

Provided, That of the funds appropriated under the heading Operation and Maintenance, Navy, \$2,976,000,000 shall be available only for depot maintenance activities and programs, and \$989,700,000 shall be available only for real property maintenance activities.

(h) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

(i) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Defense-Wide, \$3,000,000 shall be available for a defense technology transfer pilot program.

(j) Of the funds appropriated in title IV of this Act, under the heading Research, Development, Test and Evaluation, Navy, \$4,000,000 is available for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997.

(k)(1) Of the amounts appropriated or otherwise made available by this Act for the Department of the Air Force, \$2,000,000 shall be available to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at Lackland Air Force, Base, Texas.

(2) Subject to subsection (3), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (1).

(3)(a) The Secretary may not make a grant of funds under subsection (2) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(b)(1) The term of the lease under paragraph (1) may not be less than 25 years.

(2) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(c) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

GORTON AMENDMENT NO. 4590

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1894, *supra*; as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds appropriated in this paragraph, \$7,500,000 shall be available for 1.5 ship years in the university research fleet under the Oceanographic and Atmospheric Technology program."

SIMON (AND OTHERS) AMENDMENT NO. 4591

Mr. SIMON (for himself, Mr. SPECTER, and Mr. HARKIN) proposed an amendment to the bill, S. 1894, *supra*; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to evaluate competitive proposals submitted in response to solicitations for a contract for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation, as stated in the solicitation, is the percentage of work under the contract that the offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs significantly less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) EFFECT OF BREACH ON CONTRACT AWARDS AND THE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract or exercise an option under a contract, except when it is made known to the Federal official having authority to obligate or expend such funds that the compliance of the contractor with its commitment to perform a specific percentage of work under such a contract inside the United States is a factor of high importance in any evaluation of the contractor's past performance for the purpose of the contract award or the exercise of the option.

(d) REQUIREMENT FOR OFFERORS TO PERFORM ESTIMATE.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract for the procurement of property or services unless the solicitation for the contract contains a clause requiring each offeror to provide an estimate of the percentage of work that the offeror will perform in the United States.

(e) WAIVERS.—(1) Subsections (a), (b), and (c) shall not apply with respect to funds appropriated to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United States requires the obligation or expenditure of such funds.

(2) Subsections (a), (b) and (c) may be waived on a subsection-by-subsection basis for all contracts described in subsection (f) if the Secretary of Defense or the Deputy Secretary of Defense—

(A) makes a written determination, on a nondelegable basis, that—

(1) the subsection cannot be implemented in a manner that is consistent with the obligations of the United States under existing Reciprocal Procurement Agreements with defense allies; and

(2) the implementation of the subsection in a manner that is inconsistent with existing Reciprocal Procurement Agreements would result in a net loss of work performed in the United States; and

(B) report to the Congress, within 60 days after the date of enactment of this Act, on the reasons for such determinations.

(f) SCOPE OF COVERAGE.—This section applies—

(1) to any contract for any amount greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code), other than a contract for a commercial item as defined in section 2302(3)(I); and

(2) to any contract for items described in section 2534(a)(5) of such title.

(g) CONSTRUCTION.—Subsections (a), (b), and (c) may not be construed to diminish the primary importance of considerations of quality in the procurement of defense-related property or services.

(h) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into on or after 60 days after the date of the enactment of this Act.

THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

REID AMENDMENTS NOS. 4592–4630

(Ordered to lie on the table.)

Mr. REID submitted 39 amendments intended to be proposed by him to the bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982; as follows:

AMENDMENT NO. 4592

On page 22, between lines 6 and 7, insert the following:

"(C) TRANSPORTATION INCIDENT MANAGEMENT PLANNING.—The Secretary shall develop a program plan in accordance with section 203(f) that ensures that there will be a timely and effective response by a trained and equipped force to deal with any disruptive incident involving the transportation of spent nuclear fuel or high-level radioactive waste. On page 26, between lines 21 and 22, insert the following:

"(h) TRANSPORTATION INCIDENT MANAGEMENT.—

"(1) DEFINITION.—In this subsection, the term 'disruptive incident' includes an accident, an act of terrorism, vandalism, a civil disobedience, or civil protest, and any other disruption of a shipment of spent nuclear fuel or high-level radioactive waste.

"(2) CERTIFICATION.—The individual or contractor directly responsible to the Secretary for effecting a shipment of spent nuclear fuel or high-level radioactive waste shall certify the availability and timely effectiveness of a trained and equipped incident response team to respond to any disruptive incident that may occur during the shipment.

