

National Defense Authorization Act for Fiscal Year 2000

[Public Law 106–65, approved Oct. 5, 1999]

[As Amended Through P.L. 115–91, Enacted December 12, 2017]

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**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION**

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Subtitle C—Ballistic Missile Defense

SEC. 231. SPACE BASED INFRARED SYSTEM (SBIRS) LOW PROGRAM.

(a) **PRIMARY MISSION OF SBIRS LOW SYSTEM.**—The primary mission of the system designated as of the date of the enactment of this Act as the Space Based Infrared System Low (hereinafter in this section referred to as the “SBIRS Low system”) is ballistic missile defense. The Secretary of Defense shall carry out the acquisition program for that system consistent with that primary mission.

(b) **OVERSIGHT OF CERTAIN PROGRAM FUNCTIONS.**—With respect to the SBIRS Low system, the Secretary of Defense shall require that the Secretary of the Air Force obtain the approval of the Director of the Ballistic Missile Defense Organization before the Secretary—

- (1) establishes any system level technical requirement or makes any change to any such requirement;
- (2) makes any change to the SBIRS Low baseline schedule;
- or
- (3) makes any change to the budget baseline identified in the fiscal year 2000 future-years defense program.

(c) **PRIORITY FOR ANCILLARY MISSIONS.**—The Secretary of Defense shall ensure that the Director of the Ballistic Missile Defense Organization, in executing the authorities specified in subsection (b), engages in appropriate coordination with the Secretary of the Air Force and elements of the intelligence community to ensure that ancillary SBIRS Low missions (that is, missions other than the primary mission of ballistic missile defense) receive proper priority to the extent that those ancillary missions do not increase technical or schedule risk.

(d) **MANAGEMENT AND FUNDING BUDGET ACTIVITY.**—The Secretary of Defense shall transfer the management and budgeting of funds for the SBIRS Low system from the Tactical Intelligence and Related Activities (TIARA) budget aggregation to a nonintelligence budget activity of the Air Force.

(e) DEADLINE FOR DEFINITION OF SYSTEM REQUIREMENTS.—The system level technical requirements for the SBIRS Low system shall be defined not later than July 1, 2000.

(f) DEFINITIONS.—For purposes of this section:

(1) The term “system level technical requirements” means those technical requirements and those functional requirements of a system, expressed in terms of technical performance and mission requirements, including test provisions, that determine the direction and progress of the systems engineering effort and the degree of convergence upon a balanced and complete configuration.

(2) The term “SBIRS Low baseline schedule” means a program schedule that includes—

(A) a Milestone II decision on entry into engineering and manufacturing development to be made during fiscal year 2002;

(B) a critical design review to be conducted during fiscal year 2003; and

(C) a first launch of a SBIRS Low satellite to be made during fiscal year 2006.

SEC. 232. THEATER MISSILE DEFENSE UPPER TIER ACQUISITION STRATEGY.

(a) REVISED UPPER TIER STRATEGY.—The Secretary of Defense shall establish an acquisition strategy for the two upper tier missile defense systems that—

(1) retains funding for both of the upper tier systems in separate, independently managed program elements throughout the future-years defense program;

(2) bases funding decisions and program schedules for each upper tier system on the performance of each system independent of the performance of the other system; and

(3) provides for accelerating the deployment of both of the upper tier systems to the maximum extent practicable.

(b) UPPER TIER SYSTEMS DEFINED.—For purposes of this section, the upper tier missile defense systems are the following:

(1) The Navy Theater Wide system.

(2) The Theater High-Altitude Area Defense (THAAD) system.

SEC. 233. ACQUISITION STRATEGY FOR THEATER HIGH-ALTITUDE AREA DEFENSE (THAAD) SYSTEM.

[Omitted-Amendments]

SEC. 234. SPACE-BASED LASER PROGRAM.

(a) STRUCTURE OF PROGRAM.—The Secretary of Defense shall structure the space-based laser program to include—

(1) an integrated flight experiment; and

(2) an ongoing analysis and technology effort to support the development of an objective system design.

(b) INTEGRATED FLIGHT EXPERIMENT PROGRAM BASELINE.—Not later than March 15, 2000, the Secretary of Defense, in consultation with the joint venture contractors for the space-based laser program, shall establish a program baseline for the integrated flight experiment referred to in subsection (a)(1).

(c) **STRUCTURE OF INTEGRATED FLIGHT EXPERIMENT PROGRAM BASELINE.**—The program baseline established under subsection (b) shall be structured to—

(1) demonstrate at the earliest date consistent with the requirements of this section the fundamental end-to-end capability to acquire, track, and destroy a boosting ballistic missile with a lethal laser from space; and

(2) establish a balance between the use of mature technology and more advanced technology so that the integrated flight experiment, while providing significant information that can be used in planning and implementing follow-on phases of the space-based laser program, will be launched as soon as practicable.

(d) **FUNDS AVAILABLE FOR INTEGRATED FLIGHT EXPERIMENT.**—Amounts shall be available for the integrated flight experiment as follows:

(1) From amounts available pursuant to section 201(3), \$73,840,000.

(2) From amounts available pursuant to section 201(4), \$75,000,000.

(e) **LIMITATION ON OBLIGATION OF FUNDS FOR INTEGRATED FLIGHT EXPERIMENT.**—No funds made available in subsection (d) for the integrated flight experiment may be obligated until the Secretary of the Air Force—

(1) develops a specific spending plan for such amounts; and

(2) provides such plan to the congressional defense committees.

(f) **OBJECTIVE SYSTEM DESIGN.**—To support the development of an objective system design for a space-based laser system suited to the operational and technological environment that will exist when such a system can be deployed, the Secretary of Defense shall establish an analysis and technology effort that complements the integrated flight experiment. That effort shall include the following:

(1) Research and development on advanced technologies that will not be demonstrated on the integrated flight experiment but may be necessary for an objective system.

(2) Architecture studies to assess alternative constellation and system performance characteristics.

(3) Planning for the development of a space-based laser prototype that—

(A) uses the lessons learned from the integrated flight experiment; and

(B) is supported by the ongoing research and development under paragraph (1), the architecture studies under paragraph (2), and other relevant advanced technology research and development.

(g) **FUNDS AVAILABLE FOR OBJECTIVE SYSTEM DESIGN DURING FISCAL YEAR 2000.**—During fiscal year 2000, the Secretary of the Air Force may use amounts made available for the integrated flight experiment under subsection (d) for the purpose of supporting the effort specified in subsection (f) if the Secretary of the Air Force first—

(1) determines that such amounts are needed for that purpose;

- (2) develops a specific spending plan for such amounts; and
- (3) consults with the congressional defense committees regarding such plan.

(h) ANNUAL REPORT.—For each year in the three-year period beginning with the year 2000, the Secretary of Defense shall, not later than March 15 of that year, submit to the congressional defense committees a report on the space-based laser program. Each such report shall include the following:

- (1) The program baseline for the integrated flight experiment.
- (2) Any changes in that program baseline.
- (3) A description of the activities of the space-based laser program in the preceding year.
- (4) A description of the activities of the space-based laser program planned for the next fiscal year.
- (5) The funding planned for the space-based laser program throughout the future-years defense program.

SEC. 235. CRITERIA FOR PROGRESSION OF AIRBORNE LASER PROGRAM.

(a) MODIFICATION OF PDRR AIRCRAFT.—No modification of the PDRR aircraft may commence until the Secretary of the Air Force certifies to Congress that the commencement of such modification is justified on the basis of existing test data and analyses involving the following activities:

- (1) The North Oscura Peak test program.
- (2) Scintillometry data collection and analysis.
- (3) The lethality/vulnerability program.
- (4) The countermeasures test and analysis effort.
- (5) Reduction and analysis of atmospheric data for fiscal years 1997 and 1998.

(b) ACQUISITION OF EMD AIRCRAFT AND FLIGHT TEST OF PDRR AIRCRAFT.—In carrying out the Airborne Laser program, the Secretary of Defense shall ensure that the Authority-to-Proceed-2 decision is not made until the Secretary of Defense—

- (1) ensures that the Secretary of the Air Force has developed an appropriate plan for resolving the technical challenges identified in the Airborne Laser Program Assessment;
- (2) approves that plan; and
- (3) submits that plan to the congressional defense committees.

(c) ENTRY INTO EMD PHASE.—The Secretary of Defense shall ensure that the Milestone II decision is not made until—

- (1) the PDRR aircraft undergoes a robust series of flight tests that validates the technical maturity of the Airborne Laser program and provides sufficient information regarding the performance of the Airborne Laser system; and
- (2) sufficient technical information is available to determine whether adequate progress is being made in the ongoing effort to address the operational issues identified in the Airborne Laser Program Assessment.

(d) MODIFICATION OF EMD AIRCRAFT.—The Secretary of the Air Force may not commence any modification of the EMD aircraft until the Milestone II decision is made.

(e) DEFINITIONS.—In this section:

(1) The term “PDRR aircraft” means the aircraft relating to the program definition and risk reduction phase of the Airborne Laser program.

(2) The term “EMD aircraft” means the aircraft relating to the engineering and manufacturing development phase of the Airborne Laser program.

(3) The term “Authority-to-Proceed-2 decision” means the decision allowing acquisition of the EMD aircraft and flight testing of the PDRR aircraft.

(4) The term “Milestone II decision” means the decision allowing the entry of the Airborne Laser program into the engineering and manufacturing development phase.

(5) The term “Airborne Laser Program Assessment” means the report titled “Assessment of Technical and Operational Aspects of the Airborne Laser Program”, submitted to Congress by the Secretary of Defense on March 9, 1999.

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SEC. 245. [10 U.S.C. 2358 note] ADDITIONAL PILOT PROGRAM FOR REVITALIZING DEPARTMENT OF DEFENSE LABORATORIES.

(a) **AUTHORITY.**—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department of Defense. The pilot program under this section is in addition to, but may be carried out in conjunction with, the pilot program authorized by section 246 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1955; 10 U.S.C. 2358 note).

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation laboratory, of each military department with authority for the following:

(A) To ensure that the laboratories selected can attract a workforce appropriately balanced between permanent and temporary personnel and among workers with an appropriate level of skills and experience and that those laboratories can effectively compete in hiring to obtain the finest scientific talent.

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including carrying out initiatives such as focusing on the performance of core functions and adopting more business-like practices.

(C) To waive any restrictions not required by law that apply to the demonstration and implementation of methods for achieving the objectives set forth in subparagraphs (A) and (B).

(3) In selecting the laboratories for participation in the pilot program, the Secretary shall consider laboratories where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory for up to five years beginning not later than March 1, 2000.

(b) REPORTS.—(1) Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the implementation of the pilot program. The report shall include the following:

(A) Each laboratory selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of that laboratory in the pilot program. The report shall include the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at that laboratory under the pilot program.

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SEC. 573. [10 U.S.C. 513 note] ARMY COLLEGE FIRST PILOT PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Army shall establish a pilot program (to be known as the “Army College First” program) to assess whether the Army could increase the number of, and the level of the qualifications of, persons entering the Army as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service in the Army.

(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—Under the pilot program, the Secretary may—

(1) exercise the authority under section 513 of title 10, United States Code—

(A) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of the Army Reserve or, notwithstanding the scope of the authority under subsection (a) of that section, in the Army National Guard of the United States; and

(B) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within the maximum period of delay determined for that person under subsection (c); and

(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of that subsection, pay an allowance to a person accepted for enlistment under paragraph (1)(A) for each month of the period during which that person is enrolled in and pursuing a program described in paragraph (1)(B).

