

105TH CONGRESS
2D SESSION

S. 2058

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Referred to the Committee on National Security

AN ACT

To authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Energy
5 National Security Act for Fiscal Year 1999”.

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1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 For purposes of this Act, the term “congressional de-
3 fense committees” means—

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

3 (2) the Committee on National Security and the
4 Committee on Appropriations of the House of Rep-
5 resentatives.

6 **TITLE XXXI—DEPARTMENT OF**
7 **ENERGY NATIONAL SECURITY**
8 **PROGRAMS**

9 **Subtitle A—National Security**
10 **Programs Authorizations**

11 **SEC. 3101. WEAPONS ACTIVITIES.**

12 (a) IN GENERAL.—Funds are hereby authorized to
13 be appropriated to the Department of Energy for fiscal
14 year 1999 for weapons activities in carrying out programs
15 necessary for national security in the amount of
16 \$4,519,700,000, to be allocated as follows:

17 (1) STOCKPILE STEWARDSHIP.—Funds are
18 hereby authorized to be appropriated to the Depart-
19 ment of Energy for fiscal year 1999 for stockpile
20 stewardship in carrying out weapons activities nec-
21 essary for national security programs in the amount
22 of \$2,123,375,000, to be allocated as follows:

23 (A) For core stockpile stewardship,
24 \$1,556,375,000, to be allocated as follows:

1 (i) For operation and maintenance,
2 \$1,440,832,000.

3 (ii) For plant projects (including
4 maintenance, restoration, planning, con-
5 struction, acquisition, modification of fa-
6 cilities, and the continuation of projects
7 authorized in prior years, and land acquisi-
8 tion related thereto), \$115,543,000, to be
9 allocated as follows:

10 Project 99-D-102, rehabilitation
11 of maintenance facility, Lawrence
12 Livermore National Laboratory,
13 Livermore, California, \$6,500,000.

14 Project 99-D-103, isotope
15 sciences facilities, Lawrence Liver-
16 more National Laboratory, Livermore,
17 California, \$4,000,000.

18 Project 99-D-104, protection of
19 real property (roof replacement-Phase
20 II), Lawrence Livermore National
21 Laboratory, Livermore, California,
22 \$7,300,000.

23 Project 99-D-105, central health
24 physics calibration facility, TA-36,

1 Los Alamos National Laboratory, Los
2 Alamos, New Mexico, \$3,900,000.

3 Project 99–D–106, model valida-
4 tion and system certification test cen-
5 ter, Sandia National Laboratories, Al-
6 buquerque, New Mexico, \$1,600,000.

7 Project 99–D–107, Joint Com-
8 putational Engineering Laboratory,
9 Sandia National Laboratories, Albu-
10 querque, New Mexico, \$1,800,000.

11 Project 99–D–108, renovate ex-
12 isting roadways, Nevada Test Site,
13 Nevada, \$2,000,000.

14 Project 97–D–102, dual-axis ra-
15 diographic hydrotest facility
16 (DARHT), Los Alamos National Lab-
17 oratory, Los Alamos, New Mexico,
18 \$36,000,000.

19 Project 96–D–102, stockpile
20 stewardship facilities revitalization,
21 Phase VI, various locations,
22 \$20,423,000.

23 Project 96–D–103, ATLAS, Los
24 Alamos National Laboratory, Los Ala-
25 mos, New Mexico, \$6,400,000.

1 Project 96–D–104, processing
2 and environmental technology labora-
3 tory (PETL), Sandia National Lab-
4 oratories, Albuquerque, New Mexico,
5 \$18,920,000.

6 Project 96–D–105, contained fir-
7 ing facility (CFF) addition, Lawrence
8 Livermore National Laboratory,
9 Livermore, California, \$6,700,000.

10 (B) For inertial fusion, \$498,000,000, to
11 be allocated as follows:

12 (i) For operation and maintenance,
13 \$213,800,000.

14 (ii) For the following plant project
15 (including maintenance, restoration, plan-
16 ning, construction, acquisition, and modi-
17 fication of facilities, and land acquisition
18 related thereto), \$284,200,000, to be allo-
19 cated as follows:

20 Project 96–D–111, national igni-
21 tion facility (NIF), Lawrence Liver-
22 more National Laboratory, Livermore,
23 California, \$284,200,000.

24 (C) For technology partnerships and edu-
25 cation, \$69,000,000, to be allocated as follows:

1 (i) For technology partnerships,
2 \$60,000,000.

3 (ii) For education, \$9,000,000.

4 (2) STOCKPILE MANAGEMENT.—Funds are
5 hereby authorized to be appropriated to the Depart-
6 ment of Energy for fiscal year 1999 for stockpile
7 management in carrying out weapons activities nec-
8 essary for national security programs in the amount
9 of \$2,140,825,000, to be allocated as follows:

10 (A) For operation and maintenance,
11 \$2,040,803,000.

12 (B) For plant projects (including mainte-
13 nance, restoration, planning, construction, ac-
14 quisition, modification of facilities, and the con-
15 tinuation of projects authorized in prior years,
16 and land acquisition related thereto),
17 \$100,022,000, to be allocated as follows:

18 Project 99–D–122, rapid reactivation,
19 various locations, \$11,200,000.

20 Project 99–D–123, replace mechanical
21 utility systems, Y–12 Plant, Oak Ridge,
22 Tennessee, \$1,900,000.

23 Project 99–D–125, replace boilers and
24 controls, Kansas City Plant, Kansas City,
25 Missouri, \$1,000,000.

1 Project 99–D–127, stockpile manage-
2 ment restructuring initiative, Kansas City
3 Plant, Kansas City, Missouri,
4 \$13,700,000.

5 Project 99–D–128, stockpile manage-
6 ment restructuring initiative, Pantex
7 Plant, Amarillo, Texas, \$1,108,000.

8 Project 99–D–132, nuclear materials
9 safeguards and security upgrades project,
10 Los Alamos National Laboratory, Los Ala-
11 mos, New Mexico, \$9,700,000.

12 Project 98–D–123, stockpile manage-
13 ment restructuring initiative, tritium fac-
14 tory modernization and consolidation, Sa-
15 vannah River Site, Aiken, South Carolina,
16 \$27,500,000.

17 Project 98–D–124, stockpile manage-
18 ment restructuring initiative, Y–12 Plant
19 consolidation, Oak Ridge, Tennessee,
20 \$10,700,000.

21 Project 97–D–122, nuclear materials
22 storage facility renovation, Los Alamos
23 National Laboratory, Los Alamos, New
24 Mexico, \$4,864,000.

1 Project 97–D–123, structural up-
2 grades, Kansas City Plant, Kansas City,
3 Missouri, \$6,400,000.

4 Project 96–D–122, sewage treatment
5 quality upgrade (STQU), Pantex Plant,
6 Amarillo, Texas, \$3,700,000.

7 Project 95–D–102, chemistry and
8 metallurgy research building (CMR) up-
9 grades project, Los Alamos National Lab-
10 oratory, Los Alamos, New Mexico,
11 \$5,000,000.

12 Project 93–D–122, life safety up-
13 grades, Y–12 Plant, Oak Ridge, Ten-
14 nessee, \$3,250,000.

15 (3) PROGRAM DIRECTION.—Funds are hereby
16 authorized to be appropriated to the Department of
17 Energy for fiscal year 1999 for program direction in
18 carrying out weapons activities necessary for na-
19 tional security programs in the amount of
20 \$255,500,000.

21 (b) ADJUSTMENT.—The total amount authorized to
22 be appropriated in paragraphs (1), (2), and (3) of sub-
23 section (a) is the sum of the amounts authorized to be
24 appropriated by such paragraphs reduced by the sum of
25 \$145,000,000 for use of prior year balances.

1 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
2 **MANAGEMENT.**

3 (a) IN GENERAL.—Funds are hereby authorized to
4 be appropriated to the Department of Energy for fiscal
5 year 1999 for environmental restoration and waste man-
6 agement in carrying out programs necessary for national
7 security in the amount of \$5,323,143,000, to be allocated
8 as follows:

9 (1) SITE AND PROJECT COMPLETION.—Funds
10 are hereby authorized to be appropriated to the De-
11 partment of Energy for fiscal year 1999 for site
12 project and completion in carrying out environ-
13 mental restoration and waste management activities
14 necessary for national security programs in the
15 amount of \$1,047,253,000, to be allocated as fol-
16 lows:

17 (A) For operation and maintenance,
18 \$848,090,000.

19 (B) For plant projects (including mainte-
20 nance, restoration, planning, construction, ac-
21 quisition, modification of facilities, and the con-
22 tinuation of projects authorized in prior years,
23 and land acquisition related thereto),
24 \$199,163,000, to be allocated as follows:

1 Project 99–D–402, tank farm support
2 services, F&H area, Savannah River Site,
3 Aiken, South Carolina, \$2,745,000.

4 Project 99–D–404, health physics in-
5 strumentation laboratory, Idaho National
6 Engineering and Environmental Labora-
7 tory, Idaho Falls, Idaho, \$950,000.

8 Project 98–D–401, H-tank farm
9 storm water systems upgrade, Savannah
10 River Site, Aiken, South Carolina,
11 \$3,120,000.

12 Project 98–D–453, plutonium sta-
13 bilization and handling system for pluto-
14 nium finishing plant, Richland, Washing-
15 ton, \$26,814,000.

16 Project 98–D–700, road rehabilita-
17 tion, Idaho National Engineering and En-
18 vironmental Laboratory, Idaho Falls,
19 Idaho, \$7,710,000.

20 Project 97–D–450, actinide packaging
21 and storage facility, Savannah River Site,
22 Aiken, South Carolina, \$79,184,000.

23 Project 97–D–470, regulatory mon-
24 itoring and bioassay laboratory, Savannah

1 River Site, Aiken, South Carolina,
2 \$7,000,000.

3 Project 96–D–406, spent nuclear fuels
4 canister storage and stabilization facility,
5 Richland, Washington, \$38,680,000.

6 Project 96–D–408, waste manage-
7 ment upgrades, Kansas City Plant, Kansas
8 City, Missouri, and Savannah River Site,
9 Aiken, South Carolina, \$4,512,000.

10 Project 96–D–464, electrical and util-
11 ity systems upgrade, Idaho Chemical Proc-
12 essing Plant, Idaho National Engineering
13 and Environmental Laboratory, Idaho
14 Falls, Idaho, \$11,544,000.

15 Project 96–D–471, chlorofluorocarbon
16 heating, ventilation, and air conditioning
17 and chiller retrofit, Savannah River Site,
18 Aiken, South Carolina, \$8,000,000.

19 Project 95–D–456, security facilities
20 consolidation, Idaho Chemical Processing
21 Plant, Idaho National Engineering and
22 Environmental Laboratory, Idaho Falls,
23 Idaho, \$485,000.

