United States.

“(c) USE OF AMOUNTS COLLECTED.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by adding at the end the following new item:

“2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions.”.

**SEC. 2814. SCREENING OF REAL PROPERTY TO BE CONVEYED BY DEPARTMENT OF DEFENSE.**

(a) REQUIREMENT.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2695, as added by section 2813, the following new section:

**“§ 2696. Screening of real property for further Federal use before conveyance**

“(a) SCREENING REQUIREMENT.—The Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services has screened the property for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

“(b) TIME FOR SCREENING.—(1) Before the end of the 30-day period beginning on the date of the enactment of a provision of law authorizing or requiring the conveyance of a parcel of real property by the Secretary concerned, the Administrator of General Services shall complete the screening required by paragraph (1) with regard to the real property and notify the Secretary concerned of the results of the screening. The notice shall include—

- “(A) the name of the Federal agency requesting transfer of the property;
- “(B) the proposed use to be made of the property by the Federal agency; and
- “(C) the fair market value of the property, including any improvements thereon, as estimated by the Administrator.

“(2) If the Administrator fails to complete the screening and notify the Secretary concerned within such period, the Secretary concerned shall proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance.

“(c) NOTICE OF FURTHER FEDERAL USE.—If the Administrator of General Services notifies the Secretary concerned under subsection (b) that further Federal use of a parcel of real property authorized or required to be conveyed by any provision of law is requested by a Federal agency, the Secretary concerned shall submit a copy of the notice to Congress.

“(d) CONGRESSIONAL DISAPPROVAL.—If the Secretary concerned submits a notice under subsection (c) with regard to a parcel of real property, the Secretary concerned may not proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance if Congress enacts a law rescinding the conveyance authority or requirement before the end of the 180-day period beginning on the date on which the Secretary concerned submits the notice.

“(e) EXCEPTED CONVEYANCE AUTHORITIES.—The screening requirements of this section shall not apply to real property authorized or required to be conveyed under any of the following provisions of law:

“(1) Section 2687 of this title.

“(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

“(3) 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).

“(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

“(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

“(6) Any specific provision of law authorizing or requiring the transfer of administrative jurisdiction over a parcel of real property between Federal agencies.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2695, as added by section 2813, the following new item:

“2696. Screening of real property for further Federal use before conveyance.”.

(b) APPLICABILITY.—Section 2696 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1997.

**SEC. 2815. DISPOSITION OF PROCEEDS OF SALE OF AIR FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.**

Notwithstanding section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount deposited by the Administrator of General Services in the special account in the Treasury (established under section 204(h)(2) of such Act) as a result of the sale of Air Force Plant No. 78, Brigham City, Utah, shall be available, to the extent provided in appropriations Acts, to the Secretary of the Air Force for facility maintenance, facility repair, and environmental restoration at other industrial plants of the Air Force.

**SEC. 2816. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.**

(a) PLAN.—Not later than 120 days after the date of the enactment of this Act, the Sec-

retary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers regarding Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

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

**SEC. 2821. CONSIDERATION OF MILITARY INSTALLATIONS AS SITES FOR NEW FEDERAL FACILITIES.**

(a) 1988 LAW.—Section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out “subparagraph (B)” and inserting in lieu thereof “subparagraphs (B) and (C)”; and

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

“(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this title as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

“(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

“(iii) This subparagraph shall apply during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 and ending on July 31, 2001.”.

(b) 1990 LAW.—Section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out “subparagraph (B)” and inserting in lieu thereof “subparagraphs (B) and (C)”; and

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

“(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this part as the lo-

cation for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

“(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

“(iii) This subparagraph shall apply during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 and ending on July 31, 2001.”

**SEC. 2822. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE TO ENHANCE PERFORMANCE OF MILITARY FAMILY SUPPORT SERVICES BY PRIVATE SECTOR SOURCES.**

Section 2391(b)(5) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government in enhancing the capabilities of the government to support efforts of the Department of Defense to privatize, contract for, or diversify the performance of military family support services in cases in which the capability of the Department to provide such services is adversely affected by an action described in paragraph (1).”

**SEC. 2823. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT.**—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(b) **REIMBURSEMENT.**—The agreement under subsection (a) shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(c) **TREATMENT OF REIMBURSEMENT.**—Any amounts received by the Secretary under subsection (b) as reimbursement for services provided under the agreement entered into under subsection (a) shall be credited to the appropriations providing funds for the services. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

**SEC. 2824. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.**

(a) **REPORT.**—(1) The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the

costs and savings attributable to the rounds of base closures and realignments conducted under the base closure laws and on the need, if any, for additional rounds of base closures and realignments.

(2) For purposes of this section, the term “base closure laws” means—

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); and

(B) 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).

(b) **ELEMENTS.**—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (to the extent available for prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure laws.

(2) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the estimates of costs and savings submitted to the Defense Base Closure and Realignment Commission as part of the base closure process.

(3) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(4) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(5) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the military installations of the Armed Forces with respect to all military installations of the Armed Forces;

(B) as a percentage of the total capacity of the military installations of each Armed Force with respect to the military installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of military installations with respect to military installations of such type.

(6) An assessment of the effect of the previous base closure rounds on military capabilities and the ability of the Armed Forces to fulfill the National Military Strategy.

(7) A description of the types of military installations that would be recommended for closure or realignment in the event of one or more additional base closure rounds, set forth by Armed Force.

(8) The criteria to be used by the Secretary in evaluating military installations for closure or realignment in such event.

(9) The methodologies to be used by the Secretary in identifying military installations for closure or realignment in such event.

(10) An estimate of the costs and savings that the Secretary believes will be achieved as a result of the closure or realignment of military installations in such event, set forth by Armed Force and by year.

(11) An assessment of whether the costs and estimated savings from one or more future rounds of base closures and realignments, currently unauthorized, are already contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs and savings.

(c) **METHOD OF PRESENTING INFORMATION.**—The statement and comparison required by paragraphs (1) and (2) of subsection (b) shall be set forth by Armed Force, type of facility, and fiscal year, and include the following:

(1) Operation and maintenance costs, including costs associated with expanded oper-

ations and support, maintenance of property, administrative support, and allowances for housing at military installations to which functions are transferred as a result of the closure or realignment of other installations.

(2) Military construction costs, including costs associated with rehabilitating, expanding, and constructing facilities to receive personnel and equipment that are transferred to military installations as a result of the closure or realignment of other installations.

(3) Environmental cleanup costs, including costs associated with assessments and restoration.

(4) Economic assistance costs, including—

(A) expenditures on Department of Defense demonstration projects relating to economic assistance;

(B) expenditures by the Office of Economic Adjustment; and

(C) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance.

(5) To the extent information is available, unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program.

(6) Costs associated with military health care.

(7) Savings attributable to changes in military force structure.

(8) Savings due to lower support costs with respect to military installations that are closed or realigned.

(d) **DEADLINE.**—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(e) **REVIEW.**—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(f) **PROHIBITION ON USE OF FUNDS.**—Except as necessary to prepare the report required subsection (a), no funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for the purposes of planning for, or collecting data in anticipation of, an authorization providing for procedures under which the closure and realignment of military installations may be accomplished, until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); and

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (e).

(g) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

**SEC. 2825. SENSE OF SENATE REGARDING UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.**

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

(1) Since 1988, the Department of Defense has conducted four rounds of closures and realignments of military installations in the

United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be \$23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be \$10,300,000,000 through fiscal year 1996 and \$36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately \$5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumed a savings of between \$2,000,000,000 and \$3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to the modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of \$5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to the modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section 2824 should be made available to the Department of Defense solely for purposes of the modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

**SEC. 2826. PROHIBITION AGAINST CERTAIN CONVEYANCES OF PROPERTY AT NAVAL STATION, LONG BEACH, CALIFORNIA.**

(a) PROHIBITION AGAINST DIRECT CONVEYANCE.—In disposing of real property in connection with the closure of Naval Station, Long Beach, California, 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 Navy may not convey any portion of the property (by sale, lease, or other method) to the China Ocean Shipping Company or any legal successor or subsidiary of that Company (in this section referred to as "COSCO").

(b) PROHIBITION AGAINST INDIRECT CONVEYANCE.—The Secretary of the Navy shall impose as a condition on each conveyance of real property located at Naval Station, Long Beach, California, the requirement that the property may not be subsequently conveyed (by sale, lease, or other method) to COSCO.

(c) REVERSIONARY INTEREST.—If the Secretary of the Navy determines at any time that real property located at Naval Station, Long Beach, California, and conveyed under the Defense Base Closure and Realignment Act of 1990 has been conveyed to COSCO in violation of subsection (b) or is otherwise being used by COSCO in violation of such subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have immediate right of entry thereon.

(d) NATIONAL SECURITY REPORT AND DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Federal Bureau of Investigation shall separately submit to the President and the congressional defense committees a report regarding the potential national security implications of conveying property described in subsection (a) to COSCO. Each report shall specifically identify any increased risk of espionage, arms smuggling, or other illegal ac-

tivities that could result from a conveyance to COSCO and recommend appropriate action to address any such risk.

(e) WAIVER AUTHORITY.—(1) The President may waive the prohibitions contained in this section with respect to a conveyance of property described in subsection (a) to COSCO if the President determines that—

(A) appropriate action has been taken to address any increased national security risk identified in the reports required by subsection (d); and

(B) the conveyance would not adversely affect national security or significantly increase the counter-intelligence burden on the intelligence community.

(2) Any waiver under paragraph (1) shall take effect 30 days after the date on which the President notifies the Speaker of the House of Representatives and the President of the Senate of the President's determination to use the waiver authority provided under this subsection.

**Subtitle D—Land Conveyances**

**PART I—ARMY CONVEYANCES**

**SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(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. 2832. LAND CONVEYANCE, JAMES T. COKER ARMY RESERVE CENTER, DURANT, OKLAHOMA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Big Five Community Services, Incorporated, a nonprofit organization operating in Durant, Oklahoma, all right, title, and interest of the United States in and to a parcel of real property located at 1500 North First Street in Durant, Oklahoma, and containing the James T. Coker Army Reserve Center, if the Secretary determines that the Reserve Center is excess to the needs of the Armed Forces.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that Big Five Community Services, Incorporated, retain the conveyed property for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(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 Big Five Community Services, Incorporated.

(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. 2833. LAND CONVEYANCE, GIBSON ARMY RESERVE CENTER, CHICAGO, ILLINOIS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Lawndale Business and Local Development Corporation (in this section referred to as the "Corporation"), a nonprofit organization organized in the State of Illinois, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 4454 West Cermak Road in Chicago, Illinois, and contains the Gibson Army Reserve Center.

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

(1) use the conveyed property, directly or through an agreement with a public or private entity, for economic redevelopment 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 economic redevelopment purposes, as required by subsection (b), 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.

(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 Corporation.

(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. 2834. LAND CONVEYANCE, FORT A. P. HILL, VIRGINIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Caroline County, Virginia (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 10 acres located at Fort A. P. Hill, Virginia. The purpose of the conveyance is to permit the County to establish a solid waste transfer and recycling facility on the property.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall permit the Army, at no cost to the Army, to dispose of not less than 1,800 tons of solid waste annually at the facility established on the conveyed property. The obligation of the County to accept solid waste under this subsection shall not commence until after the solid waste transfer and recycling facility on the conveyed property becomes operational, and the establishment of a solid waste collection and transfer site on the .36-acre parcel described in subsection (d)(2) shall not be construed to impose the obligation.

(c) DISCLAIMER.—The United States shall not be responsible for the provision or cost of utilities or any other improvements necessary to carry out the conveyance under subsection (a) or to establish or operate the solid waste transfer and recycling facility intended for the property.

(d) REVERSION.—(1) Except as provided in paragraph (2), if the Secretary determines that a solid waste transfer and recycling facility is not operational, before December 31,

1999, on the real property conveyed under subsection (a), all right, title, and interest in and to such real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Paragraph (1) shall not apply with respect to a parcel of approximately .36 acres of the approximately 10-acre parcel to be conveyed under subsection (a), which is included in the larger conveyance to permit the County to establish a solid waste collection and transfer site for residential waste.

(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, FORT DIX, NEW JERSEY.**

(a) **CONVEYANCES AUTHORIZED.**—(1) The Secretary of the Army may convey, without consideration, to the Borough of Wrightstown, New Jersey (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 39.69 acres located at Fort Dix, New Jersey, for the purpose of permitting the Borough to develop the parcel for economic purposes.

(2) The Secretary may convey, without consideration, to the New Hanover Board of Education (in this section referred to as the "Board"), all right, title, and interest of the United States in and to an additional parcel of real property (including improvements thereon) at Fort Dix consisting of approximately five acres for the purpose of permitting the Board to develop the parcel for educational purposes.

(b) **CONDITIONS OF CONVEYANCE.**—(1) The conveyance under subsection (a)(1) shall be subject to the condition that the Borough—

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

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

(2) The conveyance under subsection (a)(2) shall be subject to the condition that Board develop and use the conveyed property for educational purposes.

(c) **REVERSION.**—(1) If the Secretary determines at any time that the real property conveyed under subsection (a)(1) is not being used for economic development purposes, as required by subsection (b)(1), all right, title, and interest in and to the property conveyed under subsection (a)(1), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) If the Secretary determines at any time that the real property conveyed under subsection (a)(2) is not being used for educational purposes, as required by subsection (b)(2), all right, title, and interest in and to the property conveyed under subsection (a)(2), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey in connection with the conveyance under subsection (a)(1) shall be borne by the Borough, and the cost of the survey in connection with the conveyance under subsection (a)(2) shall be borne by the Board.

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

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

**SEC. 2836. LAND CONVEYANCES, FORT BRAGG, NORTH CAROLINA.**

(a) **CONVEYANCES AUTHORIZED.**—(1) The Secretary of the Army may convey, without consideration, to the Town of Spring Lake, North Carolina (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 50 acres located at Fort Bragg, North Carolina.

(2) The Secretary may convey, without consideration, to Harnett County, North Carolina (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), known as Tract No. 404-2, consisting of approximately 157 acres located at Fort Bragg.

(3) The Secretary may convey, at fair market value, to the County all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon), known as Tract No. 404-1, consisting of approximately 137 acres located at Fort Bragg.

(b) **CONDITIONS OF CONVEYANCE.**—(1) The conveyance under subsection (a)(1) shall be subject to the condition that the Town use the conveyed property for access to a waste treatment facility and for economic development purposes.

(2) The conveyance under subsection (a)(2) shall be subject to the condition that County develop and use the conveyed property for educational purposes.

(c) **REVERSION.**—(1) If the Secretary determines at any time that the real property conveyed under subsection (a)(1) is not being used in accordance with subsection (b)(1), all right, title, and interest in and to the property conveyed under subsection (a)(1), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) If the Secretary determines at any time that the real property conveyed under subsection (a)(2) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the property conveyed under subsection (a)(2), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey in connection with the conveyance under subsection (a)(1) shall be borne by the Town, and the cost of the survey in connection with the conveyances under paragraphs (2) and (3) of subsection (a) shall be borne by the County.