(c) MAXIMUM PERIOD OF DELAY.—The period of delay authorized a person under paragraph (1)(B) of subsection (b) may not ex-

ceed the 30-month period beginning on the date of the person's enlistment accepted under paragraph (1)(A) of such subsection.

(d) ALLOWANCE.—(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps with the corresponding number of years of participation under section 209(a) of title 37, United States Code.

(2) An allowance may not be paid to a person under this section for more than 24 months.

(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of title 10, United States Code, or section 502(a) of title 32, United States Code. Satisfactory performance shall be determined under regulations prescribed by the Secretary.

(4) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

[(e) Repealed.]

(f) RECOUPMENT OF ALLOWANCE.—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 of title 10, United States Code, shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge of a person in bankruptcy under title 11, United States Code, that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 of title 10, United States Code, does not discharge that person from a debt arising under paragraph (1).

(4) The Secretary of the Army may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(g) COMPARISON GROUP.—To perform the assessment under subsection (a), the Secretary may define and study any group not including persons receiving a benefit under subsection (b) and compare that group with any group or groups of persons who receive such benefits under the pilot program.

(h) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 1999, and ending on September 30, 2004.

(i) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) The assessment of the Secretary regarding the value of the authority under this section for achieving the objectives of increasing the number of, and the level of the qualifications of, persons entering the Army as enlisted members.

(2) Any recommendation for legislation or other action that the Secretary considers appropriate to achieve those objectives through grants of entry delays and financial benefits for advanced education and training of recruits.

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Subtitle K—Domestic Violence

SEC. 591. [10 U.S.C. 1562 note] DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Department of Defense task force to be known as the Defense Task Force on Domestic Violence.

(b) STRATEGIC PLAN.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary of Defense a long-term plan (referred to as a “strategic plan”) for means by which the Department of Defense may address matters relating to domestic violence within the military more effectively. The plan shall include an assessment of, and recommendations for measures to improve, the following:

- (1) Ongoing victims’ safety programs.
- (2) Offender accountability.
- (3) The climate for effective prevention of domestic violence.
- (4) Coordination and collaboration among all military organizations with responsibility or jurisdiction with respect to domestic violence.
- (5) Coordination between military and civilian communities with respect to domestic violence.
- (6) Research priorities.
- (7) Data collection and case management and tracking.
- (8) Curricula and training for military commanders.
- (9) Prevention and responses to domestic violence at overseas military installations.
- (10) Other issues identified by the task force relating to domestic violence within the military.

(c) REVIEW OF VICTIMS’ SAFETY PROGRAM.—The task force shall review the efforts of the Secretary of Defense to establish a program for improving responses to domestic violence under section 592 and shall include in its report under subsection (e) a description of that program, including best practices identified on installations, lessons learned, and resulting policy recommendations.

(d) OTHER TASK FORCE REVIEWS.—The task force shall review and make recommendations regarding the following:

- (1) Standard guidelines to be used by the Secretaries of the military departments in negotiating agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement (A) that when a commanding officer issues to a member of the Armed Forces under that officer's command an order that the member not have contact with a specified person that a written copy of that order be provided within 24 hours after the issuance of the order to the person with whom the member is ordered not to have contact, and (B) that there be a system of recording and tracking such orders.

(3) Standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are so substantiated.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(e) ANNUAL REPORT.—(1) The task force shall submit to the Secretary an annual report on its activities and on the activities of the military departments to respond to domestic violence in the military.

(2) The first such report shall be submitted not later than the date specified in subsection (b) and shall be submitted with the strategic plan submitted under that subsection. The task force shall include in that report the following:

(A) Analysis and oversight of the efforts of the military departments to respond to domestic violence in the military and a description of barriers to implementation of improvements in those efforts.

(B) A description of the activities and achievements of the task force.

(C) A description of successful and unsuccessful programs.

(D) A description of pending, completed, and recommended Department of Defense research relating to domestic violence.

(E) Such recommendations for policy and statutory changes as the task force considers appropriate.

(3) Each subsequent annual report shall include the following:

(A) A detailed discussion of the achievements in responses to domestic violence in the Armed Forces.

(B) Pending research on domestic violence.

(C) Any recommendations for actions to improve the responses of the Armed Forces to domestic violence in the Armed Forces that the task force considers appropriate.

(4) Within 90 days of receipt of a report under paragraph (2) or (3), the Secretary shall submit the report and the Secretary's evaluation of the report to the Committees on Armed Services of the Senate and House of Representatives. The Secretary shall include with the report the information collected pursuant to section 1562(b) of title 10, United States Code, as added by section 594.

(f) MEMBERSHIP.—(1) The task force shall consist of not more than 24 members, to be appointed by the Secretary of Defense. Members shall be appointed from each of the Army, Navy, Air Force, and Marine Corps and shall include an equal number of Department of Defense personnel (military or civilian) and persons from outside the Department of Defense. Members appointed from outside the Department of Defense may be appointed from other

Federal departments and agencies, from State and local agencies, or from the private sector.

(2) The Secretary shall ensure that the membership of the task force includes a judge advocate representative from each of the Army, Navy, Air Force, and Marine Corps.

(3)(A) In consultation with the Attorney General, the Secretary shall appoint to the task force a representative or representatives from the Office of Justice Programs of the Department of Justice.

(B) In consultation with the Secretary of Health and Human Services, the Secretary shall appoint to the task force a representative from the Family Violence Prevention and Services office of the Department of Health and Human Services.

(4) Each member of the task force appointed from outside the Department of Defense shall be an individual who has demonstrated expertise in the area of domestic violence or shall be appointed from one of the following:

(A) A national domestic violence resource center established under section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407).

(B) A national sexual assault and domestic violence policy and advocacy organization.

(C) A State domestic violence and sexual assault coalition.

(D) A civilian law enforcement agency.

(E) A national judicial policy organization.

(F) A State judicial authority.

(G) A national crime victim policy organization.

(5) The members of the task force shall be appointed not later than 90 days after the date of the enactment of this Act.

(g) CO-CHAIRS OF THE TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the Department of Defense personnel on the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by those members.

(h) ADMINISTRATIVE SUPPORT.—(1) Each member of the task force who is a member of the Armed Forces or civilian officer or employee of the United States shall serve without compensation (other than the compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.

(2) The Assistant Secretary of Defense for Force Management Policy, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force. The Washington Headquarters Service shall provide the task force with the personnel, facilities, and other administrative support that is necessary for the performance of the task force's duties.

(3) The Assistant Secretary shall coordinate with the Secretaries of the military departments to provide visits of the task force to military installations.

(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the task force.

(j) **TERMINATION.**—The task force shall terminate on April 24, 2003.

SEC. 592. [10 U.S.C. 1562 note] INCENTIVE PROGRAM FOR IMPROVING RESPONSES TO DOMESTIC VIOLENCE INVOLVING MEMBERS OF THE ARMED FORCES AND MILITARY FAMILY MEMBERS.

(a) **PURPOSE.**—The purpose of this section is to provide a program for the establishment on military installations of collaborative projects involving appropriate elements of the Armed Forces and the civilian community to improve, strengthen, or coordinate prevention and response efforts to domestic violence involving members of the Armed Forces, military family members, and others.

(b) **PROGRAM.**—The Secretary of Defense shall establish a program to provide funds and other incentives to commanders of military installations for the following purposes:

(1) To improve coordination between military and civilian law enforcement authorities in policies, training, and responses to, and tracking of, cases involving military domestic violence.

(2) To develop, implement, and coordinate with appropriate civilian authorities tracking systems (A) for protective orders issued to or on behalf of members of the Armed Forces by civilian courts, and (B) for orders issued by military commanders to members of the Armed Forces ordering them not to have contact with a dependent.

(3) To strengthen the capacity of attorneys and other legal advocates to respond appropriately to victims of military domestic violence.

(4) To assist in educating judges, prosecutors, and legal offices in improved handling of military domestic violence cases.

(5) To develop and implement more effective policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to domestic violence.

(6) To develop, enlarge, or strengthen victims' services programs, including sexual assault and domestic violence programs, developing or improving delivery of victims' services, and providing confidential access to specialized victims' advocates.

(7) To develop and implement primary prevention programs.

(8) To improve the response of health care providers to incidents of domestic violence, including the development and implementation of screening protocols.

(c) **PRIORITY.**—The Secretary shall give priority in providing funds and other incentives under the program to installations at which the local program will emphasize building or strengthening partnerships and collaboration among military organizations such as family advocacy program, military police or provost marshal organizations, judge advocate organizations, legal offices, health affairs offices, and other installation-level military commands between those organizations and appropriate civilian organizations, including civilian law enforcement, domestic violence advocacy organizations, and domestic violence shelters.

(d) APPLICATIONS.—The Secretary shall establish guidelines for applications for an award of funds under the program to carry out the program at an installation.

(e) AWARDS.—The Secretary shall determine the award of funds and incentives under this section. In making a determination of the installations to which funds or other incentives are to be provided under the program, the Secretary shall consult with an award review committee consisting of representatives from the Armed Forces, the Department of Justice, the Department of Health and Human Services, and organizations with a demonstrated expertise in the areas of domestic violence and victims' safety.

SEC. 593. [10 U.S.C. 1562 note] UNIFORM DEPARTMENT OF DEFENSE POLICIES FOR RESPONSES TO DOMESTIC VIOLENCE.

(a) REQUIREMENT.—The Secretary of Defense shall prescribe the following:

(1) Standard guidelines to be used by the Secretaries of the military departments for negotiating agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement (A) that when a commanding officer issues to a member of the Armed Forces under that officer's command an order that the member not have contact with a specified person that a written copy of that order be provided within 24 hours after the issuance of the order to the person with whom the member is ordered not to have contact, and (B) that there be a system of recording and tracking such orders.

(3) Standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are so substantiated.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(b) DEADLINE.—The Secretary of Defense shall carry out subsection (a) not later than six months after the date on which the Secretary receives the first report of the Defense Task Force on Domestic Violence under section 591(e).

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TITLE VII—HEALTH CARE PROVISIONS

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Subtitle A—Health Care Services

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SEC. 703. [10 U.S.C. 1077 note] PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CERTAIN CHAMPUS BENEFICIARIES.

【Repealed by section 701(g)(1)(A) the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107; 115 Stat. 1161)】

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SEC. 706. [10 U.S.C. 1074 note] HEALTH CARE AT FORMER UNIFORMED SERVICES TREATMENT FACILITIES FOR ACTIVE DUTY MEMBERS STATIONED AT CERTAIN REMOTE LOCATIONS.

(a) **AUTHORITY.**—Health care may be furnished by a designated provider pursuant to any contract entered into by the designated provider under section 722(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) to eligible members who reside within the service area of the designated provider.

(b) **ELIGIBILITY.**—A member of the uniformed services (as defined in section 1072(1) of title 10, United States Code) is eligible for health care under subsection (a) if the member is a member described in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1811; 10 U.S.C. 1074 note).

(c) **APPLICABLE POLICIES.**—In furnishing health care to an eligible member under subsection (a), a designated provider shall adhere to the Department of Defense policies applicable to the furnishing of care under the TRICARE Prime Remote program, including coordinating with uniformed services medical authorities for hospitalizations and all referrals for specialty care.