1 Project 92–D–140, F-canyon and H-
2 canyon exhaust upgrades, Savannah River
3 Site, Aiken, South Carolina, \$3,667,000.

4 Project 86–D–103, decontamination
5 and waste treatment facility, Lawrence
6 Livermore National Laboratory, Liver-
7 more, California, \$4,752,000.

8 (2) POST 2006 COMPLETION.—Funds are hereby
9 authorized to be appropriated to the Department of
10 Energy for fiscal year 1999 for post 2006 project
11 completion in carrying out environmental restoration
12 and waste management activities necessary for na-
13 tional security programs in the amount of
14 \$2,683,451,000, to be allocated as follows:

15 (A) For operation and maintenance,
16 \$2,602,195,000.

17 (B) For plant projects (including mainte-
18 nance, restoration, planning, construction, ac-
19 quisition, modification of facilities, and the con-
20 tinuation of projects authorized in prior years,
21 and land acquisition related thereto),
22 \$81,256,000, to be allocated as follows:

23 Project 99–D–403, privatization
24 phase I infrastructure support, Richland,
25 Washington, \$14,800,000.

1 Project 97–D–402, tank farm restora-
2 tion and safe operations, Richland, Wash-
3 ington, \$22,723,000.

4 Project 96–D–408, waste manage-
5 ment upgrades, Richland, Washington,
6 \$171,000.

7 Project 94–D–407, initial tank re-
8 trieval systems, Richland, Washington,
9 \$32,860,000.

10 Project 93–D–187, high-level waste
11 removal from filled waste tanks, Savannah
12 River Site, Aiken, South Carolina,
13 \$10,702,000.

14 (3) CLOSURE PROJECTS.—Funds are hereby
15 authorized to be appropriated to the Department of
16 Energy for fiscal year 1999 for closure projects car-
17 ried out in accordance with section 3143 of the Na-
18 tional Defense Authorization Act for Fiscal Year
19 1997 (Public Law 104–201; 110 Stat. 2836; 42
20 U.S.C. 7274n) in the amount of \$1,006,240,000.

21 (4) TECHNOLOGY DEVELOPMENT.—Funds are
22 hereby authorized to be appropriated to the Depart-
23 ment of Energy for fiscal year 1999 for science and
24 technology in carrying out environmental restoration
25 and waste management activities necessary for na-

1 tional security programs in the amount of
2 \$250,000,000.

3 (5) PROGRAM DIRECTION.—Funds are hereby
4 authorized to be appropriated to the Department of
5 Energy for fiscal year 1999 for program direction in
6 carrying out environmental restoration and waste
7 management activities necessary for national secu-
8 rity programs in the amount of \$336,199,000.

9 (b) ADJUSTMENT.—The total amount authorized to
10 be appropriated in paragraphs (1), (2), (3), and (5) of
11 subsection (a) is the sum of the amounts authorized to
12 be appropriated by such paragraphs reduced by the sum
13 of \$21,000,000 for use of prior year balances.

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

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 1999 for other
17 defense activities in carrying out programs necessary for
18 national security in the amount of \$1,672,160,000, to be
19 allocated as follows:

20 (1) VERIFICATION AND CONTROL TECH-
21 NOLOGY.—For verification and control technology,
22 \$483,500,000, to be allocated as follows:

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

25 (B) For arms control, \$236,900,000.

1 (C) For intelligence, \$36,600,000.

2 (2) NUCLEAR SAFEGUARDS AND SECURITY.—

3 For nuclear safeguards and security, \$53,200,000.

4 (3) SECURITY INVESTIGATIONS.—For security
5 investigations, \$30,000,000.

6 (4) EMERGENCY MANAGEMENT.—For emer-
7 gency management, \$23,700,000.

8 (5) PROGRAM DIRECTION.—For program direc-
9 tion, nonproliferation and national security,
10 \$84,900,000.

11 (6) WORKER AND COMMUNITY TRANSITION AS-
12 SISTANCE.—For worker and community transition
13 assistance, \$40,000,000, to be allocated as follows:

14 (A) For worker and community transition,
15 \$36,000,000.

16 (B) For program direction, worker and
17 community transition assistance, \$4,000,000.

18 (7) FISSILE MATERIALS CONTROL AND DISPOSI-
19 TION.—For fissile materials control and disposition,
20 \$168,960,000, to be allocated as follows:

21 (A) For operation and maintenance,
22 \$111,372,000.

23 (B) For program direction, fissile mate-
24 rials control and disposition, \$4,588,000.

1 (C) For plant projects (including maintenance,
 2 nance, restoration, planning, construction, acquisition,
 3 modification of facilities, and land acquisition related thereto), \$53,000,000, to be
 4 allocated as follows:
 5

6 Project 99–D–141, pit disassembly
 7 and conversion facility, location to be determined,
 8 \$25,000,000.

9 Project 99–D–143, mixed oxide fuel
 10 fabrication facility, location to be determined,
 11 \$28,000,000.

12 (8) ENVIRONMENT, SAFETY, AND HEALTH.—
 13 For environment, safety, and health, defense,
 14 \$69,000,000, to be allocated as follows:

15 (A) For the Office of Environment, Safety,
 16 and Health (Defense), \$64,231,000.

17 (B) For program direction, environment,
 18 safety, and health (defense), \$4,769,000.

19 (9) OFFICE OF HEARINGS AND APPEALS.—For
 20 the Office of Hearings and Appeals, \$2,400,000.

21 (10) INTERNATIONAL NUCLEAR SAFETY.—For
 22 international nuclear safety, \$35,000,000.

23 (11) NAVAL REACTORS.—For naval reactors,
 24 \$681,500,000, to be allocated as follows:

1 (A) For naval reactors development,
2 \$661,400,000, to be allocated as follows:

3 (i) For operation and maintenance,
4 \$639,600,000.

5 (ii) For plant projects (including
6 maintenance, restoration, planning, con-
7 struction, acquisition, modification of fa-
8 cilities, and the continuation of projects
9 authorized in prior years, and land acqui-
10 sition related thereto), \$12,800,000, to be
11 allocated as follows:

12 Project 98-D-200, site labora-
13 tory/facility upgrade, various loca-
14 tions, \$7,000,000.

15 Project 90-N-102, expended core
16 facility dry cell project, Naval Reac-
17 tors facility, Idaho Falls, Idaho,
18 \$5,800,000.

19 (iii) For general plant projects,
20 \$9,000,000, to be allocated as follows:

21 Project GPN-101, general plant
22 projects, various locations,
23 \$9,000,000.

24 (B) For program direction, naval reactors,
25 \$20,100,000.

1 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 1999 for pay-
4 ment to the Nuclear Waste Fund established in section
5 302(c) of the Nuclear Waste Policy Act of 1982 (42
6 U.S.C. 10222(c)) in the amount of \$190,000,000.

7 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
8 **VATIZATION.**

9 (a) IN GENERAL.—Funds are hereby authorized to
10 be appropriated to the Department of Energy for fiscal
11 year 1999 for privatization initiatives in carrying out envi-
12 ronmental restoration and waste management activities
13 necessary for national security programs in the amount
14 of \$273,857,000, to be allocated as follows:

15 Project 99–PVT–1, remote handled transuranic
16 waste transportation, Carlsbad, New Mexico,
17 \$19,605,000.

18 Project 98–PVT–2, spent nuclear fuel dry stor-
19 age, Idaho Falls, Idaho, \$20,000,000.

20 Project 98–PVT–5, waste disposal, Oak Ridge,
21 Tennessee, \$33,500,000.

22 Project 97–PVT–1, tank waste remediation sys-
23 tem phase I, Hanford, Washington, \$113,500,000.

24 Project 97–PVT–2, advanced mixed waste
25 treatment facility, Idaho Falls, Idaho, \$87,252,000.

1 (b) ADJUSTMENT.—The amount authorized to be ap-
 2 propriated in subsection (a) is the sum of the amounts
 3 authorized to be appropriated for the projects set forth
 4 in that subsection reduced by the sum of \$32,000,000 for
 5 use of prior year balances of funds for defense environ-
 6 mental management privatization.

7 **Subtitle B—Recurring General** 8 **Provisions**

9 **SEC. 3121. REPROGRAMMING.**

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

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

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

19 (B) \$1,000,000 more than the amount au-
 20 thorized for that program by this title; or

21 (2) which has not been presented to, or re-
 22 quested of, Congress.

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

1 circumstances relied upon in support of such proposed ac-
2 tion.

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

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

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

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

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

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

1 defense committees explaining the reasons for the cost
2 variation.

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

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

14 (A) the amount authorized for the project; or

15 (B) the amount of the total estimated cost for
16 the project as shown in the most recent budget jus-
17 tification data submitted to Congress.

18 (2) An action described in paragraph (1) may be
19 taken if—

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

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

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

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 any construction project which has a current estimated
10 cost of less than \$5,000,000.

11 **SEC. 3124. FUND TRANSFER AUTHORITY.**

12 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
13 The Secretary of Energy may transfer funds authorized
14 to be appropriated to the Department of Energy pursuant
15 to this title to other Federal agencies for the performance
16 of work for which the funds were authorized. Funds so
17 transferred may be merged with and be available for the
18 same purposes and for the same period as the authoriza-
19 tions of the Federal agency to which the amounts are
20 transferred.

21 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—
22 (1) Subject to paragraph (2), the Secretary of Energy may
23 transfer funds authorized to be appropriated to the De-
24 partment of Energy pursuant to this title between any
25 such authorizations. Amounts of authorizations so trans-

1 ferred may be merged with and be available for the same
2 purposes and for the same period as the authorization to
3 which the amounts are transferred.

4 (2) Not more than five percent of any such authoriza-
5 tion may be transferred between authorizations under
6 paragraph (1). No such authorization may be increased
7 or decreased by more than five percent by a transfer under
8 such paragraph.

9 (c) LIMITATION.—The authority provided by this sec-
10 tion to transfer authorizations—

11 (1) may only be used to provide funds for items
12 relating to activities necessary for national security
13 programs that have a higher priority than the items
14 from which the funds are transferred; and

15 (2) may not be used to provide funds for an
16 item for which Congress has specifically denied
17 funds.

18 (d) NOTICE TO CONGRESS.—The Secretary of En-
19 ergy shall promptly notify the Committee on Armed Serv-
20 ices of the Senate and the Committee on National Security
21 of the House of Representatives of any transfer of funds
22 to or from authorizations under this title.

1 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCT-**
2 **ION DESIGN.**

3 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
4 Subject to paragraph (2) and except as provided in para-
5 graph (3), before submitting to Congress a request for
6 funds for a construction project that is in support of a
7 national security program of the Department of Energy,
8 the Secretary of Energy shall complete a conceptual de-
9 sign for that project.