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

**SEC. 2837. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to

as the Schweer Drive Housing Area, for the purpose of permitting the County to develop the parcel for economic purposes.

(b) **CONDITIONS OF CONVEYANCE.**—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easement or right of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and any easement or right of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2838. EXPANSION OF LAND CONVEYANCE AUTHORITY, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.**

(a) **ADDITIONAL CONVEYANCE.**—Subsection (a) of section 2858 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 571) is amended—

(1) by inserting "(1)" before "The Secretary of the Army"; and

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

"(2) The Secretary may also convey to the State, without consideration, an additional parcel of real property at the Indiana Army Ammunition Plant consisting of approximately 500 acres located along the Ohio River."

(b) **CONFORMING AMENDMENTS.**—Such section is further amended by striking out "conveyance" both places it appears in subsections (b) and (d) and inserting in lieu thereof "conveyances".

**SEC. 2839. MODIFICATION OF LAND CONVEYANCE, LOMPOC, CALIFORNIA.**

(a) **CHANGE IN AUTHORIZED USES OF LAND.**—Section 834(b)(1) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1526), is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following new subparagraphs:

"(A) for educational and recreational purposes;

"(B) for open space; or"

(b) **CONFORMING DEED CHANGES.**—With respect to the land conveyance made pursuant to section 834 of the Military Construction Authorization Act, 1985, the Secretary of the Army shall execute and file in the appropriate office or offices an amended deed or other appropriate instrument effectuating the changes to the authorized uses of the conveyed property resulting from the amendment made by subsection (a).

**SEC. 2840. MODIFICATION OF LAND CONVEYANCE, ROCKY MOUNTAIN ARSENAL, COLORADO.**

Section 5(c)(1) of Public Law 102-402 (106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and in-

serting in lieu thereof the following new sentence: "The Administrator shall convey the transferred property to Commerce City, Colorado, for consideration in an amount equal to the fair market value of the property (as determined jointly by the Administrator and the City)."

**SEC. 2841. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.**

(a) CORRECTION OF CONVEYEE.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2793) is amended by striking out "County of Anderson, South Carolina (in this section referred to as the 'County')" and inserting in lieu thereof "Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are each amended by striking out "the County" and inserting in lieu thereof "the Board".

**PART II—NAVY CONVEYANCES**

**SEC. 2851. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL AIR STATION, BRUNSWICK, MAINE.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine (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, consisting of approximately 40 acres located at the Topsham Annex, Naval Air Station, Brunswick, Maine.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the District use the conveyed property for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for the purpose specified in subsection (b), 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 thereon.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with the improvements thereon, to the District.

(2) As consideration for the lease under this subsection, the District shall provide such security services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the 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.

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

**SEC. 2852. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 464, OYSTER BAY, NEW YORK.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the County of Nassau, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 110 acres and comprising the Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.

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

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

(b) CONDITION OF CONVEYANCE.—The conveyance of the parcels authorized in subsection (a) shall be subject to the condition that the County—

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

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

(c) REVERSION.—If, during the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (b), 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.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with improvements thereon, to the County.

(2) As consideration for the lease under this subsection, the County shall provide such security services and fire protection services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(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 County.

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

**SEC. 2853. CORRECTION OF LEASE AUTHORITY, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.**

(a) CORRECTION OF LESSEE.—Subsection (a) of section 2837 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2798) is amended—

(1) by striking out "State of Mississippi (in this section referred to as the 'State')" and inserting in lieu thereof "County of Lauderdale, Mississippi (in this section referred to as the 'County')"; and

(2) by striking out "The State" and inserting in lieu thereof "The County".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are amended by striking out "State" each place it appears and inserting in lieu thereof "County".

**PART III—AIR FORCE CONVEYANCES**

**SEC. 2861. LAND TRANSFER, EGLIN AIR FORCE BASE, FLORIDA.**

(a) TRANSFER.—The real property withdrawn by Executive Order 4525, dated October 1, 1926, which consists of approximately

440 acres of land at Cape San Blas, Gulf County, Florida, and any improvements thereon, is transferred from the administrative jurisdiction of the Secretary of Transportation to the administrative jurisdiction of the Secretary of the Air Force, without reimbursement. Executive Order 4525 is revoked, and the transferred real property shall be administered by the Secretary of the Air Force pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and such other laws as may be applicable to Federal real property.

(b) USE OF PROPERTY.—The real property transferred under subsection (a) may be used in conjunction with operations at Eglin Air Force Base, Florida.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force. The cost of the survey shall be borne by the Secretary of the Air Force.

**SEC. 2862. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey to Air Force Village West, Incorporated (in this section referred to as the "Corporation"), of Riverside, California, all right, title, and interest of the United States in and to a parcel of real property located at March Air Force Base, California, and consisting of approximately 75 acres, as more fully described in subsection (c).

(2) If the Secretary does not make the conveyance authorized by paragraph (1) to the Corporation on or before January 1, 2006, the Secretary shall convey the real property instead to the March Joint Powers Authority, the redevelopment authority established for March Air Force Base.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a)(1), the Corporation shall pay to the United States an amount equal to the fair market value of the real property, as determined by the Secretary.

(c) LAND DESCRIPTION.—The real property to be conveyed under subsection (a) is contiguous to land conveyed to the Corporation pursuant to section 835 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1527), and lies within sections 27, 28, 33, and 34 of Township 3 South, Range 4 West, San Bernardino Base and Meridian, County of Riverside, California. The exact acreage and legal description of the real property shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the party receiving the property.

(d) TECHNICAL CORRECTIONS REGARDING PREVIOUS CONVEYANCE.—Section 835 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1527), is amended—

(1) in subsection (b), by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)"; and

(2) in subsection (c), by striking out "Clark Street," and all that follows through the period and inserting in lieu thereof "Village West Drive, on the west by Allen Avenue, on the south by 8th Street, and the north is an extension of 11th Street between Allen Avenue and Clark Street."

**SEC. 2863. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth

Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) CONDITIONS OF CONVEYANCE.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in subsection (b)(1)(A), together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) REVERSION.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being used in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property (including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the 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.

(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.

**SEC. 2864. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (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 any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If, at the time of the conveyance authorized by paragraph (1), the property to be

conveyed is under the jurisdiction of the Administrator of General Services rather than the Secretary, the Administrator shall make the conveyance.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) REVERSION.—If the Secretary (or the Administrator in the event the conveyance is made by the Administrator) determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), 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 thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary (or the Administrator in the event the conveyance is made by the Administrator). The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary (or the Administrator in the event the conveyance is made by the Administrator) may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary or the Administrator, as the case may be, considers appropriate to protect the interests of the United States.

**SEC. 2865. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such

homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) REVERSION.—If the Secretary determines at any time that the portion of the property conveyed under subsection (a) which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest in and to such property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(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. 2866. LAND CONVEYANCE, CHARLESTON FAMILY HOUSING COMPLEX, BANGOR, MAINE.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Bangor, Maine (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 consisting of approximately 19.8 acres, including improvements thereon, located in Bangor, Maine, and known as the Charleston Family Housing Complex.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to facilitate the reuse of the real property, currently unoccupied, which the City proposes to use to provide housing opportunities for first-time home buyers.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City, if the City sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(1) the amount of sale of the property sold; or

(2) the fair market value of the property sold as determined without taking into account any improvements to such property by the City.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property 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. 2867. STUDY OF LAND EXCHANGE OPTIONS, SHAW AIR FORCE BASE, SOUTH CAROLINA.**

Section 2874 of the Military Construction Authorization Act for Fiscal Year 1996 (divi-

sion B of Public Law 104-106; 110 Stat. 583) is amended by adding at the end the following new subsection:

“(g) STUDY OF EXCHANGE OPTIONS.—To facilitate the use of a land exchange to acquire the real property described in subsection (a), the Secretary shall conduct a study to identify real property in the possession of the Air Force (located in the State of South Carolina or elsewhere) that satisfies the requirements of subsection (b)(2), is acceptable to the party holding the property to be acquired, and is otherwise suitable for exchange under this section. Not later than three months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary shall submit to Congress a report containing the results of the study.”.

#### Subtitle E—Other Matters

##### SEC. 2871. REPEAL OF REQUIREMENT TO OPERATE NAVAL ACADEMY DAIRY FARM.

(a) OPERATION.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§ 6976. Operation of Naval Academy dairy farm

“(a) DISCRETION REGARDING CONTINUED OPERATION.—(1) Subject to paragraph (2), the Secretary of the Navy may terminate or reduce the dairy or other operations conducted at the Naval Academy dairy farm located in Gambrills, Maryland.

“(2) Notwithstanding the termination or reduction of operations at the Naval Academy dairy farm under paragraph (1), the real property containing the dairy farm (consisting of approximately 875 acres)—

“(A) may not be declared to be excess real property to the needs of the Navy or transferred or otherwise disposed of by the Navy or any Federal agency; and

“(B) shall be maintained in its rural and agricultural nature.

“(b) LEASE AUTHORITY.—(1) Subject to paragraph (2), to the extent that the termination or reduction of operations at the Naval Academy dairy farm permit, the Secretary of the Navy may lease the real property containing the dairy farm, and any improvements and personal property thereon, to such persons and under such terms as the Secretary considers appropriate. In leasing any of the property, the Secretary may give a preference to persons who will continue dairy operations on the property.

“(2) Any lease of property at the Naval Academy dairy farm shall be subject to a condition that the lessee maintain the rural and agricultural nature of the leased property.”.

“(c) EFFECT OF OTHER LAWS.—Nothing in section 6971 of this title shall be construed to require the Secretary of the Navy or the Superintendent of the Naval Academy to operate a dairy farm for the Naval Academy in Gambrills, Maryland, or any other location.”.

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

“6976. Operation of Naval Academy dairy farm.”.

(b) CONFORMING REPEAL OF EXISTING REQUIREMENTS.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90-110; 81 Stat. 309), is repealed.

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 6971(b)(5) of title 10, United States Code, is amended by inserting “(if any)” before the period at the end.

(2) Section 2105(b) of title 5, United States Code, is amended by inserting “(if any)” after “Academy dairy”.

##### SEC. 2872. LONG-TERM LEASE OF PROPERTY, NAPLES ITALY.

(a) AUTHORITY.—Subject to subsection (d), the Secretary of the Navy may acquire by

long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The authority of the Secretary to enter into a lease under subsection (a) is available only to the extent or in the amount provided in advance in appropriations Acts.

##### SEC. 2873. DESIGNATION OF MILITARY FAMILY HOUSING AT LACKLAND AIR FORCE BASE, TEXAS, IN HONOR OF FRANK TEJEDA, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The military family housing developments to be constructed at two locations on Government property at Lackland Air Force Base, Texas, under the authority of subchapter IV of chapter 169 of title 10, United States Code, shall be designated by the Secretary of the Air Force, at an appropriate time, as follows:

(1) The eastern development shall be designated as “Frank Tejada Estates East”.

(2) The western development shall be designated as “Frank Tejada Estates West”.

##### SEC. 2874. FIBER-OPTICS BASED TELECOMMUNICATIONS LINKAGE OF MILITARY INSTALLATIONS.

(a) INSTALLATION REQUIRED.—In at least one metropolitan area of the United States containing multiple military installations of one or more military departments or Defense Agencies, the Secretary of Defense shall provide for the installation of fiber-optics based telecommunications technology to link as many of the installations in the area as practicable in a telecommunications network. The Secretary shall use a full and open competitive process, consistent with section 2304 of title 10, United States Code, to provide for the installation of the telecommunications network through one or more new contracts.

(b) FEATURES OF NETWORK.—The telecommunications network shall provide direct access to local and long distance telephone carriers, allow for transmission of both classified and unclassified information, and take advantage of the various capabilities of fiber-optics based telecommunications technology.

(c) TIME FOR REQUEST FOR BIDS OR PROPOSALS.—Not later than March 30, 1998, the Secretary of Defense shall release a final request for bids or proposals to provide the telecommunications network or networks described in subsection (a).

(d) REPORT ON IMPLEMENTATION.—Not later than December 31, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsection (c), including the metropolitan area or areas selected for the installation of a fiber-optics based telecommunications network, the current telecommunication costs for the Department of Defense in the selected area or areas, the estimated cost of the fiber-optics based network, and potential areas for the future use of fiber-optics based networks.

#### TITLE XXIX—SIKES ACT IMPROVEMENT

Sec. 2901. Short title.

Sec. 2902. Definition of Sikes Act for purposes of amendments.

Sec. 2903. Codification of short title of Act.

Sec. 2904. Preparation of integrated natural resources management plans.

Sec. 2905. Review for preparation of integrated natural resources management plans.

Sec. 2906. Transfer of wildlife conservation fees from closed military installations.

Sec. 2907. Annual reviews and reports.

Sec. 2908. Cooperative agreements.

Sec. 2909. Federal enforcement.

Sec. 2910. Natural resources management services.

Sec. 2911. Definitions.

Sec. 2912. Repeal of superseded provision.

Sec. 2913. Technical amendments.

Sec. 2914. Authorizations of appropriations.

#### SEC. 2901. SHORT TITLE.

This title may be cited as the “Sikes Act Improvement Act of 1997”.

#### SEC. 2902. DEFINITION OF SIKES ACT FOR PURPOSES OF AMENDMENTS.

In this title, the term “Sikes Act” means the Act entitled “An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations”, approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to as the “Sikes Act”.

#### SEC. 2903. CODIFICATION OF SHORT TITLE OF ACT.

The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following new section:

##### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Sikes Act’.”.

#### SEC. 2904. PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) IN GENERAL.—Section 101 of the Sikes Act (16 U.S.C. 670a(a)) is amended by striking out subsection (a) and inserting in lieu thereof the following new subsection:

“(a) AUTHORITY OF SECRETARY OF DEFENSE.—

“(1) PROGRAM.—

“(A) IN GENERAL.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

“(B) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

“(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

“(3) PURPOSES OF PROGRAM.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

“(A) the conservation and rehabilitation of natural resources on military installations;

“(B) the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

“(C) subject to safety requirements and military security, public access to military installations to facilitate the use.

“(4) EFFECT ON OTHER LAW.—Nothing in this title—

“(A)(i) affects any provision of a Federal law governing the conservation or protection of fish and wildlife resources; or

“(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

“(B) except as specifically provided in the other provisions of this section and in section 102, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.”.

(b) CONFORMING AMENDMENTS.—Title I of the Sikes Act is amended—

(1) in section 101(b)(4) (16 U.S.C. 670a(b)(4)), by striking out “cooperative plan” each place it appears and inserting in lieu thereof “integrated natural resources management plan”;

(2) in section 101(c) (16 U.S.C. 670a(c)), in the matter preceding paragraph (1), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resources management plan”;

(3) in section 101(d) (16 U.S.C. 670a(d)), in the matter preceding paragraph (1), by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resources management plans”;

(4) in section 101(e) (16 U.S.C. 670a(e)), by striking out “Cooperative plans” and inserting in lieu thereof “Integrated natural resources management plans”;

(5) in section 102 (16 U.S.C. 670b), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resources management plan”;

(6) in section 103 (16 U.S.C. 670c), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resources management plan”;

(7) in section 106(a) (16 U.S.C. 670f(a)), by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resources management plans”;

(8) in section 106(c) (16 U.S.C. 670f(c)), by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resources management plans”.

