

to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) **DEFINITION.**—For the purposes of this section, the term “Funds-In-Agreement” means a contract between the Department and a non-Federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) **REPORT TO CONGRESS.**—Not later than one month after receiving the report under subsection (a), the Secretary transmit the report, along with this recommendations for action and proposals for legislation to implement the recommendations, to Congress.

#### SEC. 7. OTHER TRANSACTIONS AUTHORITY.

(a) **NEW AUTHORITY.**—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

“(g) **OTHER TRANSACTIONS AUTHORITY.**—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908.)

“(2)(A) The Secretary of Energy shall ensure that—

“(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

“(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

“(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

“(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

“(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

“(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.”

(b) **IMPLEMENTATION.**—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in

order to implement projects funded under section 3.

#### SEC. 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this Act with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act of Fiscal Year 2000.

#### SEC. 9. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) **STRATEGIC PLANS.**—Subsection (a) of section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking “joint work statement,” and inserting “joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan.”

(b) **EXPERIMENTAL FEDERAL WAIVERS.**—Subsection (b) of that section is amended by adding at the end the following new paragraph:

“(6)(A) In the case of a Department of Energy laboratory, a designated official of the Department of Energy may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Department of Energy would substantially inhibit the commercialization of an invention that would otherwise serve an important federal mission.

“(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.

“(C) The expiration under subparagraph (B) of authority to grant a waiver under subparagraph (A) shall not effect any waiver granted under subparagraph (A) before the expiration of such authority.”

(c) **TIME REQUIRED FOR APPROVAL.**—Subsection (c)(5) of that section is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) as so redesignated—

(A) in clause (i)—

(i) by striking “with a small business firm”; and

(ii) by inserting “if” after “statement”; and

(B) by adding at the end the following new clauses:

“(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

“(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.”

#### SEC. 10. COOPERATIVE RESEARCH AND DEVELOPMENT OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **OBJECTIVE FOR OBLIGATION OF FUNDS.**—It shall be an objective of the Administrator of the National Nuclear Security Administration to obligate funds for cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), or similar cooperative, cost-shared research partnerships with non-Federal organizations, in a fiscal year covered by subsection

(b) in an amount at least equal to the percentage of the total amount appropriated for the Administration for such fiscal year that is specified for such fiscal year under subsection (b).

(b) **FISCAL YEAR PERCENTAGES.**—The percentages of funds appropriated for the National Nuclear Security Administration that are obligated in accordance with the objective under subsection (a) are as follows:

(1) In each of fiscal years 2001 and 2002, 0.5 percent.

(2) In any fiscal year after fiscal year 2002, the percentage recommend by the Administrator for each such fiscal year in the report under subsection (c).

(c) **RECOMMENDATIONS FOR PERCENTAGES IN LATER FISCAL YEARS.**—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report setting forth the Administrator's recommendations for appropriate percentages of funds appropriated for the National Nuclear Security Administration to be obligated for agreements described in subsection (a) during each fiscal year covered by the report.

(d) **CONSISTENCY OF AGREEMENTS.**—Any agreement entered into under this section shall be consistent with and in support of the mission of the National Nuclear Security Administration.

(e) **REPORTS ON ACHIEVEMENT OF OBJECTIVE.**—(1) Not later than March 30, 2002, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on whether funds of the National Nuclear Security Administration were obligated in the fiscal year ending in the preceding year in accordance with the objective for such fiscal year under this section.

(2) If funds were not obligated in a fiscal year in accordance with the objective under this section for such fiscal year, the report under paragraph (1) shall—

(A) describe the actions the Administrator proposes to take to ensure that the objective under this section for the current fiscal year and future fiscal years will be met; and

(B) include any recommendations for legislation required to achieve such actions.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1756), as amended, was read the third time and passed.

#### THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported by the Energy Committee: Calendar No. 470, H.R. 1725; Calendar No. 632, S. 1367; Calendar No. 795, S. 2439; Calendar No. 827, S. 2950; Calendar No. 850, S. 2691; Calendar No. 885, S. 2345; and Calendar No. 926, S. 2331.

I further ask unanimous consent that any committee amendments be agreed to, where appropriate, and the following amendments at the desk: amendment No. 4290 to H.R. 1725; amendment No. 4291 to S. 1367; amendment No. 4292 to S. 2439; amendment No. 4293 to S. 2950; amendment No. 4294 to S. 2691; amendment No. 4295 to S. 2345; and amendment No. 4296 to S. 2331 be agreed to, the bills, as amended, be read the third time, passed, and any title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action, and that any statements thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MIWALETA PARK EXPANSION ACT

The Senate proceeded to consider the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, OR, of a county park and certain adjacent land.

AMENDMENT NO. 4290

(Purpose: To add clarifying language related to management of conveyed lands)

On page 3, beginning on line 6 strike Section 2(b)(1) and insert:

“(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110-99-01, dated September 17, 1999.”.

Section 2(b)(2)(A) strike “purposes—” and insert: “purposes as described in paragraph 2(b)(1)—”.

The amendment (No. 4290) was agreed to.

The bill (H.R. 1725), as amended, was read the third time and passed.

#### SAINT-GAUDENS NATIONAL HISTORIC SITE MODIFICATIONS

The Senate proceeded to consider the bill (S. 1367) to amend the act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to omit the parts in black brackets and insert the parts printed in italic.

S. 1367

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [the Act of August 31, 1964 (78 Stat. 749),] Public Law 88-543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site is amended—*

(1) in section 3 by striking “not to exceed sixty-four acres of lands and interests therein” and inserting “215 acres of lands and buildings, or interests therein”;

(2) in section 6 by striking “\$2,677,000” from the first sentence and inserting “\$10,632,000”; and

(3) in section 6 by striking “\$80,000” from the last sentence and inserting “\$2,000,000”.

AMENDMENT NO. 4291

(Purpose: Technical and clarifying corrections)

On page 2, line 3, strike “215” and insert in lieu thereof “279”.

The amendment (No. 4291) was agreed to.

The committee amendment was agreed to.

The bill (S. 1367), as amended, was read the third time and passed, as follows:

S. 1367

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 88-543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site is amended—*

(1) in section 3 by striking “not to exceed sixty-four acres of lands and interests there-

in” and inserting “279 acres of lands and buildings, or interests therein”;

(2) in section 6 by striking “\$2,677,000” from the first sentence and inserting “\$10,632,000”; and

(3) in section 6 by striking “\$80,000” from the last sentence and inserting “\$2,000,000”.

#### CONSTRUCTION OF THE SOUTHEASTERN ALASKA INTERTIE SYSTEM

The Senate proceeded to consider the bill (S. 2439) to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes.

The amendment (No. 4292) was agreed to, as follows:

AMENDMENT NO. 4292

(Purpose: To limit the authorization for the Southeastern Alaska Intertie and provide an authorization for Navajo electrification)

Strike all after the enacting clause and insert the following:

“That upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to USFS Collection Agreement #00CO-111005-105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97-01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed \$384 million. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal Law.

#### “SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary of Energy shall establish a five year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

“(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

“(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

“(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

“(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power; or

“(4) provide training in the installation operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

“(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

“(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

“(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section \$15,000,000 for each of the fiscal years 2002 through 2006.”

The bill (S. 2439), as amended, was read the third time and passed, as follows:

S. 2439

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO-111005-105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97-01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed \$384,000,000. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal law.

#### SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to assist the Navajo nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).