10 (2) If the estimated cost of completing a conceptual
11 design for a construction project exceeds \$3,000,000, the
12 Secretary shall submit to Congress a request for funds for
13 the conceptual design before submitting a request for
14 funds for the construction project.

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

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

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

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

1 (2) If the total estimated cost for construction design
 2 in connection with any construction project exceeds
 3 \$600,000, funds for such design must be specifically au-
 4 thorized by law.

5 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
 6 **SIGN, AND CONSTRUCTION ACTIVITIES.**

7 (a) **AUTHORITY.**—The Secretary of Energy may use
 8 any funds available to the Department of Energy pursuant
 9 to an authorization in this title, including those funds au-
 10 thorized to be appropriated for advance planning and con-
 11 struction design under sections 3101, 3102, and 3103, to
 12 perform planning, design, and construction activities for
 13 any Department of Energy national security program con-
 14 struction project that, as determined by the Secretary,
 15 must proceed expeditiously in order to protect public
 16 health and safety, to meet the needs of national defense,
 17 or to protect property.

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

24 (c) **SPECIFIC AUTHORITY.**—The requirement of sec-
 25 tion 3125(b)(2) does not apply to emergency planning, de-

1 sign, and construction activities conducted under this sec-
2 tion.

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

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

12 **SEC. 3128. AVAILABILITY OF FUNDS.**

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

17 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
18 Amounts appropriated for program direction pursuant to
19 an authorization of appropriations in subtitle A shall re-
20 main available to be expended only until the end of fiscal
21 year 2001.

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

24 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
25 MENTAL MANAGEMENT FUNDS.—The Secretary of En-

1 ergy shall provide the manager of each field office of the
2 Department of Energy with the authority to transfer de-
3 fense environmental management funds from a program
4 or project under the jurisdiction of the office to another
5 such program or project.

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

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

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

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

22 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
23 MENTS.—The requirements of section 3121 shall not
24 apply to transfers of funds pursuant to subsection (a).

1 (d) NOTIFICATION.—The Secretary, acting through
2 the Assistant Secretary of Energy for Environmental
3 Management, shall notify Congress of any transfer of
4 funds pursuant to subsection (a) not later than 30 days
5 after such transfer occurs.

6 (e) DEFINITIONS.—In this section:

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

10 (A) An activity carried out pursuant to
11 paragraph (1), (2), or (3) of section 3102(a).

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

21 (2) The term “defense environmental manage-
22 ment funds” means funds appropriated to the De-
23 partment of Energy pursuant to an authorization for
24 carrying out environmental restoration and waste

1 management activities necessary for national secu-
2 rity programs.

3 (f) DURATION OF AUTHORITY.—The managers of the
4 field offices of the Department may exercise the authority
5 provided under subsection (a) during the period beginning
6 on October 1, 1998, and ending on September 30, 1999.

7 **Subtitle C—Program Authoriza-**
8 **tions, Restrictions, and Limita-**
9 **tions**

10 **SEC. 3131. INTERNATIONAL COOPERATIVE STOCKPILE**
11 **STEWARDSHIP.**

12 (a) FUNDING PROHIBITION.—No funds authorized to
13 be appropriated or otherwise available to the Department
14 of Energy for fiscal year 1999 may be obligated or ex-
15 pended to conduct any activities associated with inter-
16 national cooperative stockpile stewardship.

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

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

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

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

1 **SEC. 3132. PROHIBITION ON USE OF FUNDS FOR BALLISTIC**
2 **MISSILE DEFENSE AND THEATER MISSILE**
3 **DEFENSE.**

4 No funds authorized to be appropriated or otherwise
5 made available to the Department of Energy by this title
6 for fiscal year 1999 may be obligated or expended for any
7 activities (including research, development, test, and eval-
8 uation activities, demonstration activities, or studies) re-
9 lating to ballistic missile defense or theater missile de-
10 fense.

11 **SEC. 3133. LICENSING OF CERTAIN MIXED OXIDE FUEL**
12 **FABRICATION AND IRRADIATION FACILITIES.**

13 (a) LICENSE REQUIREMENT.—Notwithstanding sec-
14 tion 110 a. of the Atomic Energy Act of 1954 (42 U.S.C.
15 2140(a)), no person may construct or operate a facility
16 referred to in subsection (b) without obtaining a license
17 from the Nuclear Regulatory Commission.

18 (b) COVERED FACILITIES.—(1) Except as provided
19 in paragraph (2), subsection (a) applies to any facility
20 under a contract with and for the account of the Depart-
21 ment of Energy that fabricates mixed plutonium-uranium
22 oxide nuclear reactor fuel for use in a commercial nuclear
23 reactor.

24 (2) Subsection (a) does not apply to any such facility
25 that is utilized for research, development, demonstration,
26 testing, or analysis purposes.

1 (c) AVAILABILITY OF FUNDS FOR LICENSING BY
2 NRC.—Section 210 of the Department of Energy Na-
3 tional Security and Military Applications of Nuclear En-
4 ergy Authorization Act of 1981 (42 U.S.C. 7272) shall
5 not apply to any licensing activities required as a result
6 of subsection (a).

7 (d) APPLICABILITY OF OCCUPATIONAL SAFETY AND
8 HEALTH REQUIREMENTS TO ACTIVITIES UNDER LI-
9 CENSE.—Any activities carried out under a license re-
10 ferred to in subsection (a) shall be subject to regulation
11 under the Occupational Safety and Health Act of 1970
12 (29 U.S.C. 651 et seq.).

13 **SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT,**
14 **AND DISPOSITION OF LEGACY NUCLEAR MA-**
15 **TERIALS.**

16 The Secretary of Energy shall continue operations
17 and maintain a high state of readiness at the F-canyon
18 and H-canyon facilities at the Savannah River site and
19 shall provide technical staff necessary to operate and so
20 maintain such facilities.

1 **SEC. 3135. AUTHORITY FOR DEPARTMENT OF ENERGY FED-**
 2 **ERALLY FUNDED RESEARCH AND DEVELOP-**
 3 **MENT CENTERS TO PARTICIPATE IN MERIT-**
 4 **BASED TECHNOLOGY RESEARCH AND DEVEL-**
 5 **OPMENT PROGRAMS.**

6 Section 217(f)(1) of the National Defense Authoriza-
 7 tion Act for Fiscal Year 1995 (Public Law 103–337; 108
 8 Stat. 2695) is amended by inserting “or of the Depart-
 9 ment of Energy” after “the Department of Defense”.

10 **SEC. 3136. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**
 11 **CINITY OF LOS ALAMOS NATIONAL LABORA-**
 12 **TORY, NEW MEXICO.**

13 (a) AVAILABILITY OF FUNDS.—Of the funds author-
 14 ized to be appropriated or otherwise made available to the
 15 Department of Energy by this title, \$5,000,000 shall be
 16 available for payment by the Secretary of Energy to the
 17 educational foundation chartered to enhance educational
 18 activities in the public schools in the vicinity of Los Ala-
 19 mos National Laboratory, New Mexico (in this section re-
 20 ferred to as the “Foundation”).

21 (b) USE OF FUNDS.—(1) The Foundation shall uti-
 22 lize funds provided under subsection (a) as a contribution
 23 to an endowment fund for the Foundation.

24 (2) The Foundation shall use the income generated
 25 from investments in the endowment fund that are attrib-
 26 utable to the payment made under subsection (a) to fund

1 programs to support the educational needs of children in
2 public schools in the vicinity of Los Alamos National Lab-
3 oratory.

4 **SEC. 3137. COST-SHARING FOR OPERATION OF THE HAZ-**
5 **ARDOUS MATERIALS MANAGEMENT AND**
6 **EMERGENCY RESPONSE TRAINING FACILITY,**
7 **RICHLAND, WASHINGTON.**

8 The Secretary of Energy may enter into partnership
9 arrangements with Federal and non-Federal entities to
10 share the costs of operating the Hazardous Materials
11 Management and Emergency Response training facility
12 authorized under section 3140 of the National Defense
13 Authorization Act for Fiscal Year 1995 (Public Law 103–
14 337; 108 Stat. 3088). Such arrangements may include the
15 exchange of equipment and services.

16 **SEC. 3138. HANFORD HEALTH INFORMATION NETWORK.**

17 Of the funds authorized to be appropriated or other-
18 wise made available to the Department of Energy by sec-
19 tion 3102, \$2,500,000 shall be available for activities re-
20 lating to the Hanford Health Information Network estab-
21 lished pursuant to the authority in section 3138 of the
22 National Defense Authorization Act for Fiscal Year 1991
23 (Public Law 101–510; 104 Stat. 1834), as amended by
24 section 3138(b) of the National Defense Authorization Act

1 for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
2 3087).

3 **SEC. 3139. NONPROLIFERATION ACTIVITIES.**

4 (a) INITIATIVES FOR PROLIFERATION PREVENTION
5 PROGRAM.—Of the amount authorized to be appropriated
6 by section 3103(1)(B), \$30,000,000 may be available for
7 the Initiatives for Proliferation Prevention program.

8 (b) NUCLEAR CITIES INITIATIVE.—Of the amount
9 authorized to be appropriated by section 3103(1)(B),
10 \$30,000,000 may be available for the purpose of imple-
11 menting the initiative arising pursuant to the March 1998
12 discussions between the Vice President of the United
13 States and the Prime Minister of the Russian Federation
14 and between the Secretary of Energy of the United States
15 and the Minister of Atomic Energy of the Russian Federa-
16 tion (the so-called “nuclear cities” initiative).

17 **SEC. 3140. ACTIVITIES OF THE CONTRACTOR-OPERATED**
18 **FACILITIES OF THE DEPARTMENT OF EN-**
19 **ERGY.**

20 (a) RESEARCH AND ACTIVITIES ON BEHALF OF NON-
21 DEPARTMENT PERSONS AND ENTITIES.—(1) The Sec-
22 retary of Energy may conduct research and other activi-
23 ties referred to in paragraph (2) through contractor-oper-
24 ated facilities of the Department of Energy on behalf of
25 other departments and agencies of the Government, agen-

1 cies of State and local governments, and private persons
2 and entities.

3 (2) The research and other activities that may be con-
4 ducted under paragraph (1) are those which the Secretary
5 is authorized to conduct by law, and include, but are not
6 limited to, research and activities authorized under the fol-
7 lowing:

8 (A) Section 33 of the Atomic Energy Act of
9 1954 (42 U.S.C. 2053).

10 (B) Section 107 of the Energy Reorganization
11 Act of 1974 (42 U.S.C. 5817).

12 (C) The Federal Nonnuclear Energy Research
13 and Development Act of 1974 (42 U.S.C. 5901 et
14 seq.).