(c) REQUIRED ELEMENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking out “(b) Each cooperative” and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

“(b) REQUIRED ELEMENTS OF PLANS.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

“(1) shall, to the extent appropriate and applicable, provide for—

“(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

“(B) fish and wildlife habitat enhancement or modifications;

“(C) wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;

“(D) integration of, and consistency among, the various activities conducted under the plan;

“(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

“(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

“(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to

requirements necessary to ensure safety and military security;

“(H) enforcement of applicable natural resource laws (including regulations);

“(I) no net loss in the capability of military installation lands to support the military mission of the installation; and

“(J) such other activities as the Secretary of the military department determines appropriate;”;

(2) in paragraph (2), by adding “and” at the end;

(3) by striking out paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3)(A) (as so redesignated), by striking out “collect the fees therefor,” and inserting in lieu thereof “collect, spend, administer, and account for fees for the permits.”.

**SEC. 2905. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.**

(a) DEFINITIONS.—In this section, the terms “military installation” and “United States” have the meanings provided in section 100 of the Sikes Act (as added by section 2911).

(b) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Secretary of each military department shall—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act (as amended by this title) is appropriate; and

(B) submit to the Secretary of Defense a report on the determinations.

(2) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of each reason such a plan is not appropriate.

(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than three years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act (as amended by this title); or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this title.

(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resources management plans proposed under subsection (c)(1); and

(2) changes to cooperative plans proposed under subsection (c)(2).

**SEC. 2906. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.**

Section 101(b)(3)(B) of the Sikes Act (16 U.S.C. 670a(b)) (as redesignated by section 2904(c)(4)) is amended by inserting before the period at the end the following: “, unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes”.

**SEC. 2907. ANNUAL REVIEWS AND REPORTS.**

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following new subsection:

“(f) REVIEWS AND REPORTS.—

“(1) SECRETARY OF DEFENSE.—Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this title in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

“(A) the number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

“(B) the amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and

“(C) an assessment of the extent to which the plans comply with this title.

“(2) SECRETARY OF THE INTERIOR.—Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

“(3) DEFINITION OF COMMITTEES.—In this subsection, the term ‘committees’ means—

“(A) the Committee on Resources and the Committee on National Security of the House of Representatives; and

“(B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.”.

**SEC. 2908 COOPERATIVE AGREEMENTS.**

Section 103a of the Sikes Act (16 U.S.C. 670c-1) is amended—

(1) in subsection (a), by striking out “Secretary of Defense” and inserting in lieu thereof “Secretary of a military department”;

(2) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

“(b) MULTIYEAR AGREEMENTS.—Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in that fiscal year, without regard to whether the agreement crosses fiscal years.”.

**SEC. 2909. FEDERAL ENFORCEMENT.**

Title I of the Sikes Act is amended—

(1) by redesignating section 106 (16 U.S.C. 670f) as section 108; and

(2) by inserting after section 105 (16 U.S.C. 670e) the following new section:

**“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

“All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense

with respect to violations of the laws that occur on military installations within the United States.”.

**SEC. 2910. NATURAL RESOURCES MANAGEMENT SERVICES.**

Title I of the Sikes Act is amended by inserting after section 106 (as added by section 2909) the following new section:

**“SEC. 107. NATURAL RESOURCES MANAGEMENT SERVICES.**

“To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resources management personnel and natural resources law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this title, including the preparation and implementation of integrated natural resources management plans.”.

**SEC. 2911. DEFINITIONS.**

Title I of the Sikes Act is amended by inserting before section 101 (16 U.S.C. 670a) the following new section:

**“SEC. 100. DEFINITIONS.**

“In this title:

“(1) **MILITARY INSTALLATION.**—The term ‘military installation’—

“(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department, except land under the jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

“(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department; and

“(C) does not include any land described in subparagraph (A) or (B) that is subject to an approved recommendation for closure 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).

“(2) **STATE FISH AND WILDLIFE AGENCY.**—The term ‘State fish and wildlife agency’ means the one or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

“(3) **UNITED STATES.**—The term ‘United States’ means the States, the District of Columbia, and the territories and possessions of the United States.”.

**SEC. 2912. REPEAL OF SUPERSEDED PROVISION.**

Section 2 of the Act of October 27, 1986 (Public Law 99-561; 16 U.S.C. 670a-1), is repealed.

**SEC. 2913. TECHNICAL AMENDMENTS.**

Title I of the Sikes Act, as amended by this title, is amended—

(1) in the heading for the title, by striking out “MILITARY RESERVATIONS” and inserting in lieu thereof “MILITARY INSTALLATIONS”;

(2) in section 101(b)(3) (16 U.S.C. 670a(b)(3)), as redesignated by section 2904(c)(4)—

(A) in subparagraph (A), by striking out “the reservation” and inserting in lieu thereof “the installation”; and

(B) in subparagraph (B), by striking out “the military reservation” and inserting in lieu thereof “the military installation”;

(3) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1), by striking out “a military reservation” and inserting in lieu thereof “a military installation”; and

(B) in paragraph (2), by striking out “the reservation” and inserting in lieu thereof “the installation”;

(4) in section 101(e) (16 U.S.C. 670a(e)), by striking “the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)” and inserting “chapter 63 of title 31, United States Code”;

(5) in section 102 (16 U.S.C. 670b), by striking out “military reservations” and inserting in lieu thereof “military installations”; and

(6) in section 103 (16 U.S.C. 670c)—

(A) by striking out “military reservations” and inserting in lieu thereof “military installations”; and

(B) by striking out “such reservations” and inserting in lieu thereof “the installations”.

**SEC. 2914. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) **CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS.**—Subsections (b) and (c) of section 108 of the Sikes Act (as redesignated by section 2909(1)) are each amended by striking out “1983” and all that follows through “1993,” and inserting in lieu thereof “1998 through 2003.”.

(b) **CONSERVATION PROGRAMS ON PUBLIC LANDS.**—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking out “the sum of \$10,000,000” and all that follows through “to enable the Secretary of the Interior” and inserting in lieu thereof “\$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior”; and

(2) in subsection (b), by striking out “the sum of \$12,000,000” and all that follows through “to enable the Secretary of Agriculture” and inserting in lieu thereof “\$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture”.

**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.

Sec. 3102. Environmental restoration and waste management.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

**Subtitle B—Recurring General Provisions**

Sec. 3121. Reprogramming.

Sec. 3122. Limits on general plant projects.

Sec. 3123. Limits on construction projects.

Sec. 3124. Fund transfer authority.

Sec. 3125. Authority for conceptual and construction design.

Sec. 3126. Authority for emergency planning, design, and construction activities.

Sec. 3127. Funds available for all national security programs of the Department of Energy.

Sec. 3128. Availability of funds.

Sec. 3129. Transfers of defense environmental management funds.

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

Sec. 3131. Memorandum of understanding for use of national laboratories for ballistic missile defense programs.

Sec. 3132. Defense environmental management privatization projects.

Sec. 3133. International cooperative stockpile stewardship.

Sec. 3134. Modernization of enduring nuclear weapons complex.

Sec. 3135. Tritium production.

Sec. 3136. Processing, treatment, and disposition of spent nuclear fuel rods and other legacy nuclear materials at the Savannah River Site.

Sec. 3137. Limitations on use of funds for laboratory directed research and development purposes.

Sec. 3138. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets.

Sec. 3139. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.

Sec. 3140. Limitation on use of funds for subcritical nuclear weapons tests.

Sec. 3141. Limitation on use of certain funds until future use plans are submitted.

**Subtitle D—Other Matters**

Sec. 3151. Plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.

Sec. 3152. Repeal of obsolete reporting requirements.

Sec. 3153. Study and funding relating to implementation of workforce restructuring plans.

Sec. 3154. Report and plan for external oversight of national laboratories.

Sec. 3155. University-based research collaboration program.

Sec. 3156. Stockpile stewardship program.

Sec. 3157. Reports on advanced supercomputer sales to certain foreign nations.

Sec. 3158. Transfers of real property at certain Department of Energy facilities.

Sec. 3159. Requirement to delegate certain authorities to site manager of Hanford Reservation.

Sec. 3160. Submittal of biennial waste management reports.

Sec. 3161. Department of Energy Security Management Board.

Sec. 3162. Submittal of annual report on status of security functions at nuclear weapons facilities.

Sec. 3163. Modification of authority on Commission on Maintaining United States Nuclear Weapons Expertise.

Sec. 3164. Land transfer, Bandelier National Monument.

Sec. 3165. Final settlement of Department of Energy community assistance obligations with respect to Los Alamos National Laboratory, New Mexico.

Sec. 3166. Sense of Congress regarding the Y-12 Plant in Oak Ridge, Tennessee.

Sec. 3167. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.

Sec. 3168. Improvements to Greenville Road, Livermore, California.

Sec. 3169. Report on alternative system for availability of funds.

Sec. 3170. Report on remediation under the Formerly Utilized Sites Remedial Action Program.

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. WEAPONS ACTIVITIES.**

(a) **STOCKPILE STEWARDSHIP.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of \$1,867,150,000, to be allocated as follows:

(1) For core stockpile stewardship, \$1,387,100,000, to be allocated as follows:

(A) For operation and maintenance, \$1,288,290,000.

(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), \$98,810,000, to be allocated as follows:

Project 97-D-102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$46,300,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, \$19,810,000.

Project 96-D-103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, \$13,400,000.

Project 96-D-105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, \$19,300,000.

(2) For inertial fusion, \$414,800,000, to be allocated as follows:

(A) For operation and maintenance, \$217,000,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), \$197,800,000, to be allocated as follows:

Project 96-D-111, national ignition facility, location to be determined, \$197,800,000.

(3) For technology transfer and education, \$65,250,000, to be allocated as follows:

(A) For technology transfer, \$56,250,000.

(B) For education, \$9,000,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of \$2,052,150,000, to be allocated as follows:

(1) For operation and maintenance, \$1,891,265,000.

(2) 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), \$160,885,000, to be allocated as follows:

Project 98-D-123, stockpile management restructuring initiative, tritium factory modernization and consolidation, Savannah River Site, Aiken, South Carolina, \$11,000,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 Plant consolidation, Oak Ridge, Tennessee, \$6,450,000.

Project 98-D-125, tritium extraction facility, Savannah River Site, Aiken, South Carolina, \$9,650,000.

Project 98-D-126, accelerator production of tritium, various locations, \$67,865,000.

Project 97-D-122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, \$9,200,000.

Project 97-D-124, steam plant wastewater treatment facility upgrade, Y-12 Plant, Oak Ridge, Tennessee, \$1,900,000.

Project 96-D-122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, \$6,900,000.

Project 96-D-123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y-12 Plant, Oak Ridge, Tennessee, \$2,700,000.

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

Project 95-D-122, sanitary sewer upgrade, Y-12 Plant, Oak Ridge, Tennessee, \$12,600,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, \$1,400,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, \$2,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$2,100,000.

Project 92-D-126, replace emergency notification system, various locations, \$3,200,000.

Project 88-D-122, facilities capability assurance program, various locations, \$18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for pro-

gram direction in carrying out weapons activities necessary for national security programs in the amount of \$250,000,000.

(d) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by \$22,608,000.

#### SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,010,973,000, of which \$388,000,000 shall be allocated to the uranium enrichment decontamination and decommissioning fund.

(b) DEFENSE ENVIRONMENTAL MANAGEMENT CLOSURE PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for closure projects in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$875,000,000, to be allocated as follows:

Project 98-CLR-1, Rocky Flats Closure Site, Denver, Colorado, \$648,400,000.

Project 98-CLR-2, Fernald Environmental Management Project, Fernald, Ohio, \$226,600,000.

(c) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,571,644,000, to be allocated as follows:

(1) For operation and maintenance, \$1,490,876,000.

(2) 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), \$80,768,000, to be allocated as follows:

Project 98-D-401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, \$1,000,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, \$13,961,000.

Project 96-D-408, waste management upgrades, various locations, \$8,200,000.

Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, \$176,000.

Project 95-D-405, industrial landfill V and construction/demolition landfill VII, Y-12 Plant, Oak Ridge, Tennessee, \$3,800,000.

Project 95-D-407, 219-S secondary containment upgrade, Richland, Washington, \$2,500,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$1,219,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$15,100,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, \$17,520,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, \$5,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, \$1,042,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$11,250,000.

(d) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the

Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$220,000,000.

(e) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,256,821,000, to be allocated as follows:

(1) For operation and maintenance, \$1,176,114,000.

(2) 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), \$80,707,000, to be allocated as follows:

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, \$8,136,000.

Project 98-D-700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, \$500,000.

Project 97-D-450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, \$18,000,000.

Project 97-D-451, B-Plant safety class ventilation upgrades, Richland, Washington, \$2,000,000.

Project 97-D-470, environmental monitoring laboratory/health physics site support facility, Savannah River Site, Aiken, South Carolina, \$5,600,000.

Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, \$16,744,000.

Project 96-D-461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, \$2,927,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$14,985,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$8,500,000.

Project 95-D-155, upgrade site road infrastructure, Savannah River Site, South Carolina, \$2,713,000.

Project 95-D-456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$602,000.

(f) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$345,751,000.

(g) POLICY AND MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$20,000,000.

(h) ENVIRONMENTAL SCIENCE PROGRAM.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for the environmental science program in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$55,000,000.

(i) DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental management privatization projects in carrying out environmental restoration and waste management activities necessary for

national security programs in the amount of \$224,700,000, to be allocated as follows:

Project 98-PVT-1, contact handled transuranic waste transportation, Carlsbad, New Mexico, \$21,000,000.

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, \$27,000,000.

Project 98-PVT-3, waste pits remedial action, Fernald, Ohio, \$25,000,000.

Project 98-PVT-4, spent nuclear fuel transfer and storage, Savannah River, South Carolina, \$25,000,000.

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

Project 98-PVT-6, Ohio silo 3 waste treatment, Fernald, Ohio, \$6,700,000.

Project 97-PVT-1, tank waste remediation system phase 1, Hanford, Washington, \$115,000,000.

(j) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section for subsections (a) through (h) is the sum of the amounts authorized to be appropriated in those subsections reduced by \$50,000,000.

#### SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of \$1,642,310,000, to be allocated as follows:

(1) For verification and control technology, \$478,200,000, to be allocated as follows:

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

(B) For arms control, \$234,600,000.

(C) For intelligence, \$33,600,000.

(2) For nuclear safeguards and security, \$47,200,000.

(3) For security investigations, \$25,000,000.

(4) For emergency management, \$20,000,000.

(5) For program direction, \$78,900,000.