(d) **REIMBURSEMENT RATES.**—The Secretary of Defense, in consultation with the designated providers, shall prescribe reimbursement rates for care furnished to eligible members under subsection (a). The rates prescribed for health care may not exceed the amounts allowable under the TRICARE Standard plan for the same care.

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Subtitle C—Other Matters

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SEC. 723. [10 U.S.C. 1071 note] HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) **PURPOSE.**—The purpose of this section is to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) **DEPARTMENT OF DEFENSE PROGRAM FOR MEDICAL INFORMATICS AND DATA.**—The Secretary of Defense shall establish a Department of Defense program, the purposes of which shall be the following:

- (1) To develop parameters for assessing the quality of health care information.
- (2) To develop the defense digital patient record.
- (3) To develop a repository for data on quality of health care.

(4) To develop capability for conducting research on quality of health care.

(5) To conduct research on matters of quality of health care.

(6) To develop decision support tools for health care providers.

(7) To refine medical performance report cards.

(8) To conduct educational programs on medical informatics to meet identified needs.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—(1) Through the program established under subsection (b), the Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(2) The program shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(d) MEDICAL INFORMATICS ADVISORY COMMITTEE.—(1) The Secretary of Defense shall establish a Medical Informatics Advisory Committee (hereinafter referred to as the “Committee”), the members of which shall be the following:

(A) The Assistant Secretary of Defense for Health Affairs.

(B) The Director of the TRICARE Management Activity of the Department of Defense.

(C) The Surgeon General of the Army.

(D) The Surgeon General of the Navy.

(E) The Surgeon General of the Air Force.

(F) Representatives of the Department of Veterans Affairs, designated by the Secretary of Veterans Affairs.

(G) Representatives of the Department of Health and Human Services, designated by the Secretary of Health and Human Services.

(H) Any additional members appointed by the Secretary of Defense to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Committee shall be to advise the Secretary on the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other Federal departments and agencies and with the private sector.

(3) Specific areas of responsibility of the Committee shall include advising the Secretary on the following:

(A) The ability of the medical informatics systems at the Department of Defense and Department of Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) The coordination of key components of medical informatics systems, including digital patient records, both

within the Federal Government and between the Federal Government and the private sector.

(C) The development of operational capabilities for executive information systems and clinical decision support systems within the Department of Defense and Department of Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Department of Defense and Department of Veterans Affairs is evaluated.

(F) Protecting the confidentiality of personal health information.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Committee on the issues described in paragraph (3).

(5)¹ The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 724. [10 U.S.C. 1092 note] JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs may carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of using telecommunications to provide health care services and pharmacy services.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects may include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(c) SELECTION OF LOCATIONS.—(1) The Secretaries may carry out the demonstration projects described in subsection (a) at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with represent-

¹ Section 1062(j)(1)(A) of division A of Public Law 112–81 provides for an amendment to strike paragraph (5) and redesignate paragraphs (6) and (7) as paragraphs (5) and (6), which has been carried out above. Prior to the enactment of such Public Law, subsection (d) of section 723 did not contain a paragraph (7) in law and therefore the amendment to redesignate such paragraph as a paragraph (6) could not be carried out. See amendment to this subsection made by section 1046(e) of division A of Public Law 109–364.

Paragraph (5) prior to its being repealed by section 1062(j)(1)(A)(i) of division A of Public Law 112–81 read as follows:

(5) Members of the Committee shall not be paid by reason of their service on the Committee.

atives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries may carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—[Repealed by section 1031(h) of P.L. 108–136]

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TITLE X—GENERAL PROVISIONS

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Subtitle C—Support for Civilian Law Enforcement and Counter Drug Activities

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SEC. 1023. [10 U.S.C. 382 note] MILITARY ASSISTANCE TO CIVIL AUTHORITIES TO RESPOND TO ACT OR THREAT OF TERRORISM.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act of terrorism or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States, if the Secretary determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act of terrorism or the threat of an act of terrorism; and

(2) the provision of such assistance will not adversely affect the military preparedness of the Armed Forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat of an act of terrorism described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Except as provided in paragraph (2), assistance provided under this section shall be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs incurred by the Department of Defense to provide the assistance.

(2) In extraordinary circumstances, the Secretary of Defense may waive the requirement for reimbursement if the Secretary determines that such a waiver is in the national security interests of the United States and submits to Congress a notification of the determination.

(3) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat of an act of terrorism for which assistance is provided under subsection (a), the Attorney General shall reimburse the Department of Defense out of such funds for the costs incurred by the Department in providing the assistance, without regard to whether the assistance was pro-

vided on a nonreimbursable basis pursuant to a waiver under paragraph (2).

(d) ANNUAL LIMITATION ON FUNDING.—Not more than \$10,000,000 may be obligated to provide assistance under subsection (a) during any fiscal year.

(e) PERSONNEL RESTRICTIONS.—In providing assistance under this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless otherwise authorized by law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official the authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(g) RELATIONSHIP TO OTHER AUTHORITY.—The authority provided in this section is in addition to any other authority available to the Secretary of Defense, and nothing in this section shall be construed to restrict any authority regarding use of members of the Armed Forces or equipment of the Department of Defense that was in effect before the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) THREAT OF AN ACT OF TERRORISM.—The term “threat of an act of terrorism” includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) WEAPON OF MASS DESTRUCTION.—The term “weapon of mass destruction” has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

(i) DURATION OF AUTHORITY.—The authority provided by this section applies during the period beginning on October 1, 1999, and ending on September 30, 2004.

SEC. 1024. [10 U.S.C. 124 note] CONDITION ON DEVELOPMENT OF FORWARD OPERATING LOCATIONS FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

(a) CONDITION.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended for the purpose of improving the physical infrastructure at any proposed forward operating location outside the United States from which the United States Southern Command may conduct counter-drug detection and monitoring flights until a formal agreement regarding the extent and use of, and host nation support for, the forward operating location is executed by both the host nation and the United States.

(b) EXCEPTION.—The limitation in subsection (a) does not apply to an unspecified minor military construction project authorized by section 2805 of title 10, United States Code.

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【Section 1025 was repealed by section 1062(j)(2) of division A of Public Law 112–81.】

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Subtitle D—Miscellaneous Report Requirements and Repeals

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【Section 1035 was repealed by section 1062(j)(3) of division A of Public Law 112–81.】

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SEC. 1039. [10 U.S.C. 113 note] REPORT ON NATO DEFENSE CAPABILITIES INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) At the meeting of the North Atlantic Council held in Washington, DC, in April 1999, the NATO Heads of State and Governments launched a Defense Capabilities Initiative.

(2) The Defense Capabilities Initiative is designed to improve the defense capabilities of the individual nations of the NATO Alliance to ensure the effectiveness of future operations across the full spectrum of Alliance missions in the present and foreseeable security environment.

(3) Under the Defense Capabilities Initiative, special focus will be given to improving interoperability among Alliance forces and to increasing defense capabilities through improvements in the deployability and mobility of Alliance forces, the sustainability and logistics of those forces, the survivability and effective engagement capability of those forces, and command and control and information systems.

(4) The successful implementation of the Defense Capabilities Initiative will serve to enable all members of the Alliance to make a more equitable contribution to the full spectrum of Alliance missions, thereby increasing burdensharing within the Alliance and enhancing the ability of European members of the Alliance to undertake operations pursuant to the European Security and Defense Identity within the Alliance.

(b) ANNUAL REPORT.—【Repealed】

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TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Relating to the People’s Republic of China

SEC. 1201. [10 U.S.C. 168 note] LIMITATION ON MILITARY-TO-MILITARY EXCHANGES AND CONTACTS WITH CHINESE PEOPLE’S LIBERATION ARMY.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the armed forces with representatives of the People’s Liberation Army of the People’s Republic of China if that exchange or contact would create a national security risk due to an inappropriate exposure specified in subsection (b).

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-military exchange or contact that includes inappropriate exposure to any of the following:

- (1) Force projection operations.
- (2) Nuclear operations.
- (3) Advanced combined-arms and joint combat operations.
- (4) Advanced logistical operations.
- (5) Chemical and biological defense and other capabilities related to weapons of mass destruction.
- (6) Surveillance and reconnaissance operations.
- (7) Joint warfighting experiments and other activities related to a transformation in warfare.
- (8) Military space operations.
- (9) Other advanced capabilities of the Armed Forces.
- (10) Arms sales or military-related technology transfers.
- (11) Release of classified or restricted information.
- (12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search-and-rescue or humanitarian operation or exercise.

SEC. 1202. [10 U.S.C. 113 note] ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2021, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on military and security developments involving the People's Republic of China. The report shall address the current and probable future course of military-technological development of the People's Liberation Army and the tenets and probable development of Chinese security strategy and military strategy, and of military organizations and operational concepts, through the next 20 years. The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.

(b) MATTERS TO BE INCLUDED.—Each report under this section shall include analyses and forecasts of the following:

- (1) The goals and factors shaping Chinese security strategy and military strategy.
- (2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).
- (3) The security situation in the Taiwan Strait.
- (4) Chinese strategy regarding Taiwan.
- (5) The size, location, and capabilities of Chinese strategic, land, sea, and air forces, including detailed analysis of those forces facing Taiwan.
- (6) Developments in Chinese military doctrine and training.
- (7) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space and other advanced technologies that would enhance military capabilities or

otherwise undermine the Department of Defense's capability to conduct information assurance. Such analyses shall include an assessment of the damage inflicted on the Department of Defense by reason thereof.

(8) An assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96-8).

(9) Developments in China's asymmetric capabilities, including its strategy and efforts to develop and deploy cyberwarfare and electronic warfare capabilities, details on the number of malicious cyber incidents originating from China against Department of Defense infrastructure, and associated activities originating or suspected of originating from China.

(10) The strategy and capabilities of Chinese space and counterspace programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Chinese military capabilities.

(11) Developments in China's nuclear program, including the size and state of China's stockpile, its nuclear strategy and associated doctrines, its civil and military production capacities, and projections of its future arsenals.

(12) A description of China's anti-access and area denial capabilities.

(13) A description of China's command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for China's precision guided weapons.

(14) A description of the roles and activities of the People's Liberation Army Navy and those of China's paramilitary and maritime law enforcement vessels, including their capabilities, organizational affiliations, roles within China's overall maritime strategy, activities affecting United States allies and partners, and responses to United States naval activities.

(15) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

(16) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

(G) The Secretary's certification whether or not any military-to-military exchange or contact was conducted during the period covered by the report in violation of section 1201(a).

(17) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.

(18) A description of Chinese military-to-military relationships with other countries, including the size and activity of military attache offices around the world and military education programs conducted in China for other countries or in other countries for the Chinese.

(19) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including a forecast of possible future sales and transfers, a description of the implications of those sales and transfers for the security of the United States and its partners and allies in Asia, and a description of any significant assistance to and from any selling state with military-related research and development programs in China.

(20) The status of the 5th generation fighter program of the People's Republic of China, including an assessment of each individual aircraft type, estimated initial and full operational capability dates, and the ability of such aircraft to provide air superiority.

(21) A summary of the order of battle of the People's Liberation Army, including anti-ship ballistic missiles, theater ballistic missiles, and land attack cruise missile inventory.

(22) A description of the People's Republic of China's military and nonmilitary activities in the South China Sea.