15 (b) CHARGES.—(1) The Secretary shall impose on
16 the department, agency, or person or entity for whom re-
17 search and other activities are carried out under sub-
18 section (a) a charge for such research and activities equal
19 to not more than the full cost incurred by the contractor
20 concerned in carrying out such research and activities,
21 which cost shall include—

22 (A) the direct cost incurred by the contractor in
23 carrying out such research and activities; and

1 (B) the overhead cost including site-wide indi-
2 rect costs associated with such research and activi-
3 ties.

4 (2)(A) Subject to subparagraph (B), the Secretary
5 shall also impose on the department, agency, or person
6 or entity concerned a Federal administrative charge
7 (which includes any depreciation and imputed interest
8 charges) in an amount not to exceed 3 percent of the full
9 cost incurred by the contractor concerned in carrying out
10 the research and activities concerned.

11 (B) The Secretary may waive the imposition of the
12 Federal administrative charge required by subparagraph
13 (A) in the case of research and other activities conducted
14 on behalf of small business concerns, institutions of higher
15 education, non-profit entities, and State and local govern-
16 ments.

17 (3) Not later than 2 years after the date of enactment
18 of this Act, the Secretary shall terminate any waiver of
19 charges under section 33 of the Atomic Energy Act of
20 1954 (42 U.S.C. 2053) that were made before such date,
21 unless the Secretary determines that such waiver should
22 be continued.

23 (c) PILOT PROGRAM OF REDUCED FACILITY OVER-
24 HEAD CHARGES.—(1) The Secretary may, with the co-
25 operation of participating contractors of the contractor-

1 operated facilities of the Department, carry out a pilot
2 program under which the Secretary and such contractors
3 reduce the facility overhead charges imposed under this
4 section for research and other activities conducted under
5 this section.

6 (2) The Secretary shall carry out the pilot program
7 at contractor-operated facilities selected by the Secretary
8 in consultation with the contractors concerned.

9 (3) The Secretary shall determine the facility over-
10 head charges to be imposed under the pilot program based
11 on their joint review of all items included in the overhead
12 costs of the facility concerned in order to determine which
13 items are appropriately incurred as facility overhead
14 charges by the contractor in carrying out research and
15 other activities at such facility under this section.

16 (4) The Secretary shall commence carrying out the
17 pilot program not later than October 1, 1999, and shall
18 terminate the pilot program on September 30, 2003.

19 (5) Not later than January 31, 2003, the Secretary
20 shall submit to the congressional defense committees, the
21 Committee on Energy and Natural Resources of the Sen-
22 ate, and other appropriate committees of the House of
23 Representatives an interim report on the results of the
24 pilot program under this subsection. The report shall in-
25 clude any recommendations for the extension or expansion

1 of the pilot program, including the establishment of mul-
2 tiple rates of overhead charges for various categories of
3 persons and entities seeking research and other activities
4 in contractor-operated facilities of the Department.

5 (d) PARTNERSHIPS AND INTERACTIONS.—(1) The
6 Secretary of Energy may encourage partnerships and
7 interactions between each contractor-operated facility of
8 the Department of Energy and universities and private
9 businesses.

10 (2) The Secretary may take into account the progress
11 of each contractor-operated facility of the Department in
12 developing and expanding partnerships and interactions
13 under paragraph (1) in evaluating the annual performance
14 of such contractor-operated facility.

15 (e) SMALL BUSINESS TECHNOLOGY PARTNERSHIP
16 PROGRAM.—(1) The Secretary may require that each con-
17 tractor operating a facility of the Department establish a
18 program at such facility under which the contractor may
19 enter into partnerships with small businesses at such facil-
20 ity relating to technology.

21 (2) The amount of funds expended by a contractor
22 under a program under paragraph (1) at a particular fa-
23 cility may not exceed an amount equal to 0.25 percent
24 of the total operating budget of the facility.

1 (3) Amounts expended by a contractor under a
2 program—

3 (A) shall be used to cover the costs (including
4 research and development costs and technical assist-
5 ance costs) incurred by the contractor in connection
6 with activities under the program; and

7 (B) may not be used for direct grants to small
8 businesses.

9 (4) The Secretary shall submit to the congressional
10 defense committees, the Committee on Energy and Natu-
11 ral Resources of the Senate, and the appropriate commit-
12 tee of the House of Representatives, together with the
13 budget of the President for each fiscal year that is submit-
14 ted to Congress under section 1105 of title 31, United
15 States Code, an assessment of the program under this
16 subsection during the preceding year, including the effec-
17 tiveness of the program in providing opportunities for
18 small businesses to interact with and use the resources
19 of the contractor-operated facilities of the Department, the
20 cost of the program to the Federal Government and any
21 impact on the execution of the Department's mission.

22 **SEC. 3140A. RELOCATION OF NATIONAL ATOMIC MUSEUM,**
23 **ALBUQUERQUE, NEW MEXICO.**

24 The Secretary of Energy shall submit to the Defense
25 Committees of Congress a plan for the design, construc-

tion, and relocation of the National Atomic Museum in Albuquerque, New Mexico.

Subtitle D—Other Matters

SEC. 3141. REPEAL OF FISCAL YEAR 1998 STATEMENT OF POLICY ON STOCKPILE STEWARDSHIP PRO- GRAM.

Section 3156 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2045; 42 U.S.C. 2121 note) is repealed.

SEC. 3142. INCREASE IN MAXIMUM RATE OF PAY FOR SCI- ENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL RESPONSIBLE FOR SAFETY AT DEFENSE NUCLEAR FACILITIES.

Section 3161(a)(2) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is amended by striking out “level IV of the Executive Schedule under section 5315” and inserting in lieu thereof “level III of the Executive Schedule under section 5314”.

SEC. 3143. SENSE OF SENATE REGARDING TREATMENT OF FORMERLY UTILIZED SITES REMEDIAL AC- TION PROGRAM UNDER A NONDEFENSE DIS- CRETIONARY BUDGET FUNCTION.

It is the sense of the Senate that the Office of Management and Budget should, beginning with fiscal year 2000, transfer the Formerly Utilized Sites Remedial Ac-

1 tion Program from the 050 budget function to a non-
2 defense discretionary budget function.

3 **SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT**
4 **OF CERTAIN SCIENTIFIC, ENGINEERING, AND**
5 **TECHNICAL PERSONNEL.**

6 Section 3161(c)(1) of the National Defense Author-
7 ization Act for Fiscal Year 1995 (42 U.S.C. 7231 note)
8 is amended by striking out “September 30, 1999” and in-
9 serting in lieu thereof “September 30, 2000”.

10 **SEC. 3145. EXTENSION OF AUTHORITY OF DEPARTMENT OF**
11 **ENERGY TO PAY VOLUNTARY SEPARATION**
12 **INCENTIVE PAYMENTS.**

13 (a) EXTENSION.—Notwithstanding subsection
14 (c)(2)(D) of section 663 of the Treasury, Postal Service,
15 and General Government Appropriations Act, 1997 (Pub-
16 lic Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597
17 note), the Department of Energy may pay voluntary sepa-
18 ration incentive payments to qualifying employees who vol-
19 untarily separate (whether by retirement or resignation)
20 before January 1, 2001.

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

1 **SEC. 3146. INSPECTION OF PERMANENT RECORDS PRIOR**
2 **TO DECLASSIFICATION.**

3 Section 3155 of the National Defense Authorization
4 Act for Fiscal Year 1996 (P.L. 104–106) is amended by
5 inserting the following:

6 “(c) Agencies, including the National Archives and
7 Records Administration, shall conduct a visual inspection
8 of all permanent records of historical value which are 25
9 years old or older prior to declassification to ascertain that
10 they contain no pages with Restricted Data (RD) or For-
11 merly Restricted Data (FRD) markings (as defined by the
12 Atomic Energy Act of 1954, as amended). Record collec-
13 tion in which marked RD or FRD is found shall be set
14 aside pending the completion of a review by the Depart-
15 ment of Energy.”.

16 **SEC. 3147. SENSE OF SENATE REGARDING MEMORANDA OF**
17 **UNDERSTANDING WITH THE STATE OF OR-**
18 **EGON RELATING TO HANFORD.**

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

21 (1) The Department of Energy and the State of
22 Washington have entered into memoranda of under-
23 standing with the State of Oregon to provide the
24 State of Oregon greater involvement in decisions re-
25 garding the Hanford Reservation.

1 (2) Hanford has an impact on the State of Or-
 2 regon, and the State of Oregon has an interest in the
 3 decisions made regarding Hanford.

4 (3) The Department of Energy and the State of
 5 Washington are to be congratulated for entering into
 6 the memoranda of understanding with the State of
 7 Oregon regarding Hanford.

8 (b) SENSE OF SENATE.—It is the sense of the Senate
 9 to—

10 (1) encourage the Department of Energy and
 11 the State of Washington to implement the memo-
 12 randa of understanding regarding Hanford in ways
 13 that result in continued involvement by the State of
 14 Oregon in decisions of concern to the State of Or-
 15 egon regarding Hanford; and

16 (2) encourage the Department of Energy and
 17 the State of Washington to continue similar efforts
 18 to permit ongoing participation by the State of Or-
 19 egon in the decisions regarding Hanford that may
 20 affect the environment or public health or safety of
 21 the citizens of the State of Oregon.

22 **SEC. 3148. REVIEW OF CALCULATION OF OVERHEAD COSTS**
 23 **OF CLEANUP AT DEPARTMENT OF ENERGY**
 24 **SITES.**

25 (a) REVIEW.—(1) The Comptroller General shall—

1 (A) carry out a review of the methods currently
2 used by the Department of Energy for calculating
3 overhead costs (including direct overhead costs and
4 indirect overhead costs) associated with the cleanup
5 of Department sites; and

6 (B) pursuant to the review, identify how such
7 costs are allocated among different program and
8 budget accounts of the Department.

9 (2) The review shall include the following:

10 (A) All activities whose costs are spread across
11 other accounts of a Department site or of any con-
12 tractor performing work at a site.

13 (B) Support service overhead costs, including
14 activities or services which are paid for on a per-
15 unit-used basis.

16 (C) All fees, awards, and other profit on indi-
17 rect and support service overhead costs or fees that
18 are not attributed to performance on a single
19 project.

20 (D) Any portion of contractor costs for which
21 there is no competitive bid.

22 (E) All computer service and information man-
23 agement costs that have been previously reported as
24 overhead costs.

1 (F) Any other costs that the Comptroller Gen-
 2 eral considers appropriate to categorize as direct or
 3 indirect overhead costs.

4 (b) REPORT.—Not later than January 31, 1999, the
 5 Comptroller General shall submit to Congress a report set-
 6 ting forth the findings of the Comptroller as a result of
 7 the review under subsection (a). The report shall include
 8 the recommendations of the Comptroller regarding means
 9 of standardizing the methods used by the Department for
 10 allocating and reporting overhead costs associated with the
 11 cleanup of Department sites.