(6) For worker and community transition assistance, \$61,159,000, to be allocated as follows:

(A) For worker and community transition, \$57,659,000.

(B) For program direction, \$3,500,000.

(7) For fissile materials control and disposition, \$103,451,000, to be allocated as follows:

(A) For operation and maintenance, \$99,451,000.

(B) For program direction, \$4,000,000.

(8) For environment, safety, and health, defense, \$94,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), \$74,000,000.

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

(9) For the Office of Hearings and Appeals, \$1,900,000.

(10) For nuclear energy, \$47,000,000, to be allocated as follows:

(A) For nuclear technology research and development (electrometallurgical), \$12,000,000.

(B) For international nuclear safety (Soviet-designed reactors), \$35,000,000.

(11) For naval reactors development, \$670,500,000, to be allocated as follows:

(A) For operation and maintenance, \$635,920,000.

(B) For program direction, \$20,080,000.

(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), \$14,500,000, to be allocated as follows:

Project 98-D-200, site laboratory/facility upgrade, various locations, \$5,700,000.

Project 97-D-201, advanced test reactor secondary coolant refurbishment, Idaho National Engineering Laboratory, Idaho, \$4,600,000.

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, \$1,100,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$3,100,000.

(12) For independent assessment of Department of Energy projects, \$15,000,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in paragraphs (1) through (12) of subsection (a) reduced by \$6,047,000.

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

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$190,000,000.

#### Subtitle B—Recurring General Provisions

##### SEC. 3121. REPROGRAMMING.

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

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

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

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

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

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed 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 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 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 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 project listed in subsection (c) or (e) of section 3102 being carried out by the office.

(B) A program referred to in subsection (a), (c), (d), or (e) of section 3102 being carried out by the office.

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

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national 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, 1997, and ending on September 30, 1998.

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

**SEC. 3131. MEMORANDUM OF UNDERSTANDING FOR USE OF NATIONAL LABORATORIES FOR BALLISTIC MISSILE DEFENSE PROGRAMS.**

(a) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Energy and the Secretary of Defense shall enter into a memorandum of understanding for the purpose of improving and facilitating the use by the Secretary of Defense of the expertise of the national laboratories for the ballistic missile defense programs of the Department of Defense.

(b) **ASSISTANCE.**—The memorandum of understanding shall provide that the Secretary of Defense shall request such assistance with respect to the ballistic missile defense programs of the Department of Defense as the Secretary of Defense and the Secretary of Energy determine can be provided through the technical skills and experience of the national laboratories, using such financial arrangements as the Secretaries determine are appropriate.

(c) **ACTIVITIES.**—The memorandum of understanding shall provide that the national laboratories shall carry out those activities necessary to respond to requests for assistance from the Secretary of Defense referred to in subsection (b). Such activities may include the identification of technical modifications and test techniques, the analysis of

physics problems, the consolidation of range and test activities, and the analysis and simulation of theater missile defense deployment problems.

(d) **NATIONAL LABORATORIES.**—For purposes of this section, the national laboratories are—

(1) the Lawrence Livermore National Laboratory, Livermore, California;

(2) the Los Alamos National Laboratory, Los Alamos, New Mexico; and

(3) the Sandia National Laboratories, Albuquerque, New Mexico.

**SEC. 3132. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.**

(a) **AUTHORITY TO ENTER INTO CONTRACTS.**—The Secretary of Energy may, using funds authorized to be appropriated by section 3102(i) for a project referred to in that section, enter into a contract that—

(1) is awarded on a competitive basis;

(2) requires the contractor to construct or acquire any equipment or facilities required to carry out the contract;

(3) requires the contractor to bear any of the costs of the construction, acquisition, and operation of such equipment or facilities that arise before the commencement of the provision of goods or services under the contract; and

(4) provides for payment to the contractor under the contract only upon the meeting of performance specifications in the contract.

(b) **NOTICE AND WAIT.**—(1) The Secretary may not enter into a contract under subsection (a), exercise an authorization to proceed with such a contract or extend any contract period for such a contract by more than one year until 30 days after the date on which the Secretary submits to the congressional defense committees a report with respect to the contract.

(2) Except as provided in paragraph (3), a report under paragraph (1) with respect to a contract shall set forth—

(A) the anticipated costs and fees of the Department under the contract, including the anticipated maximum amount of such costs and fees;

(B) any performance specifications in the contract;

(C) the anticipated dates of commencement and completion of the provision of goods or services under the contract;

(D) the allocation between the Department and the contractor of any financial, regulatory, or environmental obligations under the contract;

(E) any activities planned or anticipated to be required with respect to the project after completion of the contract;

(F) the site services or other support to be provided the contractor by the Department under the contract;

(G) the goods or services to be provided by the Department or contractor under the contract, including any additional obligations to be borne by the Department or contractor with respect to such goods or services;

(H) if the contract provides for financing of the project by an entity or entities other than the United States, a detailed comparison of the costs of financing the project through such entity or entities with the costs of financing the project by the United States;

(I) the schedule for the contract;

(J) the costs the Department would otherwise have incurred in obtaining the goods or services covered by the contract if the Department had not proposed to obtain the goods or services under this section;

(K) an estimate and justification of the cost savings, if any, to be realized through the contract, including the assumptions underlying the estimate;

(L) the effect of the contract on any ancillary schedules applicable to the facility con-

cerned, including milestones in site compliance agreements; and

(M) the plans for maintaining financial and programmatic accountability for activities under the contract.

(3) In the case of a contract under subsection (a) at the Hanford Reservation, the report under paragraph (1) shall set forth—

(A) the matters specified in paragraph (2); and

(B) if the contract contemplates two pilot vitrification plants—

(i) an analysis of the basis for the selection of each of the plants in lieu of a single pilot vitrification plant; and

(ii) a detailed comparison of the costs to the United States of two pilot plants with the costs to the United States of a single pilot plant.

(c) COST VARIATIONS.—(1)(A) The Secretary may not enter into a contract for a project referred to in subparagraph (B), or obligate funds attributable to the capital portion of the cost of such a contract, whenever the current estimated cost of the project exceeds the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(B) Subparagraph (A) applies to the following:

(i) A project authorized by section 3102(i).

(ii) A project authorized by section 3103 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2824) for which a contract has not been entered into as of the date of enactment of this Act.

(2) The Secretary may not obligate funds attributable to the capital portion of the cost of a contract entered into before such date for a project authorized by such section 3103 whenever the current estimated cost of the project equals or exceeds 110 percent of the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(d) USE OF FUNDS FOR TERMINATION OF CONTRACT.—Not later than 15 days before the Secretary obligates funds available for a project authorized by section 3102(i) to terminate the contract for the project under subsection (a), the Secretary shall notify the congressional defense committees of the Secretary's intent to obligate the funds for that purpose.

(e) ANNUAL REPORT ON CONTRACTS.—(1) Not later than February 28 of each year, the Secretary shall submit to the congressional defense committees a report on the activities, if any, carried out under each contract referred to in paragraph (2) during the preceding year. The report shall include an update with respect to each such contract of the matters specified under subsection (b)(1) as of the date of the report.

(2) A contract referred to in paragraph (1) is the following:

(A) A contract under subsection (a) for a project referred to in that subsection.

(B) A contract under section 3103 of the National Defense Authorization Act for Fiscal Year 1997.

(f) ASSESSMENT OF CONTRACTING WITHOUT SUFFICIENT APPROPRIATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report assessing whether, and under what circumstances, the Secretary could enter into contracts for defense environmental management privatization projects in the absence of sufficient appropriations to meet obligations under such contracts without thereby violating the provisions of section 1341 of title 31, United States Code.

**SEC. 3133. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.**

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise

available to the Department of Energy for fiscal year 1998 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

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

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

**SEC. 3134. MODERNIZATION OF ENDURING NUCLEAR WEAPONS COMPLEX.**

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, \$85,000,000 shall be available for carrying out the program described in section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note).

(b) LIMITATION ON AVAILABILITY.—None of the funds available under subsection (a) for carrying out the program referred to in that subsection may be obligated or expended until 30 days after the date of the receipt by Congress of the report required under subsection (c).

(c) REPORT ON ALLOCATION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the proposed allocation among specific Department of Energy sites of the funds available under subsection (a) for the program referred to in that subsection.

**SEC. 3135. TRITIUM PRODUCTION.**

(a) TRITIUM PRODUCTION DECISION.—(1) Not later than December 31, 1998, the Secretary of Energy shall make a final decision on the technologies to be utilized, and the schedule to be adopted, for tritium production in order to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the so-called "upload hedge" component of the nuclear weapons stockpile.

(B) The activities of the Department of Energy relating to the evaluation and demonstration of technologies under the accelerator program and the commercial light water reactor program.

(C) The potential liabilities and benefits of each potential technology for tritium production, including—

(i) regulatory and other barriers that might prevent the production of tritium using the technology by the production date referred to in paragraph (1);

(ii) potential difficulties, if any, in licensing the technology;

(iii) the variability, if any, in tritium production rates using the technology; and

(iv) any other benefits (including scientific or research benefits or the generation of revenue) associated with the technology.

(b) REPORTS ON DECISION.—(1) Upon making a final decision under paragraph (1) of subsection (a), the Secretary shall submit to the congressional defense committees a report on the final decision. The report shall include an assessment of how the selected technology addresses the items taken into account under paragraph (2) of that subsection.

(2) If the Secretary determines that it is not possible to make the final decision by the date specified in paragraph (1) of subsection (a), the Secretary shall submit to the congressional defense committees on that date a report that explains in detail why the final decision cannot be made by that date.

(c) LIMITATION ON AVAILABILITY OF FUNDS.—The Secretary may not obligate or expend any funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act for the purpose of evaluating or utilizing any technology for the production of tritium other than a commercial light water reactor or an accelerator until the later of—

(1) January 31, 1999; or

(2) the date that is 30 days after the date on which the Secretary makes a final decision under subsection (a).

**SEC. 3136. PROCESSING, TREATMENT, AND DISPOSITION OF SPENT NUCLEAR FUEL RODS AND OTHER LEGACY NUCLEAR MATERIALS AT THE SAVANNAH RIVER SITE.**

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3102(e), not more than \$47,000,000 shall be available for the implementation of a program to accelerate the receipt, processing (including the H-canyon restart operations), reprocessing, separation, reduction, deactivation, stabilization, isolation, and interim storage of high level nuclear waste associated with Department of Energy spent fuel rods, foreign spent fuel rods, and other nuclear materials that are located at the Savannah River Site.

(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site and shall provide technical staff necessary to operate and maintain such facilities at that state of readiness.

**SEC. 3137. LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PURPOSES.**

(a) GENERAL LIMITATIONS.—(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) LIMITATION IN FISCAL YEAR 1998 PENDING SUBMITTAL OF ANNUAL REPORT.—Not more than 30 percent of the funds authorized to be appropriated or otherwise made available to the Department of Energy in fiscal year 1998 for laboratory directed research and development may be obligated or expended for such research and development until the Secretary of Energy submits to the congressional defense committees the report required by section 3136(b) of the National Defense Authorization Act for Fiscal Year

1997 (Public Law 104-201; 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

(c) **SUBMITTAL DATE FOR ANNUAL REPORT ON LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.**—Paragraph (1) of section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2831; 42 U.S.C. 7257b) is amended by striking out “The Secretary of Energy shall annually submit” and inserting in lieu thereof “Not later than February 1 each year, the Secretary of Energy shall submit”.

(d) **ASSESSMENT OF FUNDING LEVEL FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.**—The Secretary shall include in the report submitted under such section 3136(b)(1) in 1998 an assessment of the funding required to carry out laboratory directed research and development, including a recommendation for the percentage of the funds provided to Government-owned, contractor-operated laboratories for national security activities that should be made available for such research and development under section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(c)).

(e) **DEFINITION.**—In this section, the term “laboratory directed research and development” has the meaning given that term in section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

**SEC. 3138. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.**

(a) **PURPOSE.**—The purpose of this section is to encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of defraying the costs of such disposal or utilization.

(b) **USE OF PROCEEDS TO DEFRAY COSTS.**—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(c) **COVERED TRANSACTIONS.**—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina, that is under the jurisdiction of the Defense Environmental Management Program.

(2) The sale of precious metals that are under the jurisdiction of the Defense Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington, that are under the jurisdiction of the Defense Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site that are under the jurisdiction of the Defense Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Defense Environmental Technology Site, Colorado, that is under the jurisdiction of the Defense Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak

Ridge, Tennessee, that are under the jurisdiction of the Defense Environmental Management Program.

(d) **APPLICABILITY OF DISPOSAL AUTHORITY.**—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(e) **REPORT.**—Not later than January 31, 1999, the Secretary shall submit to the congressional defense committees a report on amounts retained by the Secretary under subsection (b) during fiscal year 1998.

**SEC. 3139. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.**

(a) **REPEAL OF REQUIREMENT FOR EPA STUDY.**—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) **EXTENSION OF AUTHORITY.**—Paragraph (1) of subsection (c) of such section, as so redesignated, is amended by striking out “September 30, 1997” and inserting in lieu thereof “September 30, 1999”.

**SEC. 3140. LIMITATION ON USE OF FUNDS FOR SUBCRITICAL NUCLEAR WEAPONS TESTS.**

(a) **LIMITATION.**—The Secretary of Energy may not conduct any subcritical nuclear weapons tests using funds appropriated or otherwise available to the Secretary for fiscal year 1998 until the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a detailed report on the use of the funds available to the Secretary for fiscal years 1996 and 1997 to conduct such tests.

(b) **EXCEPTION.**—Subsection (a) shall not apply to the use of funds covered by that subsection for subcritical nuclear weapons tests if the Secretary—

(1) determines that the use of such funds for such tests is urgently required to meet national security interests; and

(2) notifies Congress of that determination before using such funds for such tests.

**SEC. 3141. LIMITATION ON USE OF CERTAIN FUNDS UNTIL FUTURE USE PLANS ARE SUBMITTED.**

(a) **LIMITATION.**—(1) Subject to paragraph (2), the Secretary of Energy may not use more than 80 percent of the funds available to the Secretary pursuant to the authorization of appropriations in section 3102(g) until the Secretary submits the plans described in subsection (b).

(2) The limitation in paragraph (1) shall cease to be in effect if the Secretary submits, by March 15, 1998, the report described in subsection (c).

(b) **PLANS.**—The plans referred to in subsection (a)(1) are the draft future use plan and the final future use plan required under section 3153(f) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2840; 42 U.S.C. 7274k note).

(c) **REPORT.**—If the Secretary is unable to submit all of the plans described in subsection (b) by the deadlines set forth in such section 3153(f), the Secretary shall submit to Congress a report containing, for each plan that will not be submitted by the applicable deadline—

(1) the status of the plan;

(2) the reasons why the plan cannot be submitted by the applicable deadline; and

(3) the date by which the plan will be submitted.