(23) Any Chinese laws, regulations, or policies that could jeopardize the economic security of the United States.

(c) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "specified congressional committees" means the following:

(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The Committee on Armed Services and the Committee on International Relations of the House of Representatives.

(d) REPORT ON SIGNIFICANT SALES AND TRANSFERS TO CHINA.—

(1) The report to be submitted under this section not later than March 1, 2002, shall include in a separate section a report describing any significant sale or transfer of military hardware, expertise, and technology to the People's Republic of China. The report shall set forth the history of such sales and transfers since 1995, forecast possible future sales and transfers, and address the implications of

those sales and transfers for the security of the United States and its friends and allies in Asia.

(2) The report shall include analysis and forecasts of the following matters related to military cooperation between selling states and the People's Republic of China:

(A) The extent in each selling state of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China.

(B) An itemization of significant sales and transfers of military hardware, expertise, or technology from each selling state to the People's Republic of China that have taken place since 1995, with a particular focus on command, control, communications, and intelligence systems.

(C) Significant assistance by any selling state to key research and development programs of China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

(D) The extent to which arms sales by any selling state to the People's Republic of China are a source of funds for military research and development or procurement programs in the selling state.

(3) The report under paragraph (1) shall include, with respect to each area of analysis and forecasts specified in paragraph (2)—

(A) an assessment of the military effects of such sales or transfers to entities in the People's Republic of China;

(B) an assessment of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, or develop doctrine for use; and

(C) the potential threat of developments related to such effects on the security interests of the United States and its friends and allies in Asia.

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Subtitle D—Other Matters

SEC. 1231. [50 U.S.C. 1707] MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall, as appropriate—

(1) seek the establishment of a multinational economic embargo against such country; and

(2) seek the seizure of its foreign financial assets.

(b) REPORTS TO CONGRESS.—Not later than 20 days after the first day of the engagement of the United States in hostilities described in subsection (a), the President shall, if the armed conflict has continued for 14 days, submit to Congress a report setting forth—

(1) the specific steps the United States has taken and will continue to take to establish a multinational economic embargo and to initiate financial asset seizure pursuant to subsection (a); and

(2) any foreign sources of trade or revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the United States.

SEC. 1232. [50 U.S.C. 1541 note] LIMITATION ON DEPLOYMENT OF ARMED FORCES IN HAITI DURING FISCAL YEAR 2000 AND CONGRESSIONAL NOTICE OF DEPLOYMENTS TO HAITI.

(a) **LIMITATION ON DEPLOYMENT.**—No funds available to the Department of Defense during fiscal year 2000 may be expended after May 31, 2000, for the continuous deployment of United States Armed Forces in Haiti pursuant to the Department of Defense operation designated as Operation Uphold Democracy.

[(b) Repealed. P.L. 107–107, § 1222, Dec. 28, 2001, 115 Stat. 1253.]

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TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. [22 U.S.C. 5952 note] SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) **SPECIFICATION OF CTR PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2000 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$475,500,000 authorized to be appropriated to the Department of Defense for fiscal year 2000 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$177,300,000.

(2) For strategic nuclear arms elimination in Ukraine, \$41,800,000.

(3) For activities to support warhead dismantlement processing in Russia, \$9,300,000.

(4) For security enhancements at chemical weapons storage sites in Russia, \$20,000,000.

(5) For weapons transportation security in Russia, \$15,200,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, \$64,500,000.

(7) For weapons storage security in Russia, \$99,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, \$32,300,000.

(9) For biological weapons proliferation prevention activities in Russia, \$12,000,000.

(10) For activities designated as Other Assessments/Administrative Support, \$1,800,000.

(11) For defense and military contacts, \$2,300,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (11) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2000 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2000 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (4) through (6), (8), (10), or (11) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

【Section 1303 repealed by section 1351(7) of division A of Public Law 113–291.】

SEC. 1304. [22 U.S.C. 5952 note] LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(6); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

(b) LIMITATION ON CONSTRUCTION.—No funds authorized to be appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

(2) A detailed cost estimate for a second wing for the facility.

(3) A certification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

【Section 1305 repealed by section 1811(3) of Public Law 110–53.】

SEC. 1306. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT.

Not more than 50 percent of the fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress a report describing—

(1) with respect to each purpose listed in section 1302, whether the Department of Defense is the appropriate executive agency to carry out Cooperative Threat Reduction programs for such purpose, and if so, why; and

(2) for any purpose that the Secretary determines is not appropriately carried out by the Department of Defense, a plan for migrating responsibility for carrying out such purpose to the appropriate agency.

SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.

【Repealed by section 1308(g)(1)(D) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–343)】

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TITLE XIV—PROLIFERATION AND EXPORT CONTROLS

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SEC. 1402. [22 U.S.C. 2778 note] ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

(a) ANNUAL REPORT.—Not later than March 30 of each year beginning in the year 2000 and ending in the year 2007, the President shall transmit to Congress a report on transfers to countries and entities of concern during the preceding calendar year of the

most significant categories of United States technologies and technical information with potential military applications.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An assessment by the Director of Central Intelligence of efforts by countries and entities of concern to acquire technologies and technical information referred to in subsection (a) during the preceding calendar year.

(2) An assessment by the Secretary of Defense, in consultation with the Joint Chiefs of Staff and the Director of Central Intelligence, of the cumulative impact of licenses granted by the United States for exports of technologies and technical information referred to in subsection (a) to countries and entities of concern during the preceding 5-calendar year period on—

(A) the military capabilities of such countries and entities; and

(B) countermeasures that may be necessary to overcome the use of such technologies and technical information.

(3) An audit by the Inspectors General of the Departments of Defense, State, Commerce, and Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, of the policies and procedures of the United States Government with respect to the export of technologies and technical information referred to in subsection (a) to countries and entities of concern.

(4) The status of the implementation or other disposition of recommendations included in reports of audits by Inspectors General that have been set forth in a previous annual report under this section pursuant to paragraph (3).

(c) ADDITIONAL REQUIREMENT FOR FIRST REPORT.—The first annual report required by subsection (a) shall include an assessment by the Inspectors General of the Departments of State, Defense, Commerce, and the Treasury and the Inspector General of the Central Intelligence Agency of the adequacy of current export controls and counterintelligence measures to protect against the acquisition by countries and entities of concern of United States technology and technical information referred to in subsection (a).

(d) SUPPORT OF OTHER AGENCIES.—Upon the request of the officials responsible for preparing the assessments required by subsection (b), the heads of other departments and agencies shall make available to those officials all information necessary to carry out the requirements of this section.

(e) CLASSIFIED AND UNCLASSIFIED REPORTS.—Each report required by this section shall be submitted in classified form and unclassified form.

(f) DEFINITION.—As used in this section, the term “countries and entities of concern” means—

(1) any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism;

(2) any country that—

(A) has detonated a nuclear explosive device (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4))); and

(B) is not a member of the North Atlantic Treaty Organization; and

(3) any entity that—

(A) is engaged in international terrorism or activities in preparation thereof; or

(B) is directed or controlled by the government of a country described in paragraph (1) or (2).

SEC. 1403. [22 U.S.C. 2778 note] RESOURCES FOR EXPORT LICENSE FUNCTIONS.

(a) OFFICE OF DEFENSE TRADE CONTROLS.—

(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading “Administration of Foreign Affairs, Diplomatic and Consular Programs” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(c) UPDATING OF STATE DEPARTMENT REPORT.—Not later than March 1, 2000, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Commerce, shall transmit to Congress a report updating the information reported to Congress under section 1513(d)(3) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note).

SEC. 1404. [22 U.S.C. 2778 note] SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.

As a condition of the export license for any satellite to be launched in a country subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note), the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note)

be prepared by the Department of Defense and the licensee, and that the plan set forth enhanced security arrangements for the launch of the satellite, both before and during launch operations.

(2) That each person providing security for the launch of that satellite—

(A) report directly to the launch monitor with regard to issues relevant to the technology transfer control plan;

(B) have received appropriate training in the International Trafficking in Arms Regulations (hereafter in this title referred to as “ITAR”).

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as “Secret”.

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

SEC. 1405. [22 U.S.C. 2778 note] REPORTING OF TECHNOLOGY TRANSMITTED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.

(a) **MONITORING OF INFORMATION.**—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China with regard to each space launch that the monitors are responsible for monitoring, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) **TRANSMISSION TO OTHER AGENCIES.**—The Secretary of Defense shall ensure that records under subsection (a) are transmitted on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) **RETENTION OF RECORDS.**—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) **GUIDELINES.**—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) **REVIEW.**—The President, in consultation with the Secretary of Defense and the Secretary of Energy, shall conduct a comprehen-

sive review of the national security implications of exporting high-performance computers to the People's Republic of China. To the extent that such testing has not already been conducted by the Government, the President, as part of the review, shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers.

(b) **REPORT.**—The President shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review conducted under subsection (a). The report shall be submitted not later than 6 months after the date of the enactment of this Act in classified and unclassified form and shall be updated not later than February 1 of each of the years 2001 through 2004.

SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.

(a) **REVISED HPC VERIFICATION SYSTEM.**—The President shall seek to enter into an agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China so as to provide for an open and transparent system providing for effective end-use verification for such computers. The President shall transmit a copy of any such agreement to Congress.

(b) **DEFINITION.**—As used in this section and section 1406, the term “high-performance computer” means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(c) **ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION.**—**[Omitted-Amendment]**

SEC. 1408. [22 U.S.C. 2778 note] ENHANCED MULTILATERAL EXPORT CONTROLS.

(a) **NEW INTERNATIONAL CONTROLS.**—The President shall seek to establish new enhanced international controls on technology transfers that threaten international peace and United States national security.

(b) **IMPROVED SHARING OF INFORMATION.**—The President shall take appropriate actions to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology covered by the Wassenaar Arrangement and enforce technology controls and re-export requirements for such technology.

(c) **DEFINITION.**—As used in this section, the term “Wassenaar Arrangement” means the multilateral export control regime covering conventional armaments and sensitive dual-use goods and technologies that was agreed to by 33 co-founding countries in July 1996 and began operation in September 1996.

SEC. 1409. [22 U.S.C. 2778 note] ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to—

(1) authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the regulations prescribed by the Secretary of State known as the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(3) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(4) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis);

(5) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity;

(6) allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(7) establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the payment to the Department of Defense by the person or entity receiving the launch monitoring services concerned, before the beginning of a fiscal year, of an amount equal to the amount estimated to be required by the Department to monitor the launch campaigns during that fiscal year;

(B) the reimbursement of the Department of Defense, at the end of each fiscal year, for amounts expended by the Department in monitoring the launch campaigns in excess of the amount provided under subparagraph (A); and

(C) the reimbursement of the person or entity receiving the launch monitoring services if the amount provided under subparagraph (A) exceeds the amount actually expended by the Department of Defense in monitoring the launch campaigns;

(8) review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(9) provide, in conjunction with other Federal agencies, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United

States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(10) establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all relevant activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(11) establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—(1) The Secretary of Defense and the Secretary of State shall each submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding fiscal year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that fiscal year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that fiscal year.

(2) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

SEC. 1410. [22 U.S.C. 2778 note] TIMELY NOTIFICATION OF LICENSING DECISIONS BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide timely notice to the manufacturer of a commercial satellite of United States origin of the final determination of the decision on the application for a license involving the overseas launch of such satellite.