12 **SEC. 3149. SENSE OF THE CONGRESS ON FUNDING RE-**
 13 **QUIREMENTS FOR THE NONPROLIFERATION**
 14 **SCIENCE AND TECHNOLOGY ACTIVITIES OF**
 15 **THE DEPARTMENT OF ENERGY.**

16 (a) FUNDING REQUIREMENTS FOR THE NON-
 17 PROLIFERATION SCIENCE AND TECHNOLOGY ACTIVITIES
 18 BUDGET.—It is the sense of the Congress that for each
 19 of the fiscal years 2000 through 2008, it should be an
 20 objective of the Secretary of Energy to increase the budget
 21 for the nonproliferation science and technology activities
 22 for the fiscal year over the budget for those activities for
 23 the preceding fiscal year by a percent that is at least two
 24 percent above the rate of inflation as determined by the
 25 Office of Management and Budget.

1 (b) NONPROLIFERATION SCIENCE AND TECHNOLOGY

2 ACTIVITIES DEFINED.—In this section, the term “non-
3 proliferation science and technology activities” means ac-
4 tivities (including program direction activities) relating to
5 preventing and countering the proliferation of weapons of
6 mass destruction that are funded by the Department of
7 Energy under the following programs and projects:

8 (1) The Verification and Control Technology
9 program within the Office of Nonproliferation and
10 National Security.

11 (2) Projects under the “Technology and Sys-
12 tems Development” element of the Nuclear Safe-
13 guards and Security program within the Office of
14 Nonproliferation and National Security.

15 (3) Projects relating to a national capability to
16 assess the credibility of radiological and extortion
17 threats, or to combat nuclear materials trafficking
18 or terrorism, under the Emergency Management
19 program within the Office of Nonproliferation and
20 National Security.

21 (4) Projects relating to the development or inte-
22 gration of new technology to respond to emergencies
23 and threats involving the presence, or possible pres-
24 ence, of weapons of mass destruction, radiological

1 emergencies, and related terrorist threats, under the
 2 Office of Defense Programs.

3 **SEC. 3150. DEADLINE FOR SELECTION OF TECHNOLOGY**
 4 **FOR TRITIUM PRODUCTION.**

5 (a) DEADLINE.—The Secretary of Energy shall select
 6 a technology for the production of tritium not later than
 7 December 31, 1998.

8 (b) OPTIONS AVAILABLE FOR SELECTION.—Notwith-
 9 standing any provision of the Atomic Energy Act of 1954
 10 (42 U.S.C. 2011 et seq.), after the completion of the De-
 11 partment of Energy’s evaluation of their Interagency Re-
 12 view on the production of tritium, the Secretary shall
 13 make the selection for tritium production consistent with
 14 the laws, regulations and procedures of the Department
 15 of Energy as stated in subsection (a).

16 **Subtitle E—Maximum Age for New**
 17 **Department of Energy Nuclear**
 18 **Materials Couriers**

19 **SEC. 3161. MAXIMUM AGE TO ENTER NUCLEAR COURIER**
 20 **FORCE.**

21 Section 3307 of title 5, United States Code, is
 22 amended as follows—

23 (1) by striking in subsection (a) “and (d)” and
 24 inserting in its place “(d), (e), and (f)”; and

1 (2) by adding the following new subsection (f)
2 after subsection (e):

3 “(f) The Secretary of Energy may determine and fix
4 the maximum age limit for an original appointment to a
5 position as a Department of Energy nuclear materials cou-
6 rier, so defined by section 8331(27) of this title.”.

7 **SEC. 3162. DEFINITION.**

8 Section 8331 of title 5, United States Code, is
9 amended by adding the following new paragraph (27)
10 after paragraph (26):

11 “(27) Department of Energy nuclear materials
12 courier means an employee of the Department of
13 Energy or its predecessor agencies, the duties of
14 whose position are primarily to transport, and pro-
15 vide armed escort and protection during transit of,
16 nuclear weapons, nuclear weapon components, stra-
17 tegic quantities of special nuclear materials or other
18 materials related to national security, including an
19 employee who remains fully certified to engage in
20 this activity who is transferred to a supervisory,
21 training, or administrative position.”.

22 **SEC. 3163. AMENDING SECTION 8334(a)(1) OF TITLE 5, U.S.C.**

23 (a) The first sentence of section 8334(a)(1) of title
24 5, United States Code, is amended by striking “and a fire-

1 fighter”, and inserting in its place “a firefighter, and a
2 Department of Energy nuclear materials courier,”.

3 (b) Section 8334(c) of title 5, United States Code,
4 is amended by adding the following new schedule after the
5 schedule for a Member of the Capitol Police:

| | | | |
|-------------------------------------|----|-------|--------------------------|
| “Department of Energy nuclear mate- | 5 | | July 1, 1942 to June 30, |
| rials courier for courier service | | | 1948. |
| (while employed by DOE and its | 6 | | July 1, 1948 to October |
| predecessor agencies). | | | 31, 1956. |
| | 6½ | | November 1, 1956 to De- |
| | | | cember 31, 1969. |
| | 7 | | January 1, 1970 to De- |
| | | | cember 31, 1974. |
| | 7½ | | After December 31, |
| | | | 1974.”. |

6 **SEC. 3164. AMENDING SECTION 8336(c)(1) OF TITLE 5, U.S.C.**

7 Section 8336(c)(1) of title 5, United States Code, is
8 amended by striking “or firefighter” and inserting in its
9 place, “a firefighter, or a Department of Energy nuclear
10 materials courier,”.

11 **SEC. 3165. AMENDING SECTION 8401 OF TITLE 5, U.S.C.**

12 Section 8401 of title 5, United States Code, is
13 amended by adding the following new paragraph (33)
14 after paragraph (32):

15 “(33) Department of Energy nuclear materials
16 courier means an employee of the Department of
17 Energy or its predecessor agencies, the duties of
18 whose position are primarily to transport, and pro-
19 vide armed escort and protection during transit of,
20 nuclear weapons, nuclear weapons components, stra-

1 tegic quantities of special nuclear materials, or other
 2 materials related to national security, including an
 3 employee who remains fully certified to engage in
 4 this activity who is transferred to a supervisory,
 5 training, or administrative position.”.

6 **SEC. 3166. AMENDING SECTION 8412(d) OF TITLE 5, U.S.C.**

7 Section 8412(d) of title 5, United States Code, is
 8 amended by striking “or firefighter” in paragraphs (1)
 9 and (2) and inserting in its place, “a firefighter, or a De-
 10 partment of Energy nuclear materials courier,”.

11 **SEC. 3167. AMENDING SECTION 8415(g) OF TITLE 5, U.S.C.**

12 Section 8415(g) of title 5, United States Code, is
 13 amended by striking “firefighter” and inserting in its
 14 place “firefighter, Department of Energy nuclear mate-
 15 rials courier,”.

16 **SEC. 3168. AMENDING SECTION 8422(a)(3) OF TITLE 5, U.S.C.**

17 Section 8422(a)(3) of title 5, United States Code, is
 18 amended by striking “firefighter” in the schedule and in-
 19 serting in its place “firefighter, Department of Energy nu-
 20 clear materials courier,”.

21 **SEC. 3169. AMENDING SECTIONS 8423(a) (1)(B)(i) AND (3)(A)**

22 **OF TITLE 5, U.S.C.**

23 Sections 8423(a)(1)(B)(i) and 8423(a)(3)(A) of title
 24 5, United States Code, are amended by striking “Fire-

1 fighters” and inserting in its place “firefighters, Depart-
2 ment of Energy nuclear materials couriers,”.

3 **SEC. 3170. AMENDING SECTION 8335(b) OF TITLE 5, U.S.C.**

4 Section 8335(b) of title 5, United States Code, is
5 amended by adding the words “or Department of Energy
6 Nuclear Materials Couriers” after the word “officer” in
7 the second sentence.

8 **SEC. 3171. PAYMENTS.**

9 Any payments made by the Department of Energy
10 to the Civil Service Retirement or Disability Fund pursu-
11 ant to this Act shall be made from the Weapons Activities
12 account.

13 **SEC. 3172. EFFECTIVE DATE.**

14 These amendments are effective at the beginning of
15 the first pay period in fiscal year 2000, and applies only
16 to those employees who retire after fiscal year 1999.

17 **TITLE XXXII—DEFENSE NU-**
18 **CLEAR FACILITIES SAFETY**
19 **BOARD**

20 **SEC. 3201. AUTHORIZATION.**

21 There are authorized to be appropriated for fiscal
22 year 1999, \$17,500,000 for the operation of the Defense
23 Nuclear Facilities Safety Board under chapter 21 of the
24 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term “National Defense Stockpile Transaction Fund” means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1999, the National Defense Stockpile Manager may obligate up to \$83,000,000 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)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National

1 Defense Stockpile Manager notifies Congress that extraor-
 2 dinary or emergency conditions necessitate the additional
 3 obligations. The National Defense Stockpile Manager may
 4 make the additional obligations described in the notifica-
 5 tion after the end of the 45-day period beginning on the
 6 date Congress receives the notification.

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

10 **SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
 11 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

12 (a) DISPOSAL REQUIRED.—Subject to subsection (c),
 13 the President shall dispose of materials contained in the
 14 National Defense Stockpile and specified in the table in
 15 subsection (b) so as to result in receipts to the United
 16 States in the amount of \$103,000,000 by the end of fiscal
 17 year 1999 and \$377,000,000 by the end of fiscal year
 18 2003.

19 (b) LIMITATION ON DISPOSAL QUANTITY.—The total
 20 quantities of materials authorized for disposal by the
 21 President under subsection (a) may not exceed the
 22 amounts set forth in the following table:

Authorized Stockpile Disposals

| Material for disposal | Quantity |
|------------------------------------|--------------------------|
| Beryllium Metal, vacuum cast | 227 short tons |
| Chromium Metal—EL | 8,511 short tons |
| Columbium Carbide Powder | 21,372 pounds contained |
| Columbium Ferro | 249,395 pounds contained |

Authorized Stockpile Disposals—Continued

| Material for disposal | Quantity |
|------------------------------------|----------------------------|
| Columbium Concentrates | 1,733,454 pounds contained |
| Chromium Ferroalloy | 92,000 short tons |
| Diamond, Stones | 3,000,000 carats |
| Germanium Metal | 28,198 kilograms |
| Indium | 14,248 troy ounces |
| Palladium | 1,227,831 troy ounces |
| Platinum | 439,887 troy ounces |
| Tantalum Carbide Powder | 22,681 pounds contained |
| Tantalum Metal Powder | 50,000 pounds contained |
| Tantalum Minerals | 1,751,364 pounds contained |
| Tantalum Oxide | 122,730 pounds contained |
| Tungsten Ferro | 2,024,143 pounds |
| Tungsten Carbide Powder | 2,032,954 pounds |
| Tungsten Metal Powder | 1,898,009 pounds |
| Tungsten Ores & Concentrates | 76,358,230 pounds. |

1 (c) MINIMIZATION OF DISRUPTION AND LOSS.—The
2 President may not dispose of materials under subsection
3 (a) to the extent that the disposal will result in—

4 (1) undue disruption of the usual markets of
5 producers, processors, and consumers of the mate-
6 rials proposed for disposal; or

7 (2) avoidable loss to the United States.