**Subtitle D—Other Matters**

**SEC. 3151. PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.**

(a) **PLAN REQUIREMENT.**—The Secretary of Energy shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

(b) **PLAN ELEMENTS.**—The plan and each update of the plan shall set forth the following:

(1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile.

(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary of Energy is assessing the lifetime, and requirements for lifetime extension or replacement, of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.

(4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile.

(5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

(c) **ANNUAL SUBMISSION OF PLAN TO CONGRESS.**—The Secretary of Energy shall submit to Congress the plan developed under subsection (a) not later than March 15, 1998, and shall submit an updated version of the plan not later than March 15 of each year thereafter. The plan shall be submitted in both classified and unclassified form.

**SEC. 3152. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.**

(a) **ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC ENERGY COMMISSION.**—(1) Section 251 of the Atomic Energy Act of 1954 (42 U.S.C. 2016) is repealed.

(2) The table of sections at the beginning of that Act is amended by striking out the item relating to section 251.

(b) **ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.**—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 repealed.

(c) **ANNUAL UPDATE OF MASTER PLAN FOR NUCLEAR WEAPONS STOCKPILE.**—Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.

(d) **ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.**—Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

(e) **ANNUAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.**—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

(1) by striking out subsections (d) and (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively; and

(3) in subsection (e), as so redesignated, by striking out “and the 60-day period referred to in subsection (e)(2)(A)(ii)”.

(f) **ANNUAL REPORT ON DEVELOPMENT OF TRITIUM PRODUCTION CAPACITY.**—Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2639) is repealed.

(g) **ANNUAL REPORT ON RESEARCH RELATING TO DEFENSE WASTE CLEANUP TECHNOLOGY**

PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

- (1) by striking out subsection (c); and
- (2) by redesignating subsection (d) as subsection (c).

(h) QUARTERLY REPORT ON MAJOR DOE NATIONAL SECURITY PROGRAMS.—Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271a) is repealed.

(i) ANNUAL REPORT ON NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended by striking out subsection (e).

**SEC. 3153. STUDY AND FUNDING RELATING TO IMPLEMENTATION OF WORKFORCE RESTRUCTURING PLANS.**

(a) STUDY REQUIREMENT.—The Secretary of Energy shall conduct a study on the effects of workforce restructuring plans for defense nuclear facilities developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(b) MATTERS COVERED BY STUDY.—The study shall cover the four-year period preceding the date of the enactment of this Act and shall include the following:

(1) An analysis of the number of jobs created by any employee retraining, education, and reemployment assistance and any community impact assistance provided in each workforce restructuring plan developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993.

(2) An analysis of other benefits provided pursuant to such plans, including any assistance provided to community reuse organizations.

(3) A description of the funds expended, and the funds obligated but not expended, pursuant to such plans as of the date of the report.

(4) A description of the criteria used since October 23, 1992, in providing assistance pursuant to such plans.

(5) A comparison of any similar benefits provided—

(A) pursuant to such a plan to employees whose employment at the defense nuclear facility covered by the plan is terminated; and

(B) to employees whose employment at a facility where more than 50 percent of the revenues are derived from contracts with the Department of Defense has been terminated as a result of cancellation, termination, or completion of contracts with the Department of Defense and the employees whose employment is terminated constitute more than 15 percent of the employees at that facility.

(c) CONDUCT OF STUDY.—(1) The study shall be conducted through a contract with an independent private auditing firm.

(2) The Secretary of Energy may not enter into any contract for the conduct of the study until the Secretary submits a notification of the proposed contract award to the congressional defense committees.

(3) The Secretary of Energy and the Secretary of Defense shall each ensure that any firm conducting the study is provided access to all documents in the possession of the Department of Energy or the Department of Defense, as the case may be, that are relevant to the study, including documents in the possession of the Inspector General of the Department of Energy or the Inspector General of the Department of Defense.

(d) REPORT ON STUDY.—The Secretary of Energy shall submit a report to Congress on the results of the study not later than March 31, 1998.

(e) LIMITATION ON USE OF FUNDS FOR LOCAL IMPACT ASSISTANCE.—(1) None of the funds authorized to be appropriated to the Depart-

ment of Energy pursuant to section 3103(6) may be used for local impact assistance pursuant to a plan under section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) until—

(A) with respect to assistance referred to in section 3161(c)(6)(A) of such Act, the Secretary of Energy coordinates with, provides a copy of the plan to, and obtains the approval of the Secretary of Labor; and

(B) with respect to assistance referred to in section 3161(c)(6)(C) of such Act, the Secretary of Energy coordinates with, provides a copy of the plan to, and obtains the approval of the Secretary of Commerce.

(2) For purposes of paragraph (1), if the Secretary of Labor or the Secretary of Commerce does not disapprove a plan within 60 days after receiving a copy of the plan, the plan is deemed to be approved.

(f) SEMIANNUAL REPORT TO CONGRESS OF LOCAL IMPACT ASSISTANCE.—The Secretary of Energy shall submit to Congress every six months a report setting forth a description of, and the amount or value of, all local impact assistance provided during the preceding six months under section 3161(c)(6) of the National Defense Authorization Act of 1993 (42 U.S.C. 7274h(c)(6)).

(g) EFFECT ON USEC PRIVATIZATION ACT.—Nothing in this section shall be construed as diminishing or affecting the obligations of the Secretary of Energy under section 3110(a)(5) of the USEC Privatization Act (Public Law 104-134; 110 Stat. 1321-341; 42 U.S.C. 2297h-8(a)(5)).

(h) DEFINITION.—In this section, the term “defense nuclear facility” has the meaning provided the term “Department of Energy defense nuclear facility” in section 3163 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274j).

**SEC. 3154. REPORT AND PLAN FOR EXTERNAL OVERSIGHT OF NATIONAL LABORATORIES.**

(a) REPORT.—Not later than July 1, 1999, the Secretary of Energy shall submit to Congress a report on the external oversight of the national laboratories.

(b) MATTERS COVERED.—The report shall contain the following:

(1) A description of the external oversight practices at the national laboratories and an analysis of the effectiveness of such practices, including the effect of such practices on the productivity of the laboratories and the research conducted by the laboratories.

(2) Recommendations regarding the continuation, consolidation, or discontinuation of the external oversight practices described in paragraph (1), and the rationale for the recommendations.

(3) Recommendations for any new external oversight practices that should be implemented, and the rationale for the recommendations.

(4) A plan for carrying out the recommendations.

(c) NATIONAL LABORATORIES COVERED.—For purposes of this section, the national laboratories are—

(1) the Lawrence Livermore National Laboratory, Livermore, California;

(2) the Los Alamos National Laboratory, Los Alamos, New Mexico; and

(3) the Sandia National Laboratories, Albuquerque, New Mexico.

**SEC. 3155. UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) The maintenance of scientific and engineering competence in the United States is vital to long-term national security and the defense and national security missions of the Department of Energy.

(2) Engaging the universities and colleges of the Nation in research on long-range prob-

lems of vital national security interest will be critical to solving the technology challenges faced within the defense and national security programs of the Department of Energy in the next century.

(3) Enhancing collaboration among the national laboratories, universities and colleges, and industry will contribute significantly to the performance of these Department of Energy missions.

(b) PROGRAM.—The Secretary of Energy shall establish a university program at a location that can develop the most effective collaboration among national laboratories, universities and colleges, and industry in support of scientific and engineering advancement in key Department of Energy defense and national security program areas.

(c) FUNDING.—Of the funds authorized to be appropriated in this title to the Department of Energy for fiscal year 1998, the Secretary shall make \$5,000,000 available for the establishment and operation of the program under subsection (b).

**SEC. 3156. STOCKPILE STEWARDSHIP PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) Eliminating the threat posed by nuclear weapons to the United States is an important national security goal.

(2) As long as nuclear threats remain, the nuclear deterrent of the United States must be effective and reliable.

(3) A safe, secure, effective, and reliable United States nuclear stockpile is central to the current nuclear deterrence strategy of the United States.

(4) The Secretary of Energy has undertaken a stockpile stewardship and management program to ensure the safety, security, effectiveness, and reliability of the nuclear weapons stockpile of the United States, consistent with all United States treaty requirements and the requirements of the nuclear deterrence strategy of the United States.

(5) It is the policy of the current administration that new nuclear warhead designs are not required to effectively implement the nuclear deterrence strategy of the United States.

(b) POLICY.—It is the policy of the United States that—

(1) activities of the stockpile stewardship program shall be directed toward ensuring that the United States possesses a safe, secure, effective, and reliable nuclear stockpile, consistent with the national security requirements of the United States; and

(2) stockpile stewardship activities of the United States shall be conducted in conformity with the terms of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Test Ban Treaty signed by the President on September 24, 1996, when and if that treaty enters into force.

**SEC. 3157. REPORTS ON ADVANCED SUPERCOMPUTER SALES TO CERTAIN FOREIGN NATIONS.**

(a) REPORTS.—The Secretary of Energy shall require that any company that is a participant in the Accelerated Strategic Computing Initiative (ASCI) program of the Department of Energy report to the Secretary and to the Secretary of Defense each sale by that company to a country designated as a Tier III country of a computer capable of operating at a speed in excess of 2,000 millions theoretical operations per second (MTOPS). The report shall include a description of the following with respect to each such sale:

(1) The anticipated end-use of the computer sold.

(2) The software included with the computer.

(3) Any arrangement under the terms of the sale regarding—

(A) upgrading the computer;

(B) servicing the computer; or

(C) furnishing spare parts for the computer.

(b) COVERED COUNTRIES.—For purposes of this section, the countries designated as Tier III countries are the countries listed as “computer tier 3” eligible countries in part 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997 (or any successor list).

(c) QUARTERLY SUBMISSION OF REPORTS.—The Secretary of Energy shall require that reports under subsection (a) be submitted quarterly.

(d) ANNUAL REPORT.—The Secretary of Energy shall submit to Congress an annual report containing all information received under subsection (a) during the preceding year. The first annual report shall be submitted not later than July 1, 1998.

**SEC. 3158. TRANSFERS OF REAL PROPERTY AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.**

(a) TRANSFER REGULATIONS.—(1) The Secretary of Energy shall prescribe regulations for the transfer by sale or lease of real property at Department of Energy defense nuclear facilities for the purpose of permitting the economic development of the property.

(2) The Secretary of Energy may not transfer real property under the regulations prescribed under paragraph (1) until—

(A) the Secretary submits a notification of the proposed transfer to the congressional defense committees; and

(B) a period of 30 days has elapsed following the date on which the notification is submitted.

(b) INDEMNIFICATION.—(1) Except as provided in paragraph (3) and subject to subsection (c), in the sale or lease of real property pursuant to the regulations prescribed under subsection (a), the Secretary of Energy may hold harmless and indemnify a person or entity described in paragraph (2) against any claim for injury to person or property that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located. Before entering into any agreement for such a sale or lease, the Secretary shall notify the person or entity that the Secretary has authority to provide indemnification to the person or entity under this subsection. The Secretary shall include in any agreement for such a sale or lease a provision stating whether indemnification is or is not provided.

(2) Paragraph (1) applies to the following persons and entities:

(A) Any State that acquires ownership or control of real property of a defense nuclear facility.

(B) Any political subdivision of a State that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

(c) CONDITIONS.—(1) No indemnification on a claim for injury may be provided under this section unless the person or entity making a request for the indemnification—

(A) notifies the Secretary of Energy in writing within two years after such claim accrues;

(B) furnishes to the Secretary copies of pertinent papers received by the person or entity;

(C) furnishes evidence or proof of the claim;

(D) provides, upon request by the Secretary, access to the records and personnel of the person or entity for purposes of defending or settling the claim; and

(E) begins action within six months after the date of mailing, by certified or registered

mail, of notice of final denial of the claim by the Secretary.

(2) For purposes of paragraph (1)(A), the date on which a claim accrues is the date on which the person asserting the claim knew (or reasonably should have known) that the injury to person or property referred to in subsection (b)(1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located.

(d) AUTHORITY OF SECRETARY OF ENERGY.—(1) In any case in which the Secretary of Energy determines that the Secretary may be required to indemnify a person or entity under this section for any claim for injury to person or property referred to in subsection (b)(1), the Secretary may settle or defend the claim on behalf of that person or entity.

(2) In any case described in paragraph (1), if the person or entity that the Secretary may be required to indemnify does not allow the Secretary to settle or defend the claim, the person or entity may not be indemnified with respect to that claim under this section.

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) The term “defense nuclear facility” has the meaning provided by the term “Department of Energy defense nuclear facility” in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(2) The terms “hazardous substance”, “release”, and “pollutant or contaminant” have the meanings provided by section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

**SEC. 3159. REQUIREMENT TO DELEGATE CERTAIN AUTHORITIES TO SITE MANAGER OF HANFORD RESERVATION.**

Section 3173(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2848; 42 U.S.C. 7274k) is amended—

(1) in paragraph (1)—

(A) by striking out “In addition” and inserting in lieu thereof “Except as provided in paragraph (5), in addition”; and

(B) by striking out “Act,” and inserting in lieu thereof “subtitle,”; and

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

“(5) In the case of the Hanford Reservation, Richland, Washington, the Secretary shall delegate to the Site Manager the authority described in paragraph (1) for fiscal year 1998. The Secretary may withdraw the delegated authority if the Secretary—

“(A) determines that the Site Manager of the Hanford Reservation has misused or misapplied that authority; and

“(B) the Secretary submits to Congress a notification of the Secretary’s intent to withdraw the authority.”.

**SEC. 3160. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT REPORTS.**

Section 3153(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k(b)(2)(B)) is amended by striking out “odd-numbered year after 1995” and inserting in lieu thereof “odd-numbered year after 1997”.

**SEC. 3161. DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.**

(a) ESTABLISHMENT.—(1) The Secretary of Energy shall establish a board to be known as the “Department of Energy Security Management Board” (in this section referred to as the “Board”).

(2) The Board shall advise the Secretary on policy matters, operational concerns, strategic planning, personnel, budget, procurement, and development of priorities relating to the security functions of the Department of Energy.

(b) MEMBERS.—The Board shall be comprised of—

(1) the Secretary of Energy, who shall serve as chairman;

(2) the Director of the Office of Nonproliferation and National Security of the Department of Energy;

(3) the Assistant Secretary of Energy for Environmental Management;

(4) the Assistant Secretary of Energy for Defense Programs;

(5) the Assistant Secretary of Energy for Environment, Safety, and Health;

(6) the Associate Deputy Secretary of Energy for Field Management;

(7) three individuals selected by the Secretary of Defense and appointed by the Secretary of Energy;

(8) an individual selected by the Director of the Federal Bureau of Investigation and appointed by the Secretary of Energy; and

(9) an individual selected by the Director of Central Intelligence and appointed by the Secretary of Energy.

(c) APPOINTMENTS.—(1) The Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence shall consult with the Secretary of Energy in selecting individuals for appointment under paragraphs (7), (8), and (9), respectively, of subsection (b).

(2) The Secretary of Energy may not appoint as a member of the Board under paragraph (7), (8), or (9) of subsection (b) an officer or employee of the Department of Energy, an employee of a contractor or subcontractor of the Department, or an individual under contract with the Department.