SEC. 1411. [22 U.S.C. 2778 note] ENHANCED INTELLIGENCE CONSULTATION ON SATELLITE LICENSE APPLICATIONS.

(a) CONSULTATION DURING REVIEW OF APPLICATIONS.—The Secretary of State and Secretary of Defense, as appropriate, shall consult with the Director of Central Intelligence during the review of any application for a license involving the overseas launch of a commercial satellite of United States origin. The purpose of the consultation is to assure that the launch of the satellite, if the license is approved, will meet the requirements necessary to protect the national security interests of the United States.

(b) **ADVISORY GROUP.**—(1) The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress, and to appropriate departments and agencies of the Federal Government, on the national security implications of granting licenses involving the overseas launch of commercial satellites of United States origin.

(2) The advisory group shall include technically-qualified representatives of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Air Intelligence Center, and the Department of State Bureau of Intelligence and Research and representatives of other elements of the intelligence community with appropriate expertise.

(3) In addition to the duties under paragraph (1), the advisory group shall—

(A) review, on a continuing basis, information relating to transfers of satellite, launch vehicle, or other technology or knowledge with respect to the course of the overseas launch of commercial satellites of United States origin; and

(B) analyze the potential impact of such transfers on the space and military systems, programs, or activities of foreign countries.

(4) The Director of the Nonproliferation Center of the Central Intelligence Agency shall serve as chairman of the advisory group.

(5)(A) The advisory group shall, upon request (but not less often than annually), submit reports on the matters referred to in paragraphs (1) and (3) to the appropriate committees of Congress and to appropriate departments and agencies of the Federal Government.

(B) The first annual report under subparagraph (A) shall be submitted not later than one year after the date of the enactment of this Act.

(c) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1412. [22 U.S.C. 2278 note] INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) **NOTICE TO CONGRESS OF INVESTIGATIONS.**—The President shall promptly notify the appropriate committees of Congress whenever an investigation is undertaken by the Department of Justice of—

(1) an alleged violation of United States export control laws in connection with a commercial satellite of United States origin; or

(2) an alleged violation of United States export control laws in connection with an item controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778) that is likely to cause significant harm or damage to the national security interests of the United States.

(b) **NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS.**—The President shall promptly notify the appropriate committees of Congress whenever an export waiver pursuant to section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991

(22 U.S.C. 2151 note) is granted on behalf of any United States person that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) EXCEPTION.—The requirements in subsections (a) and (b) shall not apply if the President determines that notification of the appropriate committees of Congress under such subsections would jeopardize an on-going criminal investigation. If the President makes such a determination, the President shall provide written notification of such determination to the Speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the Senate. The notification shall include a justification for the determination.

(d) IDENTIFICATION OF PERSONS SUBJECT TO INVESTIGATION.—The Secretary of State and the Attorney General shall develop appropriate mechanisms to identify, for the purposes of processing export licenses for commercial satellites, persons who are the subject of an investigation described in subsection (a).

(e) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—The appropriate committees of Congress shall ensure that appropriate procedures are in place to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to those committees pursuant to this section.

(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(g) DEFINITIONS.—As used in this section:

(1) The term “appropriate committees of Congress” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “United States person” means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

TITLE XXX—MILITARY LAND WITHDRAWALS

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Subtitle A—Withdrawals Generally

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SEC. 3014. MANAGEMENT OF LANDS.

(a) MANAGEMENT BY SECRETARY OF INTERIOR.—

(1) APPLICABLE LAW.—During the period of the withdrawal of lands under this subtitle, the Secretary of the Interior shall manage the lands withdrawn by section 3011 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), other applicable law, and this subtitle. The Secretary shall manage the lands within the Desert National Wildlife Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law. No provision of this subtitle, except sections 3011(b)(5)(D), 3020, and 3021, shall apply to the management of the Desert National Wildlife Refuge.

(2) ACTIVITIES AUTHORIZED.—To the extent consistent with applicable law and Executive orders, the lands withdrawn by section 3011 may be managed in a manner permitting—

(A) the continuation of grazing where permitted on the date of the enactment of this Act;

(B) the protection of wildlife and wildlife habitat;

(C) the control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3) NONMILITARY USES.—

(A) IN GENERAL.—All nonmilitary use of the lands referred to in paragraph (2), other than the uses described in that paragraph, shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this subtitle.

(B) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary of the Interior may issue a lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of lands referred to in paragraph (2) only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—

(1) IN GENERAL.—If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of lands withdrawn by this subtitle, that Secretary may take such action as that Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATIONS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) NOTICE.—Before and during any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closure.

(c) MANAGEMENT PLAN.—The Secretary of the Interior, after consultation with the Secretary of the military department concerned, shall develop a plan for the management of each area withdrawn by section 3011 during the period of withdrawal under this subtitle. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to the conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than two years after the date of the enactment of this Act.

(d) BRUSH AND RANGE FIRES.—

(1) IN GENERAL.—The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside lands withdrawn by section 3011 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) ASSISTANCE.—Each memorandum of understanding required by subsection (e) shall—

(A) require the Bureau of Land Management to provide assistance in the suppression of fires under paragraph

(1) upon the request of the Secretary of the military department concerned; and

(B) provide for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for any assistance so provided.

(e) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The Secretary of the Interior and the Secretary of the military department concerned shall, with respect to each lands withdrawn by section 3011, enter into a memorandum of understanding to implement the management plan for such lands under subsection (c).

(2) DURATION.—The duration of any memorandum of understanding for lands withdrawn by section 3011 shall be the same as the period of the withdrawal of such lands under this subtitle.

(f) ADDITIONAL MILITARY USES.

(1) IN GENERAL.—Lands withdrawn by section 3011 (except lands within the Desert National Wildlife Refuge) may be used for defense-related purposes other than those specified in the applicable provisions of such section.

(2) NOTICE.—The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that lands withdrawn by this subtitle will be used for defense-related purposes

other than those specified in the applicable provisions of section 3011.

(3) CONTENTS OF NOTICE.—A notice under paragraph (2) shall indicate the additional use or uses involved, the proposed duration of such use or uses, and the extent to which such use or uses will require that additional or more stringent conditions or restrictions be imposed on otherwise permitted non-military uses of the lands concerned, or portions thereof.

SEC. 3015. DURATION OF WITHDRAWAL AND RESERVATION.

(a) GENERAL TERMINATION DATE.—The withdrawal and reservation of lands by section 3011 shall terminate 25 years after November 6, 2001, except as otherwise provided in this subtitle and except for the withdrawals provided for under subsections (a) and (b) of section 3011 which shall terminate 20 years after November 6, 2001.

(b) COMMENCEMENT DATE FOR CERTAIN LANDS.—As to the lands withdrawn for military purposes by section 3011, but not withdrawn for military purposes by section 1 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), the withdrawal of such lands shall become effective on the date of the enactment of this Act.

(c) OPENING DATE.—On the date of the termination of the withdrawal and reservation of lands under this subtitle, such lands shall not be open to any form of appropriation under the public land laws, including the mineral laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened.

SEC. 3016. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) IN GENERAL.—Not later than three years before the termination date of the initial withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned shall notify Congress and the Secretary of the Interior concerning whether the military department will have a continuing military need after such termination date for all or any portion of such lands.

(b) DUTIES REGARDING CONTINUING MILITARY NEED.—

(1) IN GENERAL.—If the Secretary of the military department concerned determines that there will be a continuing military need for any lands withdrawn by this subtitle, the Secretary of the military department concerned shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such lands.

(2) APPLICATION FOR EXTENSION.—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension

under paragraph (1) shall be considered complete if the application includes the following:

(A) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the military department concerned proposes to use or develop such resources during the period of extension.

(B) A copy of the most recent report prepared in accordance with the Sikes Act (16 U.S.C. 670 et seq.).

(c) **LEGISLATIVE PROPOSALS.**—The Secretary of the Interior and the Secretary of the military department concerned shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this subtitle is submitted to Congress not later than May 1 of the year preceding the year in which the withdrawal and reservation of such lands would otherwise terminate under this subtitle.

(d) **NOTICE OF INTENT REGARDING RELINQUISHMENT.**—If during the period of the withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned decides to relinquish all or any of the lands withdrawn and reserved by section 3011, such Secretary shall transmit a notice of intent to relinquish such lands to the Secretary of the Interior.

SEC. 3017. ONGOING DECONTAMINATION.

(a) **PROGRAM.**—Throughout the duration of the withdrawal of lands under this subtitle, the Secretary of the military department concerned shall, to the extent funds are available for such purpose, maintain a program of decontamination of such lands consistent with applicable Federal and State law.

(b) **REPORTS.**—

(1) **REQUIREMENT.**—Not later than 45 days after the date on which the President transmits to Congress the President's proposed budget for any fiscal year beginning after the date of the enactment of this Act, the Secretary of each military department shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives a description of the decontamination efforts undertaken on lands under this subtitle under the jurisdiction of such Secretary during the previous fiscal year and the decontamination activities proposed to be undertaken on such lands during the next fiscal year.

(2) **REPORT ELEMENTS.**—Each report shall specify the following:

(A) Amounts appropriated and obligated or expended for decontamination of such lands.

(B) The methods used to decontaminate such lands.

(C) The amounts and types of decontaminants removed from such lands.

(D) The estimated types and amounts of residual contamination on such lands.

(E) An estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

(c) DECONTAMINATION BEFORE RELINQUISHMENT.—

(1) DUTIES BEFORE NOTICE OF INTENT TO RELINQUISH.—Before transmitting a notice of intent to relinquish lands under section 3016(d), the Secretary of Defense, acting through the Secretary of the military department concerned, shall prepare a written determination concerning whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) DETERMINATION ACCOMPANIES NOTICE.—A copy of any determination prepared with respect to lands under paragraph (1) shall be transmitted together with the notice of intent to relinquish such lands under section 3016(d).

(3) PUBLICATION OF NOTICE AND DETERMINATION.—The Secretary of the Interior shall publish in the Federal Register a copy of any notice of intent to relinquish and determination concerning the contaminated state of the lands that is transmitted under this subsection.

(d) ALTERNATIVES TO DECONTAMINATION BEFORE RELINQUISHMENT.—If the Secretary of the Interior, after consultation with the Secretary of the military department concerned, determines that decontamination of any land which is the subject of a notice of intent to relinquish under section 3016(d) is not practicable or economically feasible, or that such land cannot be decontaminated sufficiently to be opened to the operation of some or all of the public land laws, or if Congress does not appropriate sufficient funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept such land for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If because of their contaminated state the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this subtitle which have been proposed for relinquishment, or if at the expiration of the withdrawal of such lands by this subtitle the Secretary of the Interior determines that some of such lands are contaminated to an extent which prevents opening such lands to operation of the public land laws—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal of such lands under this subtitle, the Secretary of the military department concerned shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the military department concerned shall submit to the Secretary of the Interior and Congress a report on the status of such lands and all actions taken under this subsection.

(f) REVOCATION AUTHORITY.—

(1) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed

for relinquishment under section 3016(d), may revoke the withdrawal and reservation of lands under this subtitle as it applies to such lands.