8 (d) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
9 ITY.—The disposal authority provided in subsection (a) is
10 new disposal authority and is in addition to, and shall not
11 affect, any other disposal authority provided by law re-
12 garding the materials specified in such subsection.

13 (e) AUTHORIZATION OF SALE.—The authority pro-
14 vided by this section to dispose of materials contained in
15 the National Defense Stockpile so as to result in receipts
16 of \$100,000,000 of the amount specified for fiscal year

1 1999 in subsection (a) by the end of that fiscal year shall
 2 be effective only to the extent provided in advance in ap-
 3 propriation Acts.

4 **SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVI-**
 5 **RONMENTAL REMEDIATION, RESTORATION,**
 6 **WASTE MANAGEMENT, AND COMPLIANCE AC-**
 7 **TIVITIES.**

8 Section 9(b)(2) of the Strategic and Critical Mate-
 9 rials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

10 (1) by redesignating subparagraphs (J) and (K)

11 as subparagraphs (K) and (L), respectively; and

12 (2) by inserting after subparagraph (I) the fol-
 13 lowing new subparagraph (J):

14 “(J) Performance of environmental remedi-
 15 ation, restoration, waste management, or compliance
 16 activities at locations of the stockpile that are re-
 17 quired under a Federal law or are undertaken by the
 18 Government under an administrative decision or ne-
 19 gotiated agreement.”.

20 **TITLE XXXIV—NAVAL**
 21 **PETROLEUM RESERVES**

22 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) AMOUNT.—There is hereby authorized to be ap-
 24 propriated to the Secretary of Energy \$117,000,000 for
 25 fiscal year 1999 for the purposes of carrying out—

1 (1) activities under chapter 641 of title 10,
 2 United States Code, relating to the naval petroleum
 3 reserves (as defined in section 7420(2) of such title);
 4 and

5 (2) activities necessary to terminate the admin-
 6 istration of Naval Petroleum Reserve Numbered 1
 7 by the Secretary after the sale of that reserve under
 8 subtitle B of title XXXIV of the National Defense
 9 Authorization Act for Fiscal Year 1996 (Public Law
 10 104–106; 10 U.S.C. 7420 note).

11 (b) AVAILABILITY.—Funds appropriated pursuant to
 12 the authorization in subsection (a) shall remain available
 13 until expended.

14 **TITLE XXXV—PANAMA CANAL** 15 **COMMISSION**

16 **SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL** 17 **ACT OF 1979.**

18 (a) SHORT TITLE.—This title may be cited as the
 19 “Panama Canal Commission Authorization Act for Fiscal
 20 Year 1999”.

21 (b) REFERENCES TO PANAMA CANAL ACT OF
 22 1979.—Except as otherwise expressly provided, whenever
 23 in this title an amendment or repeal is expressed in terms
 24 of an amendment to, or repeal of, a section or other provi-
 25 sion, the reference shall be considered to be made to a

1 section or other provision of the Panama Canal Act of
2 1979 (22 U.S.C. 3601 et seq.).

3 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

4 (a) IN GENERAL.—Subject to subsection (b), the
5 Panama Canal Commission is authorized to use amounts
6 in the Panama Canal Revolving Fund to make such ex-
7 penditures within the limits of funds and borrowing au-
8 thority available to it in accordance with law, and to make
9 such contracts and commitments, as may be necessary
10 under the Panama Canal Act of 1979 (22 U.S.C. 3601
11 et seq.) for the operation, maintenance, improvement, and
12 administration of the Panama Canal for fiscal year 1999.

13 (b) LIMITATIONS.—For fiscal year 1999, the Panama
14 Canal Commission may expend from funds in the Panama
15 Canal Revolving Fund not more than \$90,000 for official
16 reception and representation expenses, of which—

17 (1) not more than \$28,000 may be used for of-
18 ficial reception and representation expenses of the
19 Supervisory Board of the Commission;

20 (2) not more than \$14,000 may be used for of-
21 ficial reception and representation expenses of the
22 Secretary of the Commission; and

23 (3) not more than \$48,000 may be used for of-
24 ficial reception and representation expenses of the
25 Administrator of the Commission.

1 **SEC. 3503. PURCHASE OF VEHICLES.**

2 Notwithstanding any other provision of law, the
3 funds available to the Commission shall be available for
4 the purchase and transportation to the Republic of Pan-
5 ama of passenger motor vehicles, the purchase price of
6 which shall not exceed \$23,000 per vehicle.

7 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
8 **TREATIES.**

9 Expenditures authorized under this title may be made
10 only in accordance with the Panama Canal Treaties of
11 1977 and any law of the United States implementing
12 those treaties.

13 **SEC. 3505. DONATIONS TO THE COMMISSION.**

14 Section 1102b (22 U.S.C. 3612b) is amended by add-
15 ing at the end the following new subsection:

16 “(f)(1) The Commission may seek and accept dona-
17 tions of funds, property, and services from individuals,
18 foundations, corporations, and other private and public en-
19 tities for the purpose of carrying out its promotional ac-
20 tivities.

21 “(2) The Commission shall establish written guide-
22 lines setting forth the criteria to be used in determining
23 whether the acceptance of funds, property, or services au-
24 thorized by paragraph (1) would reflect unfavorably upon
25 the ability of the Commission (or any employee of the
26 Commission) to carry out its responsibilities or official du-

1 ties in a fair and objective manner or would compromise
 2 the integrity or the appearance of the integrity of its pro-
 3 grams or of any official in those programs.”.

4 **SEC. 3506. AGREEMENTS FOR UNITED STATES TO PROVIDE**
 5 **POST-TRANSFER ADMINISTRATIVE SERVICES**
 6 **FOR CERTAIN EMPLOYEE BENEFITS.**

7 Section 1110 (22 U.S.C. 3620) is amended by adding
 8 at the end the following new subsection:

9 “(c)(1) The Secretary of State may enter into one
 10 or more agreements to provide for the United States to
 11 furnish administrative services relating to the benefits de-
 12 scribed in paragraph (2) after December 31, 1999, and
 13 to establish appropriate procedures for providing advance
 14 funding for the services.

15 “(2) The benefits referred to in paragraph (1) are
 16 the following:

17 “(A) Pension, disability, and medical benefits
 18 provided by the Panama Canal Commission pursu-
 19 ant to section 1245.

20 “(B) Compensation for work injuries covered by
 21 chapter 81 of title 5, United States Code.”.

22 **SEC. 3507. SUNSET OF UNITED STATES OVERSEAS BENE-**
 23 **FITS JUST BEFORE TRANSFER.**

24 (a) REPEALS.—Effective 11:59 p.m. (Eastern Stand-
 25 ard Time), December 30, 1999, the following provisions

1 are repealed and any right or condition of employment
 2 provided for in, or arising from, those provisions is termi-
 3 nated: sections 1206 (22 U.S.C. 3646), 1207 (22 U.S.C.
 4 3647), 1217(a), (22 U.S.C. 3657(a)), and 1224(11) (22
 5 U.S.C. 3664(11)), subparagraphs (A), (B), (F), (G), and
 6 (H) of section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and sec-
 7 tion 1321(e) (22 U.S.C. 3731(e)).

8 (b) SAVINGS PROVISION FOR BASIC PAY.—Notwith-
 9 standing subsection (a), benefits based on basic pay, as
 10 listed in paragraphs (1), (2), (3), (5), and (6) of section
 11 1218 of the Panama Canal Act of 1979, shall be paid as
 12 if sections 1217(a) and 1231(a)(2) (A) and (B) of that
 13 Act had been repealed effective 12:00 p.m., December 31,
 14 1999. The exception under the preceding sentence shall
 15 not apply to any pay for hours of work performed on De-
 16 cember 31, 1999.

17 (c) NONAPPLICABILITY TO AGENCIES IN PANAMA
 18 OTHER THAN PANAMA CANAL COMMISSION.—Section
 19 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking
 20 out “the Panama Canal Transition Facilitation Act of
 21 1997” and inserting in lieu thereof “the Panama Canal
 22 Transition Facilitation Act of 1997 (subtitle B of title
 23 XXXV of Public Law 105–85; 110 Stat. 2062), or the
 24 Panama Canal Commission Authorization Act for Fiscal
 25 Year 1999”.

1 **SEC. 3508. CENTRAL EXAMINING OFFICE.**

2 Section 1223 (22 U.S.C. 3663) is repealed.

3 **SEC. 3509. LIABILITY FOR VESSEL ACCIDENTS.**

4 (a) COMMISSION LIABILITY SUBJECT TO CLAIMANT
5 INSURANCE.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is
6 amended by inserting “to section 1419(b) of this Act and”
7 after “Subject” in the first sentence.

8 (2) Section 1412 (22 U.S.C. 3772) is amended by
9 striking out “The Commission” in the first sentence and
10 inserting in lieu thereof “Subject to section 1419(b) of this
11 Act, the Commission”.

12 (3) Section 1416 (22 U.S.C. 3776) is amended by
13 striking out “A claimant” in the first sentence and insert-
14 ing in lieu thereof “Subject to section 1419(b) of this Act,
15 a claimant”.

16 (b) LIMITATION ON LIABILITY.—Section 1419 (22
17 U.S.C. 3779) is amended by designating the text as sub-
18 section (a) and by adding at the end the following:

19 “(b) The Commission may not consider or pay any
20 claim under section 1411 or 1412 of this Act, nor may
21 an action for damages lie thereon, unless the claimant is
22 covered by one or more valid policies of insurance totalling
23 at least \$1,000,000 against the injuries specified in those
24 sections. The Commission’s liability on any such claim
25 shall be limited to damages in excess of all amounts recov-
26 ered or recoverable by the claimant from its insurers. The

1 Commission may not consider or pay any claim by an in-
 2 surer or subrogee of a claimant under section 1411 or
 3 1412 of this Act.”.

4 **SEC. 3510. PLACEMENT OF UNITED STATES CITIZENS IN**
 5 **POSITIONS WITH THE UNITED STATES GOV-**
 6 **ERNMENT.**

7 Section 1232 (22 U.S.C. 3672) is amended—

8 (1) by striking out subsection (d);

9 (2) by redesignating subsection (c) as sub-
 10 section (d); and

11 (3) by inserting after subsection (b) the follow-
 12 ing new subsection (c):

13 “(c)(1) Upon the request of an employee or former
 14 employee of the Panama Canal Commission described in
 15 paragraph (2), the employee shall be afforded eligibility
 16 for appointment on a noncompetitive basis to vacant posi-
 17 tions in the competitive service of the civil service within—

18 “(A) an area determined by the Director of the
 19 Office of Personnel Management as being within a
 20 reasonable commuting distance of the employee’s
 21 residence; or

22 “(B) in the case of an employee in the Republic
 23 of Panama who chooses to so designate, any Stand-
 24 ard Federal Region designated by the employee.