(3) The Secretary of Energy shall appoint members of the Board under paragraphs (7), (8), and (9) of subsection (b) not later than January 15, 1998.

(d) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(B) All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Board 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 Board.

(f) APPLICABILITY OF FACIA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this section.

(g) TERMINATION.—The Board shall terminate on October 31, 2000.

(h) SECURITY FUNCTIONS DEFINED.—In this section, the term “security functions” means all Department of Energy activities related to the safeguarding and security of nuclear weapons and materials, protection of classified and unclassified controlled nuclear information, and physical and personnel security.

**SEC. 3162. SUBMITTAL OF ANNUAL REPORT ON STATUS OF SECURITY FUNCTIONS AT NUCLEAR WEAPONS FACILITIES.**

(a) IN GENERAL.—Not later than September 1 each year, the Secretary of Energy shall submit to the congressional defense committees the report entitled "Annual Report to the President on the Status of Safeguards and Security of Domestic Nuclear Weapons Facilities", or any successor report to such report.

(b) REQUIREMENT RELATING TO REPORTS THROUGH FISCAL YEAR 2000.—The Secretary shall include with each report submitted under subsection (a) in fiscal years 1998 through 2000 any comments on such report by the members of the Department of Energy Security Management Board established under section 3161 that such members consider appropriate.

**SEC. 3163. MODIFICATION OF AUTHORITY ON COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.**

(a) COMMENCEMENT OF ACTIVITIES.—Subsection (b)(1) of section 3162 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2844; 42 U.S.C. 2121 note) is amended, effective January 1, 1998—

(1) in subparagraph (C), by adding at the end the following new sentence: "The chairman may be designated once five members of the Commission have been appointed under subparagraph (A)."; and

(2) by adding at the end the following:

"(E) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under subparagraph (C)."

(b) DEADLINE FOR REPORT.—Subsection (d) of that section is amended by striking out "March 15, 1998," and inserting in lieu thereof "March 15, 1999."

**SEC. 3164. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.**

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real property consisting of approximately 4.47 acres as depicted on the map entitled "Boundary Map, Bandelier National Monument", No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

**SEC. 3165. FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE OBLIGATIONS WITH RESPECT TO LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

(a) IN GENERAL.—The Secretary of Energy shall—

(1) convey, without consideration, to the Incorporated County of Los Alamos, New Mexico (in this section referred to as the "County"), or to the designee of the County, fee title to the parcels of land that are allocated for conveyance to the County in the agreement under subsection (e); and

(2) transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso (in this section referred to as the "Pueblo"), administrative jurisdiction over the parcels that are allocated for transfer to the Secretary of the Interior in such agreement.

(b) PRELIMINARY IDENTIFICATION OF PARCELS OF LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report identifying the parcels of land under the jurisdiction of the Secretary at the Los Alamos National Laboratory that are suitable for conveyance or transfer under this section.

(2) A parcel is suitable for conveyance or transfer for purposes of paragraph (1) if the parcel—

(A) is not required to meet the national security mission of the Department of Energy or will not be required for that purpose before the end of the 10-year period beginning on the date of enactment of this Act;

(B) is likely to be conveyable or transferable, as the case may be, under this section not later than the end of such period; and

(C) is suitable for use for a purpose specified in subsection (h).

(c) REVIEW OF TITLE.—(1) Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of a title search on each parcel of land identified as suitable for conveyance or transfer under subsection (b), including an analysis of any claims against or other impairments to the fee title to each such parcel.

(2) In the period beginning on the date of the completion of the title search with respect to a parcel under paragraph (1) and ending on the date of the submittal of the report under that paragraph, the Secretary shall take appropriate actions to resolve the claims against or other impairments, if any, to fee title that are identified with respect to the parcel in the title search.

(d) ENVIRONMENTAL RESTORATION.—(1) Not later than 21 months after the date of enactment of this Act, the Secretary shall—

(A) identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b) to which the United States has fee title;

(B) carry out any review of the environmental impact of the conveyance or transfer of each such parcel that is required under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) submit to Congress a report setting forth the results of the activities under subparagraphs (A) and (B).

(2) If the Secretary determines under paragraph (1) that a parcel described in paragraph (1)(A) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than 10 years after the date of enactment of this Act.

(e) AGREEMENT FOR ALLOCATION OF PARCELS.—As soon as practicable after completing the review of titles to parcels of land under subsection (c), the Secretary of the Interior, on behalf of the Pueblo and for the County, shall submit to the Secretary of Energy an agreement between the Secretary of the Interior and the County that allocates between the Secretary of the Interior and the County the parcels to which the United States has fee title.

(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not later than 90 days after the date of the submittal to the Secretary of Energy of the agreement under subsection (e), the Secretary shall submit to the congressional de-

fense committees a plan for conveying or transferring parcels of land under this section in accordance with the allocation specified in the agreement.

(2) The plan under paragraph (1) shall provide for the completion of the conveyance or transfer of parcels under this section not later than 9 months after the date of the submittal of the plan under that paragraph.

(g) CONVEYANCE OR TRANSFER.—(1) Subject to paragraphs (2) and (3), the Secretary shall convey or transfer parcels of land in accordance with the allocation specified in the agreement submitted to the Secretary under subsection (e).

(2) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with the requirement in subsection (f)(2) by reason of its requirement to meet the national security mission of the Department, the Secretary shall convey or transfer the parcel, as the case may be, when the parcel is no longer required for that purpose.

(3)(A) In the case of a parcel allocated under the agreement that is not available for conveyance or transfer in accordance with such requirement by reason of requirements for environmental restoration or remediation, the Secretary shall convey or transfer the parcel, as the case may be, upon the completion of the environmental restoration or remediation that is required with respect to the parcel.

(B) If the Secretary determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel by the end of the 10-year period beginning on the date of enactment of this Act, the Secretary shall not convey or transfer the parcel under this section.

(h) USE OF CONVEYED OR TRANSFERRED LAND.—The parcels of land conveyed or transferred under this section shall be used for historic, cultural, or environmental preservation purposes, economic diversification purposes, or community self-sufficiency purposes.

(i) TREATMENT OF CONVEYANCES AND TRANSFERS.—(1) The purpose of the conveyances and transfers under this section is to fulfill the obligations of the United States with respect to Los Alamos National Laboratory, New Mexico, under sections 91 and 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391, 2394).

(2) Upon the completion of the conveyance or transfer of the parcels of land available for conveyance or transfer under this section, the Secretary shall make no further payments with respect to Los Alamos National Laboratory under section 91 or section 94 of the Atomic Energy Community Act of 1955.

**SEC. 3166. SENSE OF CONGRESS REGARDING THE Y-12 PLANT IN OAK RIDGE, TENNESSEE.**

It is the sense of Congress that the Y-12 Plant in Oak Ridge, Tennessee, should be used as a national prototype center and that other executive agencies should utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

**SEC. 3167. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated or otherwise made available to the Department of Energy by this title, \$5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance educational activities in the public schools in the vicinity of Los Alamos National Laboratory, New Mexico (in this section referred to as the "Foundation").

(b) USE OF FUNDS.—(1) The Foundation shall utilize funds provided under subsection

(a) the basis of, or as a contribution to, an endowment fund for the Foundation.

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

(c) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) The amount of, and a schedule for, payments to the Foundation by the Secretary that are in addition to the payment provided under subsection (a).

(2) A plan to ensure that the Secretary makes no other payments to support the educational activities referred to in subsection (b)(2) after September 30, 2002.

**SEC. 3168. IMPROVEMENTS TO GREENVILLE ROAD, LIVERMORE, CALIFORNIA.**

From amounts authorized to be appropriated or otherwise made available to the Department of Energy by this title, funds shall be available for improvements to Greenville Road, Livermore, California, as follows:

(1) \$3,500,000 in fiscal year 1998.

(2) \$3,300,000 in fiscal year 1999.

**SEC. 3169. REPORT ON ALTERNATIVE SYSTEM FOR AVAILABILITY OF FUNDS.**

(a) REPORT.—Not later than October 1, 1998, the Secretary of Energy shall submit to Congress a report assessing how the Department of Energy could carry out a transition from a no-year funding system to a limited-period funding system.

(b) MATTERS COVERED.—The report shall cover the following matters:

(1) A conceptual proposal on how the no-year funding system could be phased out.

(2) An estimate of the cost of making the transition to a limited-period funding system.

(3) A description of the programmatic effects that could occur if the no-year funding system is eliminated.

(4) A delineation of activities for which the no-year funding system should be retained.

(c) DEFINITIONS.—In this section:

(1) The term “no-year funding system” means a funding system in which funds are available to the Department of Energy until expended.

(2) The term “limited-period funding system” means a funding system in which funds are available to the Department of Energy for a limited period of time.

**SEC. 3170. REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.**

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing information responding to the following questions regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site?

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities?

(3) For each site, how much will it cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination?

(4) How many sites potentially involve private parties that could be held responsible for remediation costs, including remediation costs related to offsite contamination?

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolve the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites?

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis?

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

Sec. 3202. Report on external regulation of defense nuclear facilities.

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 1998, \$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.).

**SEC. 3202. REPORT ON EXTERNAL REGULATION OF DEFENSE NUCLEAR FACILITIES.**

(a) REPORTING REQUIREMENT.—The Defense Nuclear Facilities Safety Board (in this section referred to as the “Board”) shall prepare a report and make recommendations on its role in the Department of Energy’s decision to establish external regulation of defense nuclear facilities. The report shall include the following:

(1) An assessment of the value of and the need for the Board to continue to perform the functions specified under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

(2) An assessment of the relationship between the functions of the Board and a proposal by the Department of Energy to place Department of Energy defense nuclear facilities under the jurisdiction of external regulatory agencies.

(3) An assessment of the functions of the Board and whether there is a need to modify or amend such functions.

(4) An assessment of the relative advantages and disadvantages to the Department and the public of continuing the functions of the Board with respect to Department of Energy defense nuclear facilities and replacing the activities of the Board with external regulation of such facilities.

(5) A list of all existing or planned Department of Energy defense nuclear facilities that are similar to facilities under the regulatory jurisdiction of the Nuclear Regulatory Commission.

(6) A list of all Department of Energy defense nuclear facilities that are in compliance with all applicable Department of Energy orders, regulations, and requirements relating to the design, construction, operation, and decommissioning of defense nuclear facilities.

(7) A list of all Department of Energy defense nuclear facilities that have implemented, pursuant to an implementation plan, recommendations made by the Board and accepted by the Secretary of Energy.

(8) A list of Department of Energy defense nuclear facilities that have a function related to Department weapons activities.

(9)(A) A list of each existing defense nuclear facility that the Board determines—

(i) should continue to stay within the jurisdiction of the Board for a period of time or indefinitely; and

(ii) should come under the jurisdiction of an outside regulatory authority.

(B) An explanation of the determinations made under subparagraph (A).

(10) For any existing facilities that should, in the opinion of the Board, come under the jurisdiction of an outside regulatory authority, the date when this move would occur and the period of time necessary for the transition.

(11) A list of any proposed Department of Energy defense nuclear facilities that should come under the Board’s jurisdiction.

(12) An assessment of regulatory and other issues associated with the design, construction, operation, and decommissioning of facilities that are not owned by the Department of Energy but which would provide services to the Department of Energy.

(13) An assessment of the role of the Board, if any, in privatization projects undertaken by the Department.

(14) An assessment of the role of the Board, if any, in any tritium production facilities.

(15) An assessment of the comparative advantages and disadvantages to the Department of Energy in the event some or all Department of Energy defense nuclear facilities were no longer included in the functions of the Board and were regulated by the Nuclear Regulatory Commission.

(16) A comparison of the cost, as identified by the Nuclear Regulatory Commission, that would be incurred at a gaseous diffusion plant to comply with regulations issued by the Nuclear Regulatory Commission, with the cost that would be incurred by a gaseous diffusion plant if such a plant was considered to be a Department of Energy defense nuclear facility as defined by chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

(b) COMMENTS ON REPORT.—Before submission of the report to Congress under subsection (c), the Board shall transmit the report to the Secretary of Energy and the Nuclear Regulatory Commission. The Secretary and the Commission shall provide their comments on the report to both the Board and to Congress.

(c) SUBMISSION TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Board shall provide to Congress an interim report on the status of the implementation of this section. Not later than one year after the date of the enactment of this Act, and not earlier than 30 days after receipt of comments from the Secretary of Energy and the Nuclear Regulatory Commission under subsection (b), the Board shall submit to Congress the report required under subsection (a).

(d) DEFINITION.—In this section, the term “Department of Energy defense nuclear facility” has the meaning provided by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

Sec. 3301. Definitions.

Sec. 3302. Authorized uses of stockpile funds.

Sec. 3303. Disposal of beryllium copper master alloy in National Defense Stockpile.

Sec. 3304. Disposal of titanium sponge in National Defense Stockpile.

Sec. 3305. Disposal of cobalt in National Defense Stockpile.

Sec. 3306. Required procedures for disposal of strategic and critical materials.

Sec. 3307. Return of surplus platinum from the Department of the Treasury.

**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)).

(3) The term "Market Impact Committee" means the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1(c)).

**SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to \$73,000,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

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

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

**SEC. 3303. DISPOSAL OF BERYLLIUM COPPER MASTER ALLOY IN NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL AUTHORIZATION.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may dispose of all beryllium copper master alloy from the National Defense Stockpile as part of continued efforts to modernize the Stockpile.

(b) PRECONDITION FOR DISPOSAL.—Before beginning the disposal of beryllium copper master alloy under subsection (a), the National Defense Stockpile Manager shall certify to Congress that the disposal of beryllium copper master alloy will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical material needs of the United States.

(c) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of beryllium copper master alloy under subsection (a), the National Defense Stockpile Manager shall consult with the Market Impact Committee to ensure that the disposal of beryllium copper master alloy does not disrupt the domestic beryllium industry.

(d) EXTENDED SALES CONTRACTS.—The National Defense Stockpile Manager shall provide for the use of long-term sales contracts for the disposal of beryllium copper master alloy under subsection (a) so that the domestic beryllium industry can re-absorb this material into the market in a gradual and non-disruptive manner. However, no such contract shall provide for the disposal of beryllium copper master alloy over a period longer than eight years, beginning on the date of the commencement of the first contract under this section.

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

(f) BERYLLIUM COPPER MASTER ALLOY DEFINED.—For purposes of this section, the term "beryllium copper master alloy" means

an alloy of nominally four percent beryllium in copper.

**SEC. 3304. DISPOSAL OF TITANIUM SPONGE IN NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL REQUIRED.—Subject to subsection (b), the National Defense Stockpile Manager shall dispose of 34,800 short tons of titanium sponge contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) and excess to stockpile requirements.

(b) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of titanium sponge under subsection (a), the National Defense Stockpile Manager shall consult with the Market Impact Committee to ensure that the disposal of titanium sponge does not disrupt the domestic titanium industry.