"(3) REQUIREMENTS.—For the purposes of paragraph (1)—

"(A) a response time shall be considered to be timely if the incident response time is capable of commencing active intercession at the site of a disruptive incident not more than 30 minutes after initiation of the incident;

"(B) the incident response team shall be organically prepared to interrupt and terminate acts of terrorism, vandalism, and civil disobedience; and

"(C) the incident response team shall be trained and equipped to mitigate the health or safety consequences of incidents that threaten the integrity or violate the integrity of waste shipment containers.

"(4) CIVIL LIABILITY.—A person that suffers any form of personal injury or pecuniary loss as a result of an accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste may recover damages in a civil action in United States District from any person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of the accident or disruptive incident.

“(5) CRIMINAL LIABILITY.—

“(A) FALSE CERTIFICATION.—A person that makes a certification under paragraph (2) that is false shall be imprisoned not less than 5 nor more than 15 years, fined under title 18, United States Code, or both.

“(B) CAUSATION OF ACCIDENT OR DISRUPTIVE INCIDENT.—A person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste shall be imprisoned not less than 15 nor more than 25 years, fined under title 18, United States Code, or both”.

AMENDMENT NO. 4593

On page 26, between lines 21 and 22, insert the following:

“(h) TRANSPORTATION INCIDENT MANAGEMENT.—

“(1) DEFINITION.—In this subsection, the term ‘disruptive incident’ includes an accident, an act of terrorism, vandalism, a civil disobedience, or civil protest, and any other disruption of a shipment of spent nuclear fuel or high-level radioactive waste.

“(2) CERTIFICATION.—The individual or contractor directly responsible to the Secretary for effecting a shipment of spent nuclear fuel or high-level radioactive waste shall certify the availability and timely effectiveness of a trained and equipped incident response team to respond to any disruptive incident that may occur during the shipment.

“(3) REQUIREMENTS.—For the purposes of paragraph (1)—

“(A) a response time shall be considered to be timely if the incident response time is capable of commencing active intercession at the site of a disruptive incident not more than 30 minutes after initiation of the incident;

“(B) the incident response team shall be organically prepared to interrupt and terminate acts of terrorism, vandalism, and civil disobedience; and

“(C) the incident response team shall be trained and equipped to mitigate the health or safety consequences of incidents that threaten the integrity or violate the integrity of waste shipment containers.

“(4) CIVIL LIABILITY.—A person that suffers any form of personal injury or pecuniary loss as a result of an accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste may recover damages in a civil action in United States District from any person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of the accident or disruptive incident.

“(5) CRIMINAL LIABILITY.—

“(A) FALSE CERTIFICATION.—A person that makes a certification under paragraph (2) that is false shall be imprisoned not less than 5 nor more than 15 years, fined under title 18, United States Code, or both.

“(B) CAUSATION OF ACCIDENT OR DISRUPTIVE INCIDENT.—A person who commits an act, or who, having a duty to act, fails to act, and thereby causes or contributes to the cause of accident or disruptive incident during the course of a shipment of spent nuclear fuel or high-level radioactive waste shall be imprisoned not less than 15 nor more than 25 years, fined under title 18, United States Code, or both.”

AMENDMENT NO. 4594

On page 21, between lines 2 and 3, insert the following:

“(k) SAFETY ASSESSMENT.—The Secretary shall conduct a comprehensive operational safety assessment of all transportation modes and operations that—

“(1) considers all possible accident scenarios and quantifies resulting possible environments; and

“(2) addresses—

“(A) transportation vehicle design requirements that minimize adverse environments experienced by loaded containers;

“(B) transportation container design requirements that ensure survivability in possible accident scenarios and environments;

“(C) full-scale performance testing for transportation container designs;

“(D) acceptance testing requirements for empty containers;

“(E) acceptance testing requirements for filled containers; and

“(F) transportation operational concepts that minimize accident risks.”

AMENDMENT NO. 4595

On page 32, between lines 18 and 19, insert the following:

“(e) INTERIM STORAGE FACILITY LICENSING STANDARDS.—

“(1) NO EPA STANDARDS.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not issue, by rule or otherwise, standards for protection of the public from releases of radioactive materials or radioactivity from the interim storage facility, and any such standards that are in effect on the date of enactment of this Act shall not be incorporated in licensing regulations.