(2) ORDER.—Should a decision be made to revoke the withdrawal and reservation of lands under paragraph (1), the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) terminate the withdrawal and reservation of such lands under this subtitle;

(B) constitute official acceptance of full jurisdiction over such lands by the Secretary of the Interior; and

(C) state the date on which such lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

* * * * *

Subtitle B—Withdrawals in Arizona

SEC. 3031. BARRY M. GOLDWATER RANGE, ARIZONA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all lands and interests in lands within the boundaries established at the Barry M. Goldwater Range, referred to in paragraph (3), are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, and jurisdiction over such lands and interests in lands is hereby transferred to the Secretary of the Navy and the Secretary of the Air Force.

(2) RESERVATION.—The lands withdrawn by paragraph (1) for the Barry M. Goldwater Range—East are reserved for use by the Secretary of the Air Force, and for the Barry M. Goldwater Range—West are reserved for use by the Secretary of the Navy, for—

(A) an armament and high-hazard testing area;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support;

(C) equipment and tactics development and testing;

and

(D) other defense-related purposes consistent with the purposes specified in this paragraph.

(3) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 1,650,200 acres of land in Maricopa, Pima, and Yuma Counties, Arizona, as generally depicted on the map entitled “Barry M. Goldwater Range Land Withdrawal”, dated June 17, 1999, and filed in accordance with section 3033.

(4) TERMINATION OF CURRENT WITHDRAWAL.—Except as otherwise provided in section 3032, as to the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), but not withdrawn for military purposes by this section, the withdrawal of such lands under that Act shall not terminate until after November 6, 2001, or until the

relinquishment by the Secretary of the Air Force of such lands is accepted by the Secretary of the Interior. The withdrawal under that Act with respect to the Cabeza Prieta National Wildlife Refuge shall terminate on the date of the enactment of this Act.

(5) CHANGES IN USE.—The Secretary of the Navy and the Secretary of the Air Force shall consult with the Secretary of the Interior before using the lands withdrawn and reserved by this section for any purpose other than the purposes specified in paragraph (2).

(6) INDIAN TRIBES.—Nothing in this section shall be construed as altering any rights reserved for Indians by treaty or Federal law.

(7) STUDY.—(A) The Secretary of the Interior, in coordination with the Secretary of Defense, shall conduct a study of the lands referred to in subparagraph (C) that have important aboriginal, cultural, environmental, or archaeological significance in order to determine the appropriate method to manage and protect such lands following relinquishment of such lands by the Secretary of the Air Force. The study shall consider whether such lands can be better managed by the Federal Government or through conveyance of such lands to another appropriate entity.

(B) In carrying out the study required by subparagraph (A), the Secretary of the Interior shall work with the affected tribes and other Federal and State agencies having experience and knowledge of the matters covered by the study, including all applicable laws relating to the management of the resources referred to in subparagraph (A) on the lands referred to in that subparagraph.

(C) The lands referred to in subparagraph (A) are four tracts of land currently included within the military land withdrawal for the Barry M. Goldwater Air Force Range in the State of Arizona, but that have been identified by the Air Force as unnecessary for military purposes in the Air Force's Draft Legislative Environmental Impact Statement, dated September 1998, and are depicted in figure 2-1 at page 2-7 of such statement, as amended by figure A at page 177 of volume 2 of the Air Force's Final Legislative Environmental Impact Statement, dated March 1999, as the following:

(i) Area 1 (the Sand Tank Mountains) containing approximately 83,554 acres.

(ii) Area 9 (the Sentinel Plain) containing approximately 24,756 acres.

(iii) Area 13 (lands surrounding the Ajo Airport) containing approximately 2,779 acres.

(iv) Interstate 8 Vicinity Non-renewal Area containing approximately 1,090 acres.

(D) Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by subparagraph (A).

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.—

(1) GENERAL MANAGEMENT AUTHORITY.—(A) During the period of the withdrawal and reservation of lands by this section, the Secretary of the Navy and the Secretary of the Air Force shall manage the lands withdrawn and reserved by this section for the military purposes specified in this section, and in accordance with the integrated natural resource management plan prepared pursuant to paragraph (3).

(B) Responsibility for the natural and cultural resources management of the lands referred to in subparagraph (A), and the enforcement of Federal laws related thereto, shall not transfer under that subparagraph before the earlier of—

(i) the date on which the integrated natural resources management plan required by paragraph (3) is completed; or

(ii) November 6, 2001.

(C) The Secretary of the Interior may, if appropriate, transfer responsibility for the natural and cultural resources of the lands referred to in subparagraph (A) to the Department of the Interior pursuant to paragraph (7).

(2) ACCESS RESTRICTIONS.—(A) If the Secretary of the Navy or the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of lands withdrawn and reserved by this section, the Secretary of the Navy or the Secretary of the Air Force may take such action as the Secretary of the Navy or the Secretary of the Air Force determines necessary or desirable to effect and maintain such closure.

(B) Any closure under this paragraph shall be limited to the minimum areas and periods that the Secretary of the Navy or the Secretary of the Air Force determines are required for the purposes specified in subparagraph (A).

(C) Before any nonemergency closure under this paragraph not specified in the integrated natural resources management plan required by paragraph (3), the Secretary of the Navy or the Secretary of the Air Force shall consult with the Secretary of the Interior and, where such closure may affect tribal lands, treaty rights, or sacred sites, the Secretary of the Navy or the Secretary of the Air Force shall consult, at the earliest practicable time, with affected Indian tribes.

(D) Immediately before and during any closure under this paragraph, the Secretary of the Navy or the Secretary of the Air Force shall post appropriate warning notices and take other steps, as necessary, to notify the public of such closure.

(3) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—(A) Not later than two years after the date of the enactment of this Act, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall jointly prepare an integrated natural resources management plan for the lands withdrawn and reserved by this section.

(B) The Secretary of the Navy and the Secretary of the Interior may jointly prepare a separate plan pursuant to this paragraph.

(C) Any disagreement concerning the contents of a plan under this paragraph, or any subsequent amendments to the plan, shall be resolved by the Secretary of the Navy for the West Range and the Secretary of the Air Force for the East Range, after consultation with the Secretary of the Interior through the State Director, Bureau of Land Management and, as appropriate, the Regional Director, United States Fish and Wildlife Service. This authority may be delegated to the installation commanders.

(D) Any plan under this paragraph shall be prepared and implemented in accordance with the Sikes Act (16 U.S.C. 670 et seq.) and the requirements of this section.

(E) A plan under this paragraph for lands withdrawn and reserved by this section shall—

(i) include provisions for proper management and protection of the natural and cultural resources of such lands, and for sustainable use by the public of such resources to the extent consistent with the military purposes for which such lands are withdrawn and reserved by this section;

(ii) be developed in consultation with affected Indian tribes and include provisions that address how the Secretary of the Navy and the Secretary of the Air Force intend to—

(I) meet the trust responsibilities of the United States with respect to Indian tribes, lands, and rights reserved by treaty or Federal law affected by the withdrawal and reservation;

(II) allow access to and ceremonial use of sacred sites to the extent consistent with the military purposes for which such lands are withdrawn and reserved; and

(III) provide for timely consultation with affected Indian tribes;

(iii) provide that any hunting, fishing, and trapping on such lands be conducted in accordance with the provisions of section 2671 of title 10, United States Code;

(iv) provide for continued livestock grazing and agricultural out-leasing where it currently exists in accordance with the provisions of section 2667 of title 10, United States Code, and at the discretion of the Secretary of the Navy or the Secretary of the Air Force, as the case may be;

(v) identify current test and target impact areas and related buffer or safety zones;

(vi) provide that the Secretary of the Navy and the Secretary of the Air Force—

(I) shall take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of the Barry M. Goldwater Range, as well as brush and range fires occurring outside the boundaries of the Barry M.

Goldwater Range resulting from military activities; and

(II) may obligate funds appropriated or otherwise available to the Secretaries to enter into memoranda of understanding, and cooperative agreements that shall reimburse the Secretary of the Interior for costs incurred under this clause;

(vii) provide that all gates, fences, and barriers constructed on such lands after the date of the enactment of this Act be designed and erected to allow wildlife access, to the extent practicable and consistent with military security, safety, and sound wildlife management use;

(viii) incorporate any existing management plans pertaining to such lands, to the extent that the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, upon reviewing such plans, mutually determine that incorporation of such plans into a plan under this paragraph is appropriate;

(ix) include procedures to ensure that the periodic reviews of the plan under the Sikes Act are conducted jointly by the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, and that affected States and Indian tribes, and the public, are provided a meaningful opportunity to comment upon any substantial revisions to the plan that may be proposed; and

(x) provide procedures to amend the plan as necessary.

(4) MEMORANDA OF UNDERSTANDING AND COOPERATIVE AGREEMENTS.—(A) The Secretary of the Navy and the Secretary of the Air Force may enter into memoranda of understanding or cooperative agreements with the Secretary of the Interior or other appropriate Federal, State, or local agencies, Indian tribes, or other public or private organizations or institutions for purposes of implementing an integrated natural resources management plan prepared under paragraph (3).

(B) Any memorandum of understanding or cooperative agreement under subparagraph (A) affecting integrated natural resources management may be combined, where appropriate, with any other memorandum of understanding or cooperative agreement entered into under this subtitle, and shall not be subject to the provisions of chapter 63 of title 31, United States Code.

(5) PUBLIC REPORTS.—(A)(i) Concurrent with each review of the integrated natural resources management plan under paragraph (3) pursuant to subparagraph (E)(ix) of that paragraph, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall jointly prepare and issue a report describing changes in the condition of the lands withdrawn and reserved by this section from the later of the date of any previous report under this paragraph or the date of the environmental impact statement prepared to support this section.

(ii) Any report under clause (i) shall include a summary of current military use of the lands referred to in that clause, any changes in military use of the lands since the previous report, and efforts related to the management of natural and cultural resources and environmental remediation of the lands during the previous five years.

(iii) Any report under this subparagraph may be combined with any report required by the Sikes Act.

(iv) Any disagreements concerning the contents of a report under this subparagraph shall be resolved by the Secretary of the Navy and the Secretary of the Air Force. This authority may be delegated to the installation commanders.

(B)(i) Before the finalization of any report under this paragraph, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall invite interested members of the public to review and comment on the report, and shall hold at least one public meeting concerning the report in a location or locations reasonably accessible to persons who may be affected by management of the lands addressed by the report.

(ii) Each public meeting under clause (i) shall be announced not less than 15 days before the date of the meeting by advertisements in local newspapers of general circulation, publication of an announcement in the Federal Register, and any other means considered necessary.

(C) The final version of any report under this paragraph shall be made available to the public and submitted to appropriate committees of Congress.

(6) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—(A) Not later than two years after the date of the enactment of this Act, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall, by memorandum of understanding, establish an intergovernmental executive committee comprised of selected representatives from interested Federal agencies, as well as at least one elected officer (or other authorized representative) from State government and at least one elected officer (or other authorized representative) from each local and tribal government as may be designated at the discretion of the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior.

(B) The intergovernmental executive committee shall be established solely for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by this section.

(C) The intergovernmental executive committee shall operate in accordance with the terms set forth in the memorandum of understanding under subparagraph (A), which shall specify the Federal agencies and elected officers or representatives of State, local, and tribal governments to be invited to participate.

(D) The memorandum of understanding under subparagraph (A) shall establish procedures for creating a forum for exchanging views, information, and advice relating to the man-

agement of natural and cultural resources on the lands concerned, procedures for rotating the chair of the intergovernmental executive committee, and procedures for scheduling regular meetings.