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

**SEC. 3305. DISPOSAL OF COBALT IN NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL REQUIRED.—Subject to subsections (b) and (c), the President shall dispose of cobalt contained in the National Defense Stockpile so as to result in receipts to the United States in amounts equal to—

- (1) \$20,000,000 during fiscal year 2003;
- (2) \$30,000,000 during fiscal year 2004;
- (3) \$34,000,000 during fiscal year 2005;
- (4) \$34,000,000 during fiscal year 2006; and
- (5) \$34,000,000 during fiscal year 2007.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantity of cobalt authorized for disposal by the President under subsection (a) may not exceed 14,058,014 pounds.

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

(1) undue disruption of the usual markets of producers, processors, and consumers of cobalt; or

(2) avoidable loss to the United States.

(d) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as result of the disposal of cobalt under subsection (a) shall be deposited into the general fund of the Treasury.

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

**SEC. 3306. REQUIRED PROCEDURES FOR DISPOSAL OF STRATEGIC AND CRITICAL MATERIALS.**

Section 6(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(b)) is amended in the first sentence by striking out "materials from the stockpile shall be made by formal advertising or competitive negotiation procedures." and inserting in lieu thereof "strategic and critical materials from the stockpile shall be made in accordance with the next sentence."

**SEC. 3307. RETURN OF SURPLUS PLATINUM FROM THE DEPARTMENT OF THE TREASURY.**

(a) RETURN OF PLATINUM TO STOCKPILE.—Subject to subsection (b), the Secretary of the Treasury, upon the request of the Secretary of Defense, shall return to the Secretary of Defense for sale or other disposition platinum of the National Defense Stockpile that has been loaned to the Department of the Treasury by the Secretary of Defense, acting as the stockpile manager. The quantity requested and required to be returned

shall be any quantity that the Secretary of Defense determines appropriate for sale or other disposition.

(b) ALTERNATIVE TRANSFER OF FUNDS.—The Secretary of the Treasury, with the concurrence of the Secretary of Defense, may transfer to the Secretary of Defense funds in a total amount that is equal to the fair market value of any platinum requested under subsection (a) and not returned. A transfer of funds under this subsection shall be a substitute for a return of platinum under subsection (a). Upon a transfer of funds as a substitute for a return of platinum, the platinum shall cease to be part of the National Defense Stockpile. A transfer of funds under this subsection shall be charged to any appropriation for the Department of the Treasury and shall be credited to the National Defense Stockpile Transaction Fund.

(c) RESPONSIBILITY FOR COSTS.—The return of platinum under subsection (a) by the Secretary of the Treasury shall be made without the expenditure of any funds available to the Department of Defense. The Secretary of the Treasury shall be responsible for all costs incurred in connection with the return, such as transportation, storage, testing, refining, or casting costs.

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1998.

Sec. 3403. Repeal of requirement to assign Navy officers to Office of Naval Petroleum and Oil Shale Reserves.

Sec. 3404. Transfer of jurisdiction, Naval Oil Shale Reserves Numbered 1 and 3.

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

There is hereby authorized to be appropriated to the Secretary of Energy \$117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

**SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1998.**

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1998, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

**SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.**

Section 2 of Public Law 96-137 (42 U.S.C. 7156a) is repealed.

**SEC. 3404. TRANSFER OF JURISDICTION, NAVAL OIL SHALE RESERVES NUMBERED 1 AND 3.**

(a) TRANSFER REQUIRED.—Chapter 641 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production

"(a) TRANSFER REQUIRED.—(1) Upon the enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over all public domain lands included within Oil Shale Reserve Numbered 1 and those public domain lands included within the undeveloped tracts of Oil Shale Reserve Numbered 3.

“(2) Not later than one year after the date of the enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

“(3) Notwithstanding the transfer of jurisdiction, the Secretary of Energy shall continue to be responsible for all environmental restoration, waste management, and environmental compliance activities that are required under Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

“(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other provisions of this chapter shall cease to apply with respect to the transferred lands.

“(b) **AUTHORITY TO LEASE.**—(1) Beginning on the date of the enactment of this section, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserves Numbered 1 and 3 (including the developed tract of Oil Shale Reserve Numbered 3). Any such lease shall be made in accordance with the requirements of the Mineral Leasing Act (30 U.S.C. 181 et seq.) regarding the lease of oil and gas lands and shall be subject to valid existing rights.

“(2) Notwithstanding the delayed transfer of the developed tract of Oil Shale Reserve Numbered 3 under subsection (a)(2), the Secretary of the Interior shall enter into a lease under paragraph (1) with respect to the developed tract before the end of the one-year period beginning on the date of the enactment of this section.

“(c) **MANAGEMENT.**—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands transferred under subsection (a) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other laws applicable to the public lands.

“(d) **TRANSFER OF EXISTING EQUIPMENT.**—The lease of lands by the Secretary of the Interior under this section may include the transfer, at fair market value, of any well, gathering line, or related equipment owned by the United States on the lands transferred under subsection (a) and suitable for use in the exploration, development, or production of petroleum on the lands.

“(e) **COST MINIMIZATION.**—The cost of any environmental assessment required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with a proposed lease under this section shall be paid out of unobligated amounts available for administrative expenses of the Bureau of Land Management.

“(f) **TREATMENT OF RECEIPTS.**—(1) Notwithstanding section 35 of the Mineral Leasing Act (30 U.S.C. 191), all moneys received during the period specified in paragraph (2) from a lease under this section (including moneys in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be covered into the Treasury of the United States and shall not be subject to distribution to the States pursuant to subsection (a) of such section 35. Subject to a specific authorization and appropriation for this purpose, such moneys may be used for reimbursement of environmental restoration, waste management, and environmental

compliance costs incurred by the United States with respect to the lands transferred under subsection (a).

“(2) The period referred to in this subsection is the period beginning on the date of the enactment of this section and ending on the date on which the Secretary of Energy and the Secretary of the Interior jointly certify to Congress that the sum of the moneys deposited in the Treasury under paragraph (1) is equal to the total of the following:

“(A) The cost of all environmental restoration, waste management, and environmental compliance activities incurred by the United States with respect to the lands transferred under subsection (a).

“(B) The cost to the United States to originally install wells, gathering lines, and related equipment on the transferred lands and any other cost incurred by the United States with respect to the lands.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production.”.

#### **TITLE XXXV—PANAMA CANAL COMMISSION**

##### **Subtitle A—Authorization of Expenditures From Revolving Fund**

- Sec. 3501. Short title.  
 Sec. 3502. Authorization of expenditures.  
 Sec. 3503. Purchase of vehicles.  
 Sec. 3504. Expenditures only in accordance with treaties.

##### **Subtitle B—Facilitation of Panama Canal Transition**

- Sec. 3511. Short title; references.  
 Sec. 3512. Definitions relating to canal transition.

##### **PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES**

- Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.  
 Sec. 3522. Post-Canal transfer personnel authorities.  
 Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.  
 Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal travel regulation.  
 Sec. 3525. Enhanced recruitment and retention authorities.  
 Sec. 3526. Transition separation incentive payments.  
 Sec. 3527. Labor-management relations.  
 Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.

##### **PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL**

- Sec. 3541. Establishment of procurement system and Board of Contract Appeals.  
 Sec. 3542. Transactions with the Panama Canal Authority.  
 Sec. 3543. Time limitations on filing of claims for damages.  
 Sec. 3544. Tolls for small vessels.  
 Sec. 3545. Date of actuarial evaluation of FECA liability.  
 Sec. 3546. Appointment of notaries public.  
 Sec. 3547. Commercial services.

Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.

Sec. 3549. Enhanced printing authority.

Sec. 3550. Technical and conforming amendments.

##### **Subtitle A—Authorization of Expenditures From Revolving Fund**

###### **SEC. 3501. SHORT TITLE.**

This subtitle may be cited as the “Panama Canal Commission Authorization Act for Fiscal Year 1998”.

###### **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 1998.

(b) **LIMITATIONS.**—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than \$85,000 for official reception and representation expenses, of which—

(1) not more than \$23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than \$12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than \$50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

###### **SEC. 3503. PURCHASE OF VEHICLES.**

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed \$22,000 per vehicle.

###### **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.**

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

##### **Subtitle B—Facilitation of Panama Canal Transition**

###### **SEC. 3511. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—This subtitle may be cited as the “Panama Canal Transition Facilitation Act of 1997”.

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

###### **SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.**

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

“(d) For purposes of this Act:

“(1) The term ‘Canal Transfer Date’ means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

“(2) The term ‘Panama Canal Authority’ means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.”.

**PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES**

**SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.**

(a) **AUTHORITY FOR DUAL ROLE.**—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

“(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.”.

(b) **WAIVER OF ETHICS AND REPORTING REQUIREMENTS.**—Such section is further amended by adding at the end the following new subsection:

“(d) If before the Canal Transfer Date the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

“(1) during any period during which that individual serves as both Administrator of the Commission and the Administrator of the Panama Canal Authority—

“(A) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

“(B) that individual, with respect to participation in any particular matter as the Administrator of the Panama Canal Commission, is not subject to section 208(a) of title 18, United States Code, insofar as that section would otherwise apply to that matter only because the matter will have a direct and predictable effect on the financial interest of the Panama Canal Authority;

“(C) that individual is not subject to sections 203 and 205 of title 18, United States Code, with respect to official acts performed as an agent or attorney for or otherwise representing the Panama Canal Authority; and

“(D) that individual is not subject to sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority; and

“(2) effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, that individual is not subject to section 207 of title 18, United States Code, with respect to acts done in carrying out official duties as Administrator of the Panama Canal Authority.”.

**SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.**

(a) **WAIVER OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR COMMISSION PERSONNEL BECOMING EMPLOYEES OF THE PANAMA CANAL AUTHORITY.**—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

“(e)(1) Section 207 of title 18, United States Code, does not apply to a covered individual with respect to acts done in carrying out official duties as an officer or employee of the Panama Canal Authority.

“(2) For purposes of paragraph (1), a covered individual is an officer or employee of the Panama Canal Authority who was an officer or employee of the Commission (other

than the Administrator) and whose employment with the Commission terminated at noon on the Canal Transfer Date.

“(3) This subsection is effective as of the Canal Transfer Date.”.

(b) **CONSENT OF CONGRESS FOR ACCEPTANCE BY RESERVE AND RETIRED MEMBERS OF THE UNIFORMED SERVICES OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.**—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

“(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

“(A) Retired members of the uniformed services.

“(B) Members of a reserve component of the armed forces.

“(C) Members of the Commissioned Reserve Corps of the Public Health Service.

“(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).”.

**SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.**

(a) **REPEAL OF LIMITATIONS ON COMMISSION AUTHORITY.**—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) **SAVINGS PROVISION.**—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

“(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

“(1) as provided in a collective bargaining agreement;

“(2) as a result of an adverse action against the officer or employee; or

“(3) pursuant to a voluntary demotion.”.

(c) **CROSS-REFERENCE AMENDMENTS.**—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out “1215” and inserting in lieu thereof “1202”.

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out “1215” and “1217” and inserting in lieu thereof “1202” and “1217(a)”, respectively.

(d) **NONAPPLICABILITY TO AGENCIES IN PANAMA OTHER THAN PANAMA CANAL COMMISSION.**—Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out “or the Panama Canal Act Amendments of 1996” and inserting in lieu thereof “, the Panama Canal Act Amendments of 1996 (subtitle B of title XXXV of Public Law 104-201; 110 Stat. 2860), or the Panama Canal Transition Facilitation Act of 1997”.

**SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.**

(a) **REPEAL OF APPLICABILITY OF TITLE 5 PROVISIONS.**—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and  
(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) **CONFORMING AMENDMENTS.**—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out “paragraph (2)” and inserting in lieu thereof “subsection (b)”;

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out “Notwithstanding paragraph (1), an” and inserting in lieu thereof “An”; and

(ii) striking out “referred to in paragraph (1)” and inserting in lieu thereof “who is a citizen of the Republic of Panama”.

(2) The heading of such section is amended to read as follows:

“AIR TRANSPORTATION”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 1999.

**SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.**

(a) **RECRUITMENT, RELOCATION, AND RETENTION BONUSES.**—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out “for the same or similar work performed in the United States by individuals employed by the Government of the United States” and inserting in lieu thereof “of the individual to whom the compensation is paid”; and

(3) by inserting after subsection (b) the following new subsections:

“(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

“(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment established in the agreement. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus.

“(3) A recruitment or relocation bonus under this subsection may be paid as a lump sum. A bonus under this subsection may not be considered to be part of the basic pay of an employee.

“(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

“(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a pe-

riod specified by the Commission ending not later than the Canal Transfer Date; and

“(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

“(2) A retention bonus under this subsection—

“(A) shall be in a fixed amount;

“(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

“(C) may not be considered to be part of the basic pay of an employee.

“(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.”.

(b) **EDUCATIONAL SERVICES.**—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out “and persons” and inserting in lieu thereof “, to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons”.

**SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.**

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

“TRANSITION SEPARATION INCENTIVE PAYMENTS

“SEC. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104-208; 110 Stat. 3009-383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as ‘section 663’)—

“(1) the term ‘employee’ shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee’s separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees’ Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

“(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

“(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

“(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

“(A) the positions to be affected, identified by occupational category and grade level;

“(B) the number and amounts of separation incentive payments to be offered; and

“(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

“(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama

Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

“(4) such a payment—

“(A) may be in an amount determined by the Commission not to exceed \$25,000; and

“(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

“(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

“(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

“(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

“(6) the provisions of subsection (f) of section 663 shall not apply.

“(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.”.

**SEC. 3527. LABOR-MANAGEMENT RELATIONS.**

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

“(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

“(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Supervisory Board of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

“(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

“(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

“(A) If bargaining efforts do not result in an agreement, either party may timely request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

“(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and the Federal Mediation and Conciliation Service shall immediately notify the Federal Services Impasses Panel of the Federal Labor Relations Authority, which shall decide the impasse.

“(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which notice under subparagraph (B) is received by the Panel (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

“(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

“(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.”.

**SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.**

(a) **AVAILABILITY OF REVOLVING FUND.**—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

“(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).”.

(b) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) by striking out “for—” in the matter preceding paragraph (1) and inserting in lieu thereof “for the following purposes:”;

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out “; and” at the end of paragraph (8) and inserting in lieu thereof a period.

**PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL**

**SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.**

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

“CHAPTER 1—PROCUREMENT  
PROCUREMENT SYSTEM

“SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the ‘Panama Canal Acquisition Regulation’ (in this section referred to as the ‘Regulation’) and shall provide for the procurement of goods and services by the Commission in a manner that—

“(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

“(B) uses efficient commercial standards of practice; and

“(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

“(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

“(b) SUPPLEMENT TO REGULATION.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the ‘Supplement’) that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

“(c) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

“(2) For purposes of paragraph (1), the Commission may not waive—

“(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

“(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C. 609(a)); or

“(C) civil rights, environmental, or labor laws.