“(2) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall establish a standard for protection of the public from release of radioactive material or radioactivity from the interim storage facility that prohibits any release that would expose a member of the general population to an annual dose of more than 25 millirems.

“(3) BASIS FOR LICENSING DETERMINATION.—The interim storage facility licensing determination made by the Commission for the protection of the public shall be based solely on a finding whether the repository is capable of being operated in conformance with the overall system performance standard established under paragraph (2).”

AMENDMENT NO. 4596

On page 44, lines 15 through 18, strike “that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems” and insert “that would expose a member of the general population to an annual dose of more than 25 millirems.”

AMENDMENT NO. 4597

Beginning on page 73, strike line 17 and all that follows through page 74, line 3, and insert the following:

“All actions authorized by this Act shall be subject to and governed by the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), title XIV of the Public Health Service Act (commonly known as the ‘Safe Drinking Water Act’) (42 U.S.C. 300f et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), chapter 51 of title 49, United States Code, and the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) (including regulations issued under those Acts).”

AMENDMENT NO. 4598

On page 33, strike lines 10 through 20 and insert the following:

“(2) EMPLACEMENT OF FUEL AND WASTE.—”

AMENDMENT NO. 4599

On page 34, strike line 21 and all that follows through page 38, line 24, and insert the following:

“(1) MAJOR FEDERAL ACTION.—Construction and operation of the interim storage facility shall be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary shall—

“(A) at the same time as the Secretary submits to the Commission an application for a license for the interim storage facility, submit to the Commission an environmental impact statement on the construction and operation of the interim storage facility; and

“(B) supplement the environmental impact statement as appropriate.

“(3) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section, the Secretary shall not consider in the environmental impact statement the need for, or alternative sites or designs for, the interim storage facility.”

AMENDMENT NO. 4600

On page 42, line 4, strike “reasonably”.

AMENDMENT NO. 4601

On page 42, lines 11 and 12, strike “reasonable”.

AMENDMENT NO. 4602

Beginning on page 45, strike lines 15 and all that follows through page 46, line 1, and insert the following: “repository performance; and

“(B) the Commission shall ensure that”.

AMENDMENT NO. 4603

Beginning on page 73, strike line 17 and all that follows through page 74, line 3, and insert the following:

“All actions authorized by this Act shall be subject to and governed by the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), title XIV of the Public Health Service Act (commonly known as the ‘Safe Drinking Water Act’) (42 U.S.C. 300f et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), chapter 51 of title 49, United States Code, and the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) (including regulations issued under those Acts).”

AMENDMENT NO. 4604

On page 11, strike lines 9 through 12.

AMENDMENT NO. 4605

On page 11, lines 23 and 24, strike “not later than November 30, 1999” and insert “on a date that is after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated”.

AMENDMENT NO. 4606

Beginning on page 13, strike line 22 and all that follows through page 21, line 3, and insert the following:

“SEC. 201. TRANSPORTATION PLANNING.”

AMENDMENT NO. 4607

On page 21, line 9, strike “not later than November 30, 1999” and insert “on a date that is after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated”.

AMENDMENT NO. 4608

On page 21, line 24, strike “no later than November 30, 1999” and insert “on a date

that is after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4609

On page 27, line 8, strike "by January 31, 1999" and insert "by the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4610

Beginning on page 27, strike line 12 and all that follows through page 29, line 20, and insert the following: "radioactive waste by the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated.

"(2) Immediately on designation of an interim storage facility site by the President under paragraph (1), the Secretary shall proceed".

AMENDMENT No. 4611

On page 30, line 6, strike "no later than November 30, 1999" and insert "not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4612

On page 31, lines 4 and 5, strike "no later than November 30, 1999" and insert "not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4613

On page 31, lines 6 through 8, strike "No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996" and insert "Not later than the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4614

On page 31, lines 23 through 25, strike "No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996" and insert "Not later than 36 months after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4615

On page 32, line 15, strike "The license" and all that follows through the period on line 18.

AMENDMENT No. 4616

On page 32, lines 23 and 24, strike "date of enactment of the Nuclear Waste Policy Act of 1996" and insert "date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4617

On page 33, strike lines 10 through 20 and insert the following:

"(2) EMPLACEMENT OF FUEL AND WASTE.—".

AMENDMENT No. 4618

On page 39, line 20, strike "No later than February 1, 2002," and insert "By February 1, 2002, or such later date as is consistent with confident identification and designation of Yucca Mountain as a permanent repository site,".