(E) The Secretary of the Navy and the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, appoint an individual to serve as coordinator of the intergovernmental executive committee. The duties of the coordinator shall be included in the memorandum of understanding under subparagraph (A). The coordinator shall not be a member of the committee.

(7) TRANSFER OF MANAGEMENT RESPONSIBILITY.—(A)(i) If the Secretary of the Interior determines that the Secretary of the Navy or the Secretary of the Air Force has failed to manage lands withdrawn and reserved by this section for military purposes in accordance with the integrated natural resource management plan for such lands under paragraph (3), and that failure to do so is resulting in significant and verifiable degradation of the natural or cultural resources of such lands, the Secretary of the Interior shall give the Secretary of the Navy or the Secretary of the Air Force, as the case may be, written notice of such determination, a description of the deficiencies in management practices by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, and an explanation of the methodology employed in reaching the determination.

(ii) Not later than 60 days after the date a notification under clause (i) is received, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall submit a response to the Secretary of the Interior, which response may include a plan of action for addressing any deficiencies identified in the notice in the conduct of management responsibility and for preventing further significant degradation of the natural or cultural resources of the lands concerned.

(iii) If, not earlier than three months after the date a notification under clause (i) is received, the Secretary of the Interior determines that deficiencies identified in the notice are not being corrected, and that significant and verifiable degradation of the natural or cultural resources of the lands concerned is continuing, the Secretary of the Interior may, not earlier than 90 days after the date on which the Secretary of the Interior submits to the committees referred to in section 3032(d)(3) notice and a report on the determination, transfer management responsibility for the natural and cultural resources of such lands from the Secretary of the Navy or the Secretary of the Air Force, as the case may be, to the Secretary of the Interior in accordance with a schedule for such transfer established by the Secretary of the Interior.

(B) After a transfer of management responsibility pursuant to subparagraph (A), the Secretary of the Interior may transfer management responsibility back to the Secretary of the Navy or the Secretary of the Air Force if the Secretary of the Interior determines that adequate procedures and plans have been established to ensure that the lands concerned will

be adequately managed by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, in accordance with the integrated natural resources management plan for such lands under paragraph (3).

(C) For any period during which the Secretary of the Interior has management responsibility under this paragraph for lands withdrawn and reserved by this section, the integrated natural resources management plan for such lands under paragraph (3), including any amendments to the plan, shall remain in effect, pending the development of a management plan prepared pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), in cooperation with the Secretary of the Navy or the Secretary of the Air Force.

(D) Assumption by the Secretary of the Interior pursuant to this paragraph of management responsibility for the natural and cultural resources of lands shall not affect the use of such lands for military purposes, and the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall continue to direct military activities on such lands.

(8) PAYMENT FOR SERVICES.—The Secretary of the Navy and the Secretary of the Air Force shall assume all costs for implementation of an integrated natural resources management plan under paragraph (3), including payment to the Secretary of the Interior under section 1535 of title 31, United States Code, for any costs the Secretary of the Interior incurs in providing goods or services to assist the Secretary of the Navy or the Secretary of the Air Force, as the case may be, in the implementation of the integrated natural resources management plan.

(9) DEFINITIONS.—In this subsection:

(A) The term “Indian tribe” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479 et seq.).

(B) The term “sacred site” means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or its designee, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, but only to the extent that the tribe or its designee, has informed the Secretary of the Navy or the Secretary of the Air Force of the existence of such site. Neither the Secretary of the Department of Defense, the Secretary of the Navy, the Secretary of the Air Force, nor the Secretary of the Interior shall be required under section 552 of title 5, United States Code, to make available to the public any information concerning the location, character, or use of any traditional Indian religious or sacred site located on lands withdrawn and reserved by this subsection.

(c) ENVIRONMENTAL REQUIREMENTS.—

(1) DURING WITHDRAWAL AND RESERVATION.—Throughout the duration of the withdrawal and reservation of lands by this section, including the duration of any renewal or extension,

and with respect both to the activities undertaken by the Secretary of the Navy and the Secretary of the Air Force on such lands and to all activities occurring on such lands during such times as the Secretary of the Navy and the Secretary of the Air Force may exercise management jurisdiction over such lands, the Secretary of the Navy and the Secretary of the Air Force shall—

(A) be responsible for and pay all costs related to the compliance of the Department of the Navy or the Department of the Air Force, as the case may be, with applicable Federal, State, and local environmental laws, regulations, rules, and standards;

(B) carry out and maintain in accordance with the requirements of all regulations, rules, and standards issued by the Department of Defense pursuant to chapter 160 of title 10, United States Code, relating to the Defense Environmental Restoration Program, the joint board on ammunition storage established under section 172 of that title, and Executive Order No. 12580, a program to address—

(i) any release or substantial threat of release attributable to military munitions (including unexploded ordnance) and other constituents; and

(ii) any release or substantial threat of release, regardless of its source, occurring on or emanating from such lands during the period of withdrawal and reservation; and

(C) provide to the Secretary of the Interior a copy of any report prepared by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, pursuant to any Federal, State, or local environmental law, regulation, rule, or standard.

(2) BEFORE RELINQUISHMENT OR TERMINATION.—

(A) ENVIRONMENTAL REVIEW.—(i) Upon notifying the Secretary of the Interior that the Secretary of the Navy or the Secretary of the Air Force intends, pursuant to subsection (f), to relinquish jurisdiction over lands withdrawn and reserved by this section, the Secretary of the Navy or the Secretary of the Air Force shall provide to the Secretary of the Interior an environmental baseline survey, military range assessment, or other environmental review characterizing the environmental condition of the land, air, and water resources affected by the activities undertaken by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, on and over such lands.

(ii) If hazardous substances were stored for one year or more, known to have been released or disposed of, or if a substantial threat of release exists, on lands referred to in clause (i), any environmental review under that clause shall include notice of the type and quantity of such hazardous substances and notice of the time during which such storage, release, substantial threat of release, or disposal took place.

(B) MEMORANDUM OF UNDERSTANDING.—(i) In addition to any other requirements under this section, the Sec-

retary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior may enter into a memorandum of understanding to implement the environmental remediation requirements of this section.

(ii) The memorandum of understanding under clause (i) may include appropriate, technically feasible, and mutually acceptable cleanup standards that the concerned Secretaries believe environmental remediation activities shall achieve and a schedule for completing cleanup activities to meet such standards.

(iii) Cleanup standards under clause (ii) shall be consistent with any legally applicable or relevant and appropriate standard, requirement, criteria, or limitation otherwise required by law.

(C) ENVIRONMENTAL REMEDIATION.—With respect to lands to be relinquished pursuant to subsection (f), the Secretary of the Navy or the Secretary of the Air Force shall take all actions necessary to address any release or substantial threat of release, regardless of its source, occurring on or emanating from such lands during the period of withdrawal and reservation under this section. To the extent practicable, all such response actions shall be taken before the termination of the withdrawal and reservation of such lands under this section.

(D) CONSULTATION.—If the Secretary of the Interior accepts the relinquishment of jurisdiction over any lands withdrawn and reserved by this section before all necessary response actions under this section have been completed, the Secretary of the Interior shall consult with the Secretary of the Navy or the Secretary of the Air Force, as the case may be, before undertaking or authorizing any activities on such lands that may affect existing releases, interfere with the installation, maintenance, or operation of any response action, or expose any person to a safety or health risk associated with either the releases or the response action being undertaken.

(3) RESPONSIBILITY AND LIABILITY.—(A) The Secretary of the Navy and the Secretary of the Air Force, and not the Secretary of the Interior, shall be responsible for and conduct the necessary remediation of all releases or substantial threats of release, whether located on or emanating from lands withdrawn and reserved by this section, and whether known at the time of relinquishment or termination or subsequently discovered, attributable to management of the lands withdrawn and reserved by this section by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, or the use, management, storage, release, treatment, or disposal of hazardous materials, hazardous substances, hazardous wastes, pollutants, contaminants, petroleum products and their derivatives, military munitions, or other constituents on such lands by the Secretary of the Navy or the Secretary of the Air Force, as the case may be.

(B) Responsibility under subparagraph (A) shall include liability for any costs or claims asserted against the United States for activities referred to in that subparagraph.

(C) Nothing in this paragraph is intended to prevent the United States from bringing a cost recovery, contribution, or other action against third persons or parties the Secretary of the Navy or the Secretary of the Air Force reasonably believes may have contributed to a release or substantial threat of release.

(4) OTHER FEDERAL AGENCIES.—If the Secretary of the Navy or the Secretary of the Air Force delegates responsibility or jurisdiction to another Federal agency over, or permits another Federal agency to operate on, lands withdrawn and reserved by this section, the agency shall assume all responsibility and liability described in paragraph (3) for their activities with respect to such lands.

(5) DEFINITIONS.—In this subsection:

(A)(i) The term “military munitions”—

(I) means all ammunition products and components produced or used by or for the Department of Defense or the Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the Coast Guard, the Department of Energy, and National Guard personnel;

(II) includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by and for Department of Defense components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof; and

(III) includes nonnuclear components of nuclear devices managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

(ii) The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof.

(B) The term “unexploded ordnance” means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard or potential hazard, to operations, installation, personnel, or material, and remain unexploded either by malfunction, design, or other cause.

(C) The term “other constituents” means potentially hazardous compounds, mixtures, or elements that are released from military munitions or unexploded ordnance or result from other activities on military ranges.

(d) DURATION OF WITHDRAWAL AND RESERVATIONS.—

(1) IN GENERAL.—Unless extended pursuant to subsection (e), the withdrawal and reservation of lands by this section shall terminate 25 years after the date of the enactment of this Act, except as otherwise provided in subsection (f)(4).

(2) OPENING.—On the date of the termination of the withdrawal and reservation of lands by this section, such lands shall not be open to any form of appropriation under the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened.

(e) EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.—

(1) IN GENERAL.—Not later than three years before the termination date of the initial withdrawal and reservation of lands by this section, the Secretary of the Navy and the Secretary of the Air Force shall notify Congress and the Secretary of the Interior concerning whether the Navy or Air Force, as the case may be, will have a continuing military need, after such termination date, for all or any portion of such lands.

(2) DUTIES REGARDING CONTINUING MILITARY NEED.—(A) If the Secretary of the Navy or the Secretary of the Air Force determines that there will be a continuing military need for any lands withdrawn by this section, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall—

(i) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

(ii) file with the Secretary of the Interior, not later than one year after the notice required by paragraph (1), an application for extension of the withdrawal and reservation of such lands.

(B) The general procedures of the Department of the Interior for processing Federal Land withdrawals notwithstanding, any application for extension under this paragraph shall be considered complete if it includes the following:

(i) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the Navy or the Secretary of the Air Force proposes to use or develop such resources during the period of extension.

(ii) A copy of the most recent public report prepared in accordance with subsection (b)(5).

(3) LEGISLATIVE PROPOSALS.—The Secretary of the Interior, the Secretary of the Navy, and the Secretary of the Air Force shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this section is submitted to Congress not later than May 1 of the year preceding the year in which the existing withdrawal and reservation would otherwise terminate under this section.