“(d) CONSULTATION WITH ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

“(e) EFFECTIVE DATE.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

“PANAMA CANAL BOARD OF CONTRACT APPEALS

“SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the ‘Board’) shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

“(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of

which shall be prescribed by the Secretary of Defense.

“(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

“(c) EXCLUSIVE JURISDICTION TO DECIDE PROTESTS.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

“(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

“(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

“(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

“(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

“(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

“(d) PROCEDURES.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

“(e) COMMENCEMENT.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

“(f) TRANSITION.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

“(g) OTHER FUNCTIONS.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.”

**SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.**

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

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

“(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

“(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.”

**SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.**

(a) FILING OF ADMINISTRATIVE CLAIMS WITH COMMISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each

amended in the last sentence by striking out “within 2 years after” and all that follows through “of 1985,” and inserting in lieu thereof “within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997.”

(b) FILING OF JUDICIAL ACTIONS.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out “one year” the first place it appears and inserting in lieu thereof “180 days”; and

(2) by striking out “claim, or” and all that follows through “of 1985,” and inserting in lieu thereof “claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997.”

**SEC. 3544. TOLLS FOR SMALL VESSELS.**

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out “supply ships, and yachts” and inserting in lieu thereof “and supply ships”; and

(2) by adding at the end the following new sentence: “Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.”

**SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.**

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715(a)) is amended by striking out “Upon the termination of the Panama Canal Commission” and inserting in lieu thereof “By March 31, 1998”.

**SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.**

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

(1) by redesignating subsection (g) as subsection (h); and

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

“(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

“(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

“(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person’s office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.”

**SEC. 3547. COMMERCIAL SERVICES.**

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

“(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.”

**SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.**

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out “President” and inserting in lieu thereof “Commission”.

**SEC. 3549. ENHANCED PRINTING AUTHORITY.**

Section 1306(a) (22 U.S.C. 3714b(a)) is amended by striking out "Section 501" and inserting in lieu thereof "Sections 501 through 517 and 1101 through 1123".

**SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

"Sec. 1210. Air transportation.";

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

"Sec. 1233. Transition separation incentive payments.";

and

(4) by inserting after the item relating to the heading of title III the following:

"CHAPTER 1—PROCUREMENT

"Sec. 3101. Procurement system.

"Sec. 3102. Panama Canal Board of Contract Appeals.".

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

"Administrator of the Panama Canal Commission.".

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out ", the Commonwealth of Puerto Rico," and all that follows through "Panama Canal Act of 1979" and inserting in lieu thereof "or the Commonwealth of Puerto Rico".

(2) Section 5724a(j) of such title is amended—

(A) by inserting "and" after "Northern Mariana Islands,,"; and

(B) by striking out "United States, and" and all that follows through the period at the end and inserting in lieu thereof "United States.".

(3) The amendments made by this subsection shall take effect on January 1, 1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out "the Canal Zone Code" and all that follows through "other laws" the second place it appears and inserting in lieu thereof "laws of the United States and regulations issued pursuant to such laws".

(2)(A) The following provisions are each amended by striking out "the effective date of this Act" and inserting in lieu thereof "October 1, 1979": sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out "such effective date" and inserting in lieu thereof "October 1, 1979".

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out "the day before the effective date of this Act" and inserting in lieu thereof "September 30, 1979".

(3) Section 1102a(h), as redesignated by section 3546(1), is amended by striking out "section 1102B" and inserting in lieu thereof "section 1102b".

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out "section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a)," and inserting in lieu thereof "section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)".

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996" and inserting in lieu thereof "as in effect on September 22, 1996".

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out "retroactivity" and inserting in lieu thereof "retroactively".

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out "sections 1302(c)" and inserting in lieu thereof "sections 1302(b)".

**TITLE XXXVI—MARITIME ADMINISTRATION**

Sec. 3601. Authorization of appropriations for fiscal year 1998.

Sec. 3602. Repeal of obsolete annual report requirement concerning relative cost of shipbuilding in the various coastal districts of the United States.

Sec. 3603. Provisions relating to maritime security fleet program.

Sec. 3604. Authority to utilize replacement vessels and capacity.

Sec. 3605. Authority to convey National Defense Reserve Fleet vessel.

Sec. 3606. Determination of gross tonnage for purposes of tank vessel double hull requirements.

**SEC. 3601. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.**

Funds are hereby authorized to be appropriated for fiscal year 1998, to be available without fiscal year limitation if so provided in appropriations Act, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$70,000,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), \$39,000,000 of which—

(A) \$35,000,000 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) \$4,000,000 is for administrative expenses related to loan guarantee commitments under the program.

**SEC. 3602. REPEAL OF OBSOLETE ANNUAL REPORT REQUIREMENT CONCERNING RELATIVE COST OF SHIPBUILDING IN THE VARIOUS COASTAL DISTRICTS OF THE UNITED STATES.**

(a) REPEAL.—Section 213 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1123), is amended by striking out paragraph (c).

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

(1) by striking out "on—" in the matter preceding paragraph (a) and inserting in lieu thereof "on the following:";

(2) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively;

(3) by striking out the semicolon at the end of each of those paragraphs and inserting in lieu thereof a period; and

(4) by realigning those paragraphs so as to be indented 2 ems from the left margin.

**SEC. 3603. PROVISIONS RELATING TO MARITIME SECURITY FLEET PROGRAM.**

(a) AUTHORITY OF CONTRACTORS TO OPERATE SELF-PROPELLED TANK VESSELS IN NON-CONTIGUOUS DOMESTIC TRADES.—Section 656(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187e(b)) is amended by inserting "(1)" after "(b)", and by adding at the end the following new paragraph:

"(2) Subsection (a) shall not apply to operation by a contractor of a self-propelled tank vessel in a noncontiguous domestic trade, or to ownership by a contractor of an interest in a self-propelled tank vessel that operates in a noncontiguous domestic trade.".

(b) RELIEF FROM DELAY IN CERTAIN OPERATIONS FOLLOWING DOCUMENTATION.—Section 652(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1187a(c)) is amended by adding at the end the following: "The restrictions of section 901(b)(1) of this Act concerning the building, rebuilding, or documentation of a

vessel in a foreign country shall not apply to a vessel for any day the operator of that vessel is receiving payments under an operating agreement under this subtitle."

**SEC. 3604. AUTHORITY TO UTILIZE REPLACEMENT VESSELS AND CAPACITY.**

Section 653(d)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187b(d)(1)) is amended to read as follows:

"(1) a contractor or other person that commits to make available a vessel or vessel capacity under the Emergency Preparedness Program or another primary sealift readiness program approved by the Secretary of Defense may, during the activation of that vessel or capacity under that program, operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity as a temporary replacement for the activated vessel or capacity; and"

**SEC. 3605. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL.**

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the United States Government in and to the vessel GOLDEN BEAR (United States official number 239932) to the Artshp Foundation, located in Oakland, California (in this section referred to as the "recipient"), for use as a multi-cultural center for the arts.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least \$100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

**SEC. 3606. DETERMINATION OF GROSS TONNAGE FOR PURPOSES OF TANK VESSEL DOUBLE HULL REQUIREMENTS.**

Section 3703a of title 46, United States Code, is amended by adding at the end the following:

"(e)(1) For the purposes of this section and except as otherwise provided in paragraphs (2) and (3) of this subsection, the gross tonnage of a vessel shall be the gross tonnage that would have been recognized by the Secretary on July 1, 1997, as the tonnage measured under section 14502 of this title, or as an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

"(2)(A) The Secretary may waive the application of paragraph (1) to a tank vessel if—

"(i) the owner of the tank vessel applies to the Secretary for the waiver before January 1, 1998;

"(ii) the Secretary determines that—

“(I) the owner of the tank vessel has entered into a binding agreement to alter the tank vessel in a shipyard in the United States to reduce the gross tonnage of the tank vessel by converting a portion of the cargo tanks of the tank vessel into protectively located segregated ballast tanks; and

“(II) that conversion will result in a significant reduction in the risk of a discharge of oil;

“(iii) at least 60 days before the date of the issuance of the waiver, the Secretary—

“(I) publishes notice that the Secretary has received the application and made the determinations required by clause (ii), including a description of the agreement entered into pursuant to clause (ii)(I); and

“(II) provides an opportunity for submission of comments regarding the application; and

“(iv) the alterations referred to in clause (ii)(I) are completed before the later of—

“(I) the date by which the first special survey of the tank vessel is required to be completed after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998; or

“(II) July 1, 1999.

“(B) A waiver under subparagraph (A) shall not be effective after the expiration of the 3-year period beginning on the first date on which the tank vessel would have been prohibited by subsection (c) from operating if the alterations referred to in subparagraph (A)(ii)(I) were not made.

“(3) This subsection does not apply to a tank vessel that, before July 1, 1997, had undergone, or was the subject of a contract for, alterations that reduce the gross tonnage of the tank vessel, as shown by reliable evidence acceptable to the Secretary.”

And the Senate agree to the same. That the Senate recede from its amendment to the title of the bill.

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

- FLOYD SPENCE,
- BOB STUMP,
- DUNCAN HUNTER,
- JOHN R. KASICH,
- HERBERT H. BATEMAN,
- JAMES V. HANSEN,
- CURT WELDON,
- JOEL HEFLEY,
- JIM SAXTON,
- STEVE BUYER,
- TILLIE K. FOWLER,
- JOHN M. MCHUGH,
- JAMES M. TALENT,
- TERRY EVERETT,
- (except for sections 355, 356, and 358-367),
- ROSCOE G. BARTLETT,
- HOWARD “BUCK” MCKEON,
- RON LEWIS,
- J.C. WATTS, Jr.,
- SAXBY CHAMBLISS,
- BOB RILEY,
- IKE SKELTON,
- NORMAN SISISKY,
- JOHN M. SPRATT, Jr.,
- (except for the increase over the President’s request for research and development of a space-based laser and the statement of managers on this program),
- SOLOMON P. ORTIZ,
- OWEN PICKETT,
- GENE TAYLOR,
- NEIL ABERCROMBIE,
- MARTIN T. MEEHAN,
- JANE HARMAN,

- PAUL MCHALE,
- PATRICK J. KENNEDY,
- ROD BLAGOJEVICH,
- VIC SNYDER,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

- PORTER J. GOSS,
- JERRY LEWIS,
- NORM DICKS,

As additional conferees from the Committee on Commerce for consideration of sections 344, 601, 654, 735, 1021, 3143, 3144, 3201, 3202, 3402, and 3404 of the House bill, and sections 338, 601, 663, 706, 1064, 2823, 3136, 3140, 3151, 3160, 3201, and 3402 of the Senate amendment, and modifications committed to conference:

- TOM BLILEY,
- DAN SCHAEFER,

Provided that Mr. Oxley is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of sections 344 and 1021 of the House bill and section 2823 of the Senate amendment:

- MICHAEL G. OXLEY,

Provided that Mr. Bilirakis is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of sections 601, 654, and 735 of the House bill, and sections 338, 601, 663, and 706 of the Senate amendment:

- MIKE BILIRAKIS,

Provided that Mr. Tauzin is appointed in lieu of Mr. Dan Schaefer of Colorado for consideration of section 1064 of the Senate amendment.

- BILLY TAUZIN,

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 374, 658, and 3143 of the House bill, and sections 664 of the Senate amendment, and modifications committed to conference:

- BILL GOODLING,
- HARRIS W. FAWELL,
- LORETTA SANCHEZ,

Provided that Mr. Riggs is appointed in lieu of Mr. Fawell for consideration of section 658 of the House bill and section 664 of the Senate amendment:

- FRANK RIGGS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of section 322 and 3527 of the House bill, and sections 1068, 1107, 2811, and 3527 of the Senate amendment, and modifications committed to conference:

- DAN BURTON,
- STEPHEN HORN,

As additional conferees from the Committee on House Oversight, for consideration of section 543 of the Senate amendment, and modifications committed to conference:

- WILLIAM M. THOMAS,
- BOB NEY,

As additional conferees from the Committee on the Judiciary, for consideration of sections 374, 1057, 3521, 3522, and 3541 of the House bill, and sections 831, 1073, 1075, 1106, and 1201-1216 of the Senate amendment, and modifications committed to conference:

- HENRY J. HYDE,
- LAMAR SMITH,

As additional conferees from the Committee on Resources, for consideration of sections 214, 601, 653, 1021, 2835, 2901-2914 and 3404 of the House bill, and sections 234, 381-392, 601, 706, 2819, and 3158 of the Senate amendment, and modifications committed to conference:

- DON YOUNG,
- BILLY TAUZIN,

Provided that Mr. Delahunt is appointed in lieu of Mr. Miller of California for consideration of sections 2901-2914 of the House bill and sections 381-392 of the Senate amendment.

- WILLIAM DELAHUNT,

As additional conferees from the Committee on Science, for consideration of sections 214 and 3148 of the House bill, and sections 234 and 1064 of the Senate amendment, and modifications committed to conference:

- F. JAMES SENSENBRENNER, Jr.,
- KEN CALVERT,
- GEORGE E. BROWN, Jr.,

Provided that Mr. Rohrabacher is appointed in lieu of Mr. Calvert for consideration of section 1064 of the Senate amendment:

- DANA ROHRBACHER,

As additional conferees from the Committee on Transportation and Infrastructure for consideration of sections 345, 563, 601, 1021, 2861, and 3606 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference:

- BUD SHUSTER,
- WAYNE T. GILCREST,
- ROBERT A. BORSKI,

As additional conferees from the Committee on Veterans’ Affairs for consideration of sections 751, 752, and 759 of the House bill, and sections 220, 542, 751, 752, 758, 1069, 1074, and 1076 of the Senate amendment, and modifications committed to conference:

- CHRISTOPHER H. SMITH,
- MIKE BILIRAKIS,
- JOSEPH P. KENNEDY,

*Managers on the Part of the House.*

- STROM THURMOND,
- JOHN WARNER,
- JOHN MCCAIN,
- DAN COATS,
- BOB SMITH,
- DIRK KEMPTHORNE,
- JIM INHOFE,
- RICK SANTORUM,
- OLYMPIA SNOWE,
- PAT ROBERTS,
- CARL LEVIN,
- TED KENNEDY,
- JEFF BINGAMAN,
- JOHN GLENN,
- ROBERT C. BYRD,
- CHUCK ROBB,
- JOE LIEBERMAN,
- MAX CLELAND,

*Managers on the Part of the Senate.*

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. SNOWBARGER, announced that the yeas had it.

Mr. DELLUMS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 286  
Nays ..... 123

121.29

[Roll No. 534]

YEAS—286

Abercrombie	Barr	Bishop
Aderholt	Barrett (NE)	Blagojevich
Allen	Bartlett	Bliley
Archer	Barton	Blunt
Armey	Bass	Boehrlert
Bachus	Bateman	Boehner
Baessler	Bentsen	Bonior
Baker	Bereuter	Bono
Baldacci	Berry	Boswell
Ballenger	Bilbray	Boyd
Barcia	Bilirakis	Brady