25 “(2) Paragraph (1) applies to a person who—

1 “(A) is a citizen of the United States;

2 “(B) was an employee of the Panama Canal
3 Commission on or after July 1, 1998; and

4 “(C) is in receipt of a notice of separation by
5 reason of a reduction in force.

6 “(3) A person’s eligibility for a noncompetitive ap-
7 pointment under paragraph (1) expires one year after the
8 date of the separation of that person from employment
9 by the Panama Canal Commission.

10 “(4) For the purposes of paragraph (2)(B), an em-
11 ployee of the dissolution office established to manage Pan-
12 ama Canal Commission Dissolution Fund established by
13 section 1305 is an employee of the Panama Canal Com-
14 mission.

15 “(5) In this subsection, the terms ‘civil service’ and
16 ‘competitive service’ have the meanings given such terms
17 in sections 2101(1) and 2102, respectively, of title 5,
18 United States Code.”.

19 **SEC. 3511. PANAMA CANAL BOARD OF CONTRACT APPEALS.**

20 (a) ESTABLISHMENT AND PAY OF BOARD.—Section
21 3102(a) (22 U.S.C. 3862(a)) is amended—

22 (1) in paragraph (1), by striking out “shall” in
23 the first sentence and inserting in lieu thereof
24 “may”; and

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

3 “(3) Compensation for members of the Board of Con-
4 tract Appeals shall be established by the Commission’s su-
5 pervisory board. The annual compensation established for
6 members may not exceed the rate of basic pay established
7 for level IV of the Executive Schedule under section 5315
8 of title 5, United States Code. The compensation of a
9 member may not be reduced during the member’s term
10 of office from the level established at the time of the ap-
11 pointment of the member.”.

12 (b) DEADLINE FOR COMMENCEMENT OF BOARD.—
13 Section 3102(e) (22 U.S.C. 3862(e)) is amended by strik-
14 ing out “, but not later than January 1, 1999”.

15 **SEC. 3512. TECHNICAL AMENDMENTS.**

16 (a) PANAMA CANAL ACT OF 1979.—The Panama
17 Canal Act of 1979 is amended as follows:

18 (1) Section 1202(c) (22 U.S.C. 3642(c)) is
19 amended—

20 (A) by striking out “the day before the
21 date of the enactment of the Panama Canal
22 Transition Facilitation Act of 1997” and insert-
23 ing in lieu thereof “November 17, 1997,”;

24 (B) by striking out “on or after that
25 date”; and

1 (C) by striking out “the day before the
2 date of enactment” and inserting in lieu thereof
3 “that date”.

4 (2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3))
5 is amended by inserting “the” after “by the head
6 of”.

7 (3) Section 1313 (22 U.S.C. 3723) is amended
8 by striking out “subsection (d)” in each of sub-
9 sections (a), (b), and (d) and inserting in lieu there-
10 of “subsection (c)”.

11 (4) Sections 1411(a) and 1412 (22 U.S.C.
12 3771(a), 3772) are amended by striking out “the
13 date of the enactment of the Panama Canal Transi-
14 tion Facilitation Act of 1997” and inserting in lieu
15 thereof “by November 18, 1998”.

16 (5) Section 1416 (22 U.S.C. 3776) is amended
17 by striking out “the date of the enactment of the
18 Panama Canal Transition Facilitation Act of 1997”
19 and inserting in lieu thereof “by May 17, 1998”.

20 (b) PUBLIC LAW 104–201.—Effective as of Septem-
21 ber 23, 1996, and as if included therein as enacted, section
22 3548(b)(3) of the Panama Canal Act Amendments of
23 1996 (subtitle B of title XXXV of Public Law 104–201;
24 110 Stat. 2869) is amended by striking out “section” in

1 both items of quoted matter and inserting in lieu thereof
2 “sections”.

3 **SEC. 3513. OFFICER OF THE DEPARTMENT OF DEFENSE**
4 **DESIGNATED AS A MEMBER OF THE PANAMA**
5 **CANAL COMMISSION SUPERVISORY BOARD.**

6 (a) **AUTHORITY.**—Section 1102(a) (22 U.S.C.
7 3612(a)) is amended—

8 (1) by striking out the first sentence and insert-
9 ing in lieu thereof the following: “The Commission
10 shall be supervised by a Board composed of nine
11 members. An officer of the Department of Defense
12 designated by the Secretary of Defense shall be one
13 of the members of the Board.”; and

14 (2) in the last sentence, by striking out “Sec-
15 retary of Defense or a designee of the Secretary of
16 Defense” and inserting in lieu thereof “the officer of
17 the Department of Defense designated by the Sec-
18 retary of Defense to be a member of the Board”.

19 (b) **REPEAL OF SUPERSEDED PROVISION.**—Section
20 302 of Public Law 105–18 (111 Stat. 168) is repealed.

1 **TITLE XXXVI—COMMERCIAL AC-**
2 **TIVITIES OF PEOPLE’S LIB-**
3 **ERATION ARMY**

4 **SEC. 3601. APPLICATION OF AUTHORITIES UNDER THE**
5 **INTERNATIONAL EMERGENCY ECONOMIC**
6 **POWERS ACT TO CHINESE MILITARY COMPA-**
7 **NIES.**

8 (a) DETERMINATION OF COMMUNIST CHINESE MILI-
9 TARY COMPANIES.—

10 (1) IN GENERAL.—Subject to paragraphs (2)
11 and (3), not later than 90 days after the date of the
12 enactment of this Act, the Secretary of Defense, in
13 consultation with the Attorney General, the Director
14 of Central Intelligence, and the Director of the Fed-
15 eral Bureau of Investigation, shall compile a list of
16 persons who are Communist Chinese military compa-
17 nies and who are operating directly or indirectly in
18 the United States or any of its territories and pos-
19 sessions, and shall publish the list of such persons
20 in the Federal Register. On an ongoing basis, the
21 Secretary of Defense, in consultation with the Attor-
22 ney General, the Director of Central Intelligence,
23 and the Director of the Federal Bureau of Investiga-
24 tion, shall make additions or deletions to the list
25 based on the latest information available.

(2) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1), the term “Communist Chinese military company”—

(A) means a person that is—

(i) engaged in providing commercial services, manufacturing, producing, or exporting, and

(ii) owned or controlled by the People’s Liberation Army, and

(B) includes, but is not limited to, any person identified in the United States Defense Intelligence Agency publication numbered VP–1920–271–90, dated September 1990, or PC–1921–57–95, dated October 1995, and any update of such reports for the purposes of this title.

(b) PRESIDENTIAL AUTHORITY.—

(1) AUTHORITY.—The President may exercise the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) with respect to any commercial activity in the United States by a Communist Chinese military company (except with respect to authorities

1 relating to importation), without regard to section
2 202 of that Act.

3 (2) PENALTIES.—The penalties set forth in sec-
4 tion 206 of the International Emergency Economic
5 Powers Act (50 U.S.C. 1705) shall apply to viola-
6 tions of any license, order, or regulation issued
7 under paragraph (1).

8 **SEC. 3602. DEFINITION.**

9 For purposes of this title, the term “People’s Libera-
10 tion Army” means the land, naval, and air military serv-
11 ices, the police, and the intelligence services of the Com-
12 munist Government of the People’s Republic of China, and
13 any member of any such service or of such police.

14 **TITLE XXXVII—FORCED OR**
15 **INDENTURED LABOR**

16 **SEC. 3701. FINDINGS.**

17 Congress makes the following findings:

18 (1) The United States Customs Service has
19 identified goods, wares, articles, and merchandise
20 mined, produced, or manufactured under conditions
21 of convict labor, forced labor, or indentured labor, in
22 several countries.

23 (2) The United States Customs Service has
24 made limited attempts to prohibit the import of
25 products made with forced labor, resulting in only a

1 few seizures, detention orders, fines, and criminal
2 prosecutions.

3 (3) The United States Customs Service has
4 taken 21 formal administrative actions in the form
5 of detention orders against different products des-
6 tined for the United States market, found to have
7 been made with forced labor, including products
8 from the People's Republic of China.

9 (4) However, the United States Customs Serv-
10 ice has never formally investigated or pursued en-
11 forcement with respect to attempts to import prod-
12 ucts made with forced or indentured child labor.

13 (5) The United States Customs Service can use
14 additional resources and tools to obtain the timely
15 and in-depth verification necessary to identify and
16 interdict products made with forced labor or inden-
17 tured labor, including forced or indentured child
18 labor, that are destined for the United States mar-
19 ket.

20 (6) The International Labor Organization esti-
21 mates that approximately 250,000,000 children be-
22 tween the ages of 5 and 14 are working in develop-
23 ing countries, including millions of children in bond-
24 age or otherwise forced to work for little or no pay.

1 (7) Congress has clearly indicated in Public
2 Law 105–61, Treasury-Postal Service Appropria-
3 tions, 1998, that forced or indentured child labor
4 constitutes forced labor under section 307 of the
5 Tariff Act of 1930 (19 U.S.C. 1307).

6 **SEC. 3702. AUTHORIZATION FOR ADDITIONAL CUSTOMS**
7 **PERSONNEL TO MONITOR THE IMPORTATION**
8 **OF PRODUCTS MADE WITH FORCED OR IN-**
9 **DENTURED LABOR.**

10 There are authorized to be appropriated \$2,000,000
11 for fiscal year 1999 to the United States Customs Service
12 to monitor the importation of products made with forced
13 labor or indentured labor, including forced or indentured
14 child labor, the importation of which violates section 307
15 of the Tariff Act of 1930 or section 1761 of title 18,
16 United States Code.

17 **SEC. 3703. REPORTING REQUIREMENT ON FORCED LABOR**
18 **OR INDENTURED LABOR PRODUCTS DES-**
19 **TINED FOR THE UNITED STATES MARKET.**

20 (a) REPORT TO CONGRESS.—Not later than 1 year
21 after the date of enactment of this Act, the Commissioner
22 of Customs shall prepare and transmit to Congress a re-
23 port on products made with forced labor or indentured
24 labor, including forced or indentured child labor that are
25 destined for the United States market.

1 (b) CONTENTS OF REPORT.—The report under sub-
2 section (a) shall include information concerning the follow-
3 ing:

4 (1) The extent of the use of forced labor or in-
5 dentured labor, including forced or indentured child
6 labor in manufacturing or mining products destined
7 for the United States market.

