

106TH CONGRESS  
2D SESSION

# H. R. 4288

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. BARTON of Texas (for himself, Mr. STRICKLAND, Mr. DINGELL, and Mr. SAWYER) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

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

5 (a) COMPLIANCE REQUIRED.—Section 3261 of the  
6 National Nuclear Security Administration Act (50 U.S.C.  
7 2461) is amended—

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

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

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

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

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

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

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

5           “(3) orders, permits, licenses, and other direc-  
6           tives issued pursuant to the laws, regulations, and  
7           rules and requirements referred to in paragraphs (1)  
8           and (2), including—

9                   “(A) civil and administrative fines and  
10                  penalties, whether coercive or punitive, and  
11                  whether imposed for isolated, intermittent, or  
12                  continuing violations;

13                  “(B) fees and charges; and

14                  “(C) civil and administrative processes, au-  
15                  thorities, and sanctions, including injunctive re-  
16                  lief; and

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

19           (b) Section 3296 of such Act (50 U.S.C. 2484) is  
20           amended—

21                   (1) by inserting “(b) OTHER PROVISIONS.—”  
22                   before “Unless”;

23                   (2) by inserting “other” before “provisions”;  
24                   and

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

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

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

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