(f) TERMINATION AND RELINQUISHMENT.—

(1) NOTICE OF INTENT TO RELINQUISH.—At any time during the withdrawal and reservation of lands under this section, but not later than three years before the termination of the withdrawal and reservation, if the Secretary of the Navy or the Secretary of the Air Force determines that there is no continuing military need for lands withdrawn and reserved by this section, or any portion of such lands, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall notify the Secretary of the Interior of an intent to relinquish jurisdiction over such lands, which notice shall specify the proposed date of relinquishment.

(2) AUTHORITY TO ACCEPT RELINQUISHMENT.—The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under this subsection if the Secretary of the Interior determines that the Secretary of the Navy or the Secretary of the Air Force has taken the environmental response actions required under this section.

(3) ORDER.—If the Secretary of the Interior accepts jurisdiction over lands covered by a notice of intent to relinquish jurisdiction under this subsection before the termination date of the withdrawal and reservation of such lands under this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order that shall—

(A) terminate the withdrawal and reservation of such lands under this section;

(B) constitute official acceptance of administrative jurisdiction over such lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, if appropriate.

(4) JURISDICTION PENDING RELINQUISHMENT.—(A) Notwithstanding the termination date, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment under this subsection, or until the Administrator of General Services accepts jurisdiction of such lands under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 251 et seq.), such lands shall remain under the jurisdiction of the Secretary of the Navy or the Secretary of the Air Force, as the case may be, for the limited purposes of—

(i) environmental response actions under this section; and

(ii) continued land management responsibilities pursuant to the integrated natural resources management plan for such lands under subsection (b)(3).

(B) For any land that the Secretary of the Interior determines to be suitable for return to the public domain, but does not agree with the Secretary of the Navy or the Secretary of the Air Force that all necessary environmental response actions under this section have been taken, the Secretary of the Navy or the Secretary of the Air Force, as the case may be,

and the Secretary of the Interior shall resolve the dispute in accordance with any applicable dispute resolution process.

(C) For any land that the Secretary of the Interior determines to be unsuitable for return to the public domain, the Secretary of the Interior shall immediately notify the Administrator of General Services.

(5) SCOPE OF FUNCTIONS.—All functions described under this subsection, including transfers, relinquishes, extensions, and other determinations, may be made on a parcel-by-parcel basis.

(g) DELEGATIONS OF FUNCTIONS.—The functions of the Secretary of the Interior under this section may be delegated, except that the following determinations and decisions may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, an Assistant Secretary of the Interior, or the Director, Bureau of Land Management:

(1) Decisions to accept transfer, relinquishment, or jurisdiction of lands under this section and to open such lands to operation of the public land laws.

(2) Decisions to transfer management responsibility from or to a military department pursuant to subsection (b)(7).

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TITLE XXXII—NATIONAL NUCLEAR SECURITY ADMINISTRATION²

Sec. 3201. [50 U.S.C. 2401 note] Short title.

Sec. 3202. Under Secretary for Nuclear Security of Department of Energy.

Sec. 3203. Establishment of policy for National Nuclear Security Administration.

Sec. 3204. Organization of Department of Energy counterintelligence and intelligence programs and activities.

Subtitle A—Establishment and Organization

Sec. 3211. [50 U.S.C. 2401] Establishment and mission.

Sec. 3212. [50 U.S.C. 2402] Administrator for Nuclear Security.

Sec. 3213. [50 U.S.C. 2403] Principal Deputy Administrator for Nuclear Security.

Sec. 3214. [50 U.S.C. 2404] Deputy Administrator for Defense Programs.

Sec. 3215. [50 U.S.C. 2405] Deputy Administrator for Defense Nuclear Non-proliferation.

Sec. 3216. [50 U.S.C. 2406] Deputy Administrator for Naval Reactors.

Sec. 3217. [50 U.S.C. 2407] General counsel.

Sec. 3218. [50 U.S.C. 2408] Staff of Administration.

Sec. 3219. [50 U.S.C. 2409] Scope of authority of Secretary of Energy to modify organization of Administration.

Sec. 3220. [50 U.S.C. 2410] Status of Administration and contractor personnel within Department of Energy.

Sec. 3221. Director for Cost Estimating and Program Evaluation.

Subtitle B—Matters Relating to Security

Sec. 3231. [50 U.S.C. 2421] Protection of national security information.

Sec. 3232. [50 U.S.C. 2422] Office of Defense Nuclear Security.

Sec. 3233. [50 U.S.C. 2423] Counterintelligence programs.

Sec. 3234. [50 U.S.C. 2424] Procedures relating to access by individuals to classified areas and information of Administration.

Sec. 3235. [50 U.S.C. 2425] Government access to information on Administration computers.

Sec. 3236. [50 U.S.C. 2426] Congressional oversight of special access programs.

²The table of contents shown here is not identical to the table of contents in law. It has been edited for the convenience of the reader.

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Subtitle C—Matters Relating to Personnel

- Sec. 3241. **[50 U.S.C. 2441]** Authority to establish certain contracting, program management, scientific, engineering, and technical positions.
- Sec. 3241A. **[50 U.S.C. 2441a]** Authorized personnel levels of the Office of the Administrator.
- [Sec. 3242. Repealed.]**
- Sec. 3243. Severance pay.
- Sec. 3244. Continued coverage of health care benefits.
- Sec. 3245. Notification of employee practices affecting national security.
- Sec. 3246. Limitation on bonuses for employees who engage in improper program management.
- Sec. 3247. Treatment of contractors who engage in improper program management.

Subtitle D—Budget and Financial Management

- Sec. 3251. **[50 U.S.C. 2451]** Separate treatment in budget.
- Sec. 3252. **[50 U.S.C. 2452]** Planning, programming, and budgeting process.
- Sec. 3253. **[50 U.S.C. 2453]** Future-years nuclear security program.
- Sec. 3254. **[50 U.S.C. 2454]** Semiannual financial reports on defense nuclear non-proliferation programs.
- Sec. 3255. **[50 U.S.C. 2455]** Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.

Subtitle E—Miscellaneous Provisions

- Sec. 3261. **[50 U.S.C. 2461]** Environmental protection, safety, and health requirements.
- Sec. 3262. **[50 U.S.C. 2462]** Compliance with Federal Acquisition Regulation.
- Sec. 3263. **[50 U.S.C. 2463]** Sharing of technology with Department of Defense.
- Sec. 3264. **[50 U.S.C. 2464]** Use of capabilities of national security laboratories by entities outside the Administration.

Subtitle F—Definitions

- Sec. 3281. **[50 U.S.C. 2471]** Definitions.

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

- Sec. 3291. **[50 U.S.C. 2481]** Functions transferred.
- [Sec. 3292. Repealed.]**
- Sec. 3293. Pay levels.
- Sec. 3294. Conforming amendments.
- [Sec. 3295. Repealed.]**
- Sec. 3296. **[50 U.S.C. 2484]** Applicability of preexisting laws and regulations.
- [Sec. 3297. Repealed.]**
- Sec. 3298. **[50 U.S.C. 2401 note]** Classification in United States Code.
- Sec. 3299. **[50 U.S.C. 2401 note]** Effective dates.

SEC. 3201. [50 U.S.C. 2401 note] SHORT TITLE.

This title may be cited as the “National Nuclear Security Administration Act”.

SEC. 3202. UNDER SECRETARY FOR NUCLEAR SECURITY OF DEPARTMENT OF ENERGY.

[Omitted-Amendment]

SEC. 3203. ESTABLISHMENT OF POLICY FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

[Omitted-Amendment]

SEC. 3204. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTER-INTELLIGENCE AND INTELLIGENCE PROGRAMS AND ACTIVITIES.

[Omitted-Amendment]

Subtitle A—Establishment and Organization**SEC. 3211. [50 U.S.C. 2401] ESTABLISHMENT AND MISSION.**

(a) **ESTABLISHMENT.**—There is established within the Department of Energy a separately organized agency to be known as the National Nuclear Security Administration (in this title referred to as the “Administration”).

(b) **MISSION.**—The mission of the Administration shall be the following:

(1) To enhance United States national security through the military application of nuclear energy.

(2) To maintain and enhance the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(3) To provide the United States Navy with safe, militarily effective nuclear propulsion plants and to ensure the safe and reliable operation of those plants.

(4) To promote international nuclear safety and non-proliferation.

(5) To reduce global danger from weapons of mass destruction.

(6) To support United States leadership in science and technology.

(c) **OPERATIONS AND ACTIVITIES TO BE CARRIED OUT CONSISTENTLY WITH CERTAIN PRINCIPLES.**—In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of—

(1) protecting the environment;

(2) safeguarding the safety and health of the public and of the workforce of the Administration; and

(3) ensuring the security of the nuclear weapons, nuclear material, and classified information in the custody of the Administration.

SEC. 3212. [50 U.S.C. 2402] ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) **IN GENERAL.**—(1) There is at the head of the Administration an Administrator for Nuclear Security (in this title referred to as the “Administrator”).

(2) Pursuant to subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), the Under Secretary for Nuclear Security of the Department of Energy serves as the Administrator.

(b) **FUNCTIONS.**—The Administrator has authority over, and is responsible for, all programs and activities of the Administration (except for the functions of the Deputy Administrator for Naval Reactors specified in the Executive order referred to in section 3216(b)), including the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation, guidance, and execution, and other financial matters.

(4) Resource requirements determination and allocation.

(5) Program management and direction.

- (6) Safeguards and security.
- (7) Emergency management.
- (8) Integrated safety management.
- (9) Environment, safety, and health operations.
- (10) Administration of contracts, including the management and operations of the nuclear weapons production facilities and the national security laboratories.
- (11) Intelligence.
- (12) Counterintelligence.
- (13) Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel in accordance with subtitle C of this title.
- (14) Procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code.
- (15) Legal matters.
- (16) Legislative affairs.
- (17) Public affairs.
- (18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.
- (19) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

(c) **PROCUREMENT AUTHORITY.**—The Administrator is the senior procurement executive for the Administration for the purposes of section 1702(c) of title 41, United States Code.

(d) **POLICY AUTHORITY.**—The Administrator may establish Administration-specific policies, unless disapproved by the Secretary of Energy.

(e) **MEMBERSHIP ON JOINT NUCLEAR WEAPONS COUNCIL.**—The Administrator serves as a member of the Joint Nuclear Weapons Council under section 179 of title 10, United States Code.

(f) **REORGANIZATION AUTHORITY.**—Except as provided by subsections (b) and (c) of section 3291:

(1) The Administrator may establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the Administration, or transfer any function of the Administration.

(2) Such authority does not apply to the abolition of organizational units or components established by law or the transfer of functions vested by law in any organizational unit or component.

SEC. 3213. [50 U.S.C. 2403] PRINCIPAL DEPUTY ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) **IN GENERAL.**—(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

(2) The Principal Deputy Administrator shall be appointed from among persons who have extensive background in organizational management and are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall per-

form such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.

SEC. 3214. [50 U.S.C. 2404] DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.

(a) **IN GENERAL.**—There is in the Administration a Deputy Administrator for Defense Programs, who is appointed by the President, by and with the advice and consent of the Senate.

(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Programs shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Maintaining and enhancing the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(2) Directing, managing, and overseeing the nuclear weapons production facilities and the national security laboratories.

(3) Directing, managing, and overseeing assets to respond to incidents involving nuclear weapons and materials.

SEC. 3215. [50 U.S.C. 2405] DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION.

(a) **IN GENERAL.**—There is in the Administration a Deputy Administrator for Defense