8 (2) The volume of products made or mined with
9 forced labor or indentured labor, including forced or
10 indentured child labor that is—

11 (A) destined for the United States market,

12 (B) in violation of section 307 of the Tariff
13 Act of 1930 or section 1761 of title 18, United
14 States Code, and

15 (C) seized by the United States Customs
16 Service.

17 (3) The progress of the United States Customs
18 Service in identifying and interdicting products
19 made with forced labor or indentured labor, includ-
20 ing forced or indentured child labor that are des-
21 tined for the United States market.

22 **SEC. 3704. RENEGOTIATING MEMORANDA OF UNDER-**
23 **STANDING ON FORCED LABOR.**

24 It is the sense of Congress that the President should
25 determine whether any country with which the United

1 States has a memorandum of understanding with respect
 2 to reciprocal trade that involves goods made with forced
 3 labor or indentured labor, including forced or indentured
 4 child labor is frustrating implementation of the memoran-
 5 dum. If an affirmative determination be made, the Presi-
 6 dent should immediately commence negotiations to replace
 7 the current memorandum of understanding with one pro-
 8 viding for effective procedures for the monitoring of forced
 9 labor or indentured labor, including forced or indentured
 10 child labor. The memorandum of understanding should in-
 11 clude improved procedures for requesting investigations of
 12 suspected work sites by international monitors.

13 **TITLE XXXVIII—FAIR TRADE IN** 14 **AUTOMOTIVE PARTS**

15 **SEC. 3801. SHORT TITLE.**

16 This title may be cited as the “Fair Trade in Auto-
 17 motive Parts Act of 1998”.

18 **SEC. 3802. DEFINITIONS.**

19 In this title:

20 (1) **JAPANESE MARKETS.**—The term “Japanese
 21 markets” refers to markets, including markets in the
 22 United States and Japan, where automotive parts
 23 and accessories, both original equipment and
 24 aftermarket, are purchased for use in the manufac-
 25 ture or repair of Japanese automobiles.

1 (2) JAPANESE AND OTHER ASIAN MARKETS.—

2 The term “Japanese and other Asian markets” re-
3 fers to markets, including markets in the United
4 States, Japan, and other Asian countries, where
5 automotive parts and accessories, both original
6 equipment and aftermarket, are purchased for use in
7 the manufacture or repair of Japanese, American, or
8 other Asian automobiles.

9 **SEC. 3803. RE-ESTABLISHMENT OF INITIATIVE ON AUTO-**
10 **MOTIVE PARTS SALES TO JAPAN.**

11 (a) IN GENERAL.—The Secretary of Commerce shall
12 re-establish the initiative to increase the sale of United
13 States made automotive parts and accessories to Japanese
14 markets.

15 (b) FUNCTIONS.—In carrying out this section, the
16 Secretary shall—

17 (1) foster increased access for United States
18 made automotive parts and accessories to Japanese
19 companies, including specific consultations on access
20 to Japanese markets;

21 (2) facilitate the exchange of information be-
22 tween United States automotive parts manufacturers
23 and the Japanese automobile industry;

24 (3) collect data and market information on the
25 Japanese automotive industry regarding needs,

1 trends, and procurement practices, including the
 2 types, volume, and frequency of parts sales to Japa-
 3 nese automobile manufacturers;

4 (4) establish contacts with Japanese automobile
 5 manufacturers in order to facilitate contact between
 6 United States automotive parts manufacturers and
 7 Japanese automobile manufacturers;

8 (5) report on and attempt to resolve disputes,
 9 policies or practices, whether public or private, that
 10 result in barriers to increased commerce between
 11 United States automotive parts manufacturers and
 12 Japanese automobile manufacturers;

13 (6) take actions to initiate periodic consulta-
 14 tions with officials of the Government of Japan re-
 15 garding sales of United States-made automotive
 16 parts in Japanese markets; and

17 (7) transmit to Congress the annual report pre-
 18 pared by the Special Advisory Committee under sec-
 19 tion 3804(c)(5).

20 **SEC. 3804. ESTABLISHMENT OF SPECIAL ADVISORY COM-**
 21 **MITTEE ON AUTOMOTIVE PARTS SALES IN**
 22 **JAPANESE AND OTHER ASIAN MARKETS.**

23 (a) IN GENERAL.—The Secretary of Commerce shall
 24 seek the advice of the United States automotive parts in-
 25 dustry in carrying out this title.

1 (b) ESTABLISHMENT OF COMMITTEE.—The Sec-
2 retary of Commerce shall establish a Special Advisory
3 Committee for purposes of carrying out this title.

4 (c) FUNCTIONS.—The Special Advisory Committee
5 established under subsection (b) shall—

6 (1) report to the Secretary of Commerce on
7 barriers to sales of United States-made automotive
8 parts and accessories in Japanese and other Asian
9 markets;

10 (2) review and consider data collected on sales
11 of United States-made automotive parts and acces-
12 sories in Japanese and other Asian markets;

13 (3) advise the Secretary of Commerce during
14 consultations with other governments on issues con-
15 cerning sales of United States-made automotive
16 parts in Japanese and other Asian markets;

17 (4) assist in establishing priorities for the ini-
18 tiative established under section 3803, and otherwise
19 provide assistance and direction to the Secretary of
20 Commerce in carrying out the intent of that section;
21 and

22 (5) assist the Secretary in reporting to Con-
23 gress by submitting an annual written report to the
24 Secretary on the sale of United States-made auto-
25 motive parts in Japanese and other Asian markets,

1 as well as any other issues with respect to which the
2 Committee provides advice pursuant to this title.

3 (d) **AUTHORITY.**—The Secretary of Commerce shall
4 draw on existing budget authority in carrying out this
5 title.

6 **SEC. 3805. EXPIRATION DATE.**

7 The authority under this title shall expire on Decem-
8 ber 31, 2003.

9 **TITLE XXXIX —RADIO FREE ASIA**

10 **SEC. 3901. SHORT TITLE.**

11 This title may be cited as the “Radio Free Asia Act
12 of 1998”.

13 **SEC. 3902. FINDINGS.**

14 The Congress makes the following findings:

15 (1) The Government of the People’s Republic of
16 China systematically controls the flow of information
17 to the Chinese people.

18 (2) The Government of the People’s Republic of
19 China demonstrated that maintaining its monopoly
20 on political power is a higher priority than economic
21 development by announcing in January 1996 that its
22 official news agency, Xinhua, will supervise wire
23 services selling economic information, including Dow
24 Jones-Telerate, Bloomberg, and Reuters Business,
25 and in announcing in February 1996 the “Interim

1 Internet Management Rules”, which have the effect
2 of censoring computer networks.

3 (3) Under the May 30, 1997, order of Premier
4 Li Peng, all organizations that engage in business
5 activities related to international computer net-
6 working must now apply for a license, increasing
7 still further government control over access to the
8 Internet.

9 (4) Both Radio Free Asia and the Voice of
10 America, as a surrogate for a free press in the Peo-
11 ple’s Republic of China, provide an invaluable source
12 of uncensored information to the Chinese people, in-
13 cluding objective and authoritative news of in-coun-
14 try and regional events, as well as accurate news
15 about the United States and its policies.

16 (5) Enhanced broadcasting service to China and
17 Tibet can efficiently be established through a com-
18 bination of Radio Free Asia and Voice of America
19 programming.

20 (6) Radio Free Asia and Voice of America, in
21 working toward continuously broadcasting to the
22 People’s Republic of China in multiple languages,
23 have the capability to establish 24-hour-a-day Man-
24 darin broadcasting to that nation by staggering the
25 hours of Radio Free Asia and Voice of America.

1 (7) Simultaneous broadcastings on Voice of
 2 America radio and Worldnet television 7 days a
 3 week in Mandarin are also important and needed ca-
 4 pabilities.

5 **SEC. 3903. AUTHORIZATION OF APPROPRIATIONS FOR IN-**
 6 **CREASED FUNDING FOR RADIO FREE ASIA**
 7 **AND VOICE OF AMERICA BROADCASTING TO**
 8 **CHINA.**

9 (a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO
 10 FREE ASIA.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated for “Radio
 13 Free Asia” \$30,000,000 for fiscal year 1998 and
 14 \$22,000,000 for fiscal year 1999.

15 (2) LIMITATIONS.—Of the funds under para-
 16 graph (1) authorized to be appropriated for fiscal
 17 year 1998, \$8,000,000 is authorized to be appro-
 18 priated for one-time capital costs.

19 (3) SENSE OF CONGRESS.—It is the sense of
 20 Congress that of the funds under paragraph (1), a
 21 significant amount shall be directed towards broad-
 22 casting to China and Tibet in the appropriate lan-
 23 guages and dialects.

24 (b) AUTHORIZATION OF APPROPRIATIONS FOR
 25 INTERNATIONAL BROADCASTING TO CHINA.—In addition

1 to such sums as are otherwise authorized to be appro-
 2 priated for “International Broadcasting Activities” for fis-
 3 cal years 1998 and 1999, there are authorized to be ap-
 4 propriated for “International Broadcasting Activities”
 5 \$5,000,000 for fiscal year 1998 and \$3,000,000 for fiscal
 6 year 1999, which shall be available only for enhanced
 7 Voice of America broadcasting to China. Of the funds au-
 8 thorized under this subsection \$100,000 is authorized to
 9 be appropriated for each of the fiscal years 1998 and 1999
 10 for additional personnel to staff Hmong language broad-
 11 casting.

12 (c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO
 13 CONSTRUCTION.—In addition to such sums as are other-
 14 wise authorized to be appropriated for “Radio Construc-
 15 tion” for fiscal years 1998 and 1999, there are authorized
 16 to be appropriated for “Radio Construction” \$10,000,000
 17 for fiscal year 1998 and \$2,000,000 for fiscal year 1999,
 18 which shall be available only for construction in support
 19 of enhanced broadcasting to China, including the timely
 20 augmentation of transmitters at Tinian, the Common-
 21 wealth of the Northern Mariana Islands.

22 **SEC. 3904. REPORTING REQUIREMENT.**

23 (a) REPORT.—Not later than 90 days after the date
 24 of enactment of this Act, the Broadcasting Board of Gov-
 25 ernors shall prepare and submit to the appropriate con-

1 gressional committees an assessment of the board's efforts
2 to increase broadcasting by Radio Free Asia and Voice
3 of America to China and Tibet. This report shall include
4 an analysis of Chinese government control of the media,
5 the ability of independent journalists and news organiza-
6 tions to operate in China, and the results of any research
7 conducted to quantify listenership.

8 (b) PURPOSES.—For purposes of this section, appro-
9 priate congressional committees are defined as the Senate
10 Committees on Foreign Relations and Appropriations and
11 the House Committees on International Relations and Ap-
12 propriations.

Passed the Senate June 25, 1998.

Attest:

GARY SISCO,
Secretary.