AMENDMENT No. 4619

On page 39, line 26, strike "geologic repository" and insert "permanent repository site".

AMENDMENT No. 4620

On page 48, lines 18 and 20, strike "the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are" and insert "the Yucca Mountain site as described in subsection (b), is".

AMENDMENT No. 4621

On page 48, line 25, strike "the interim storage facility site and".

AMENDMENT No. 4622

Beginning on page 49, strike line 4 and all that follows through page 51, line 3, and insert the following:

"(3) RESERVATION.—Until any such date as the Yucca Mountain Site may be determined to be unsuitable for use as a repository, the Yucca Mountain site is reserved for the use of the Secretary for the construction and operation of a repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTIONS.—

"(1) INTERIM STORAGE FACILITY.—Not later than 180 days after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) establish boundaries of an interim storage facility site proximate to the repository site, depict those boundaries on a map entitled 'Interim Storage Facility Site Withdrawal Map', and file copies of the map and the legal description of the interim storage facility site with Congress, the Secretary of the Interior, the Governor of the State in which the interim storage facility site is situated, and the Archivist of the United States.

"(2) PERMANENT REPOSITORY.—

"(A) IN GENERAL.—The boundaries depicted on the map entitled "Yucca Mountain Site Withdrawal Map," dated March 1995, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(B) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct a repository at the Yucca Mountain site, the Secretary shall—

"(i) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(ii) file copies of the map described in subparagraph (A), and the legal description of the Yucca Mountain site with Congress, the Secretary of the Interior, the Governor of the State of Nevada, and the Archivist of the United States.

"(3) CONSTRUCTION.—The maps and legal description of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites."

AMENDMENT No. 4623

On page 84, strike lines 15 through 20 and insert the following:

"(2) The Secretary shall ensure that all reasonable effort is made to meet spent fuel emplacement rates of—

"(A) 1,200 MTU in each of the first and second years of operation;

"(B) 2,000 MTU in each of the third and fourth years of operation;

"(C) 2,700 MTU in the fifth year of operation; and

"(D) 3,000 MTU in each year after the fifth year of operation."

AMENDMENT No. 4624

On page 84, line 22, strike "January 31, 1999" and insert "the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4625

On page 85, line 7, strike "in fiscal year 2000," and insert "within 2 years after the date on which a site for the permanent disposition of spent nuclear fuel and high-level radioactive waste has been identified and designated".

AMENDMENT No. 4626

On page 61, between line 5 and 6, insert the following:

"SEC. 306. COMPENSATION FOR LOSS OF PROPERTY VALUES.

"An owner of property may bring a civil action in United States district court to recover from the Secretary the amount by which the property is diminished in value as a result of the construction or operation of the interim storage facility or the transportation of spent nuclear fuel or high-level radioactive waste under this Act."

AMENDMENT No. 4627

On page 22, strike lines 12 through 16 and insert the following:

"(b) ADVANCE NOTIFICATION.—

"(1) IN GENERAL.—Not more than 45 nor less than 30 days before the date on which spent nuclear fuel or high-level radioactive waste is to be transported in a State, the Secretary shall provide to the State, to each local government within the jurisdiction of which the spent nuclear fuel or high-level radioactive waste is to be transported, and to each owner of property, resident of property, and operator of a business on property within 50 miles of each point along the route on which the spent nuclear fuel or high-level radioactive waste is to be transported, a notice containing the information described in paragraph (2).

"(2) INFORMATION TO BE PROVIDED.—A notice under paragraph (1) shall describe the precise route on which spent nuclear fuel or high-level radioactive waste is to be transported and describe the date and approximate (within 60 minutes) time of day that the spent nuclear fuel or high-level radioactive waste will pass each tenth mile along the route."

AMENDMENT No. 4628

On page 100, line 24, strike "annul" and insert "annual".

AMENDMENT No. 4629

On page 8, lines 10 and 11, strike "specific site within area 25 of the Nevada test".

AMENDMENT No. 4630

On page 37, strike lines 12 through 24.

GLENN AMENDMENTS NOS. 4631–4633

(Ordered to lie on the table.)

Mr. GLENN submitted three amendments intended to be proposed by him to the bill S. 1936, supra; as follows:

AMENDMENT No. 4631

Beginning on page 95, strike line 8 and all that follows through page 97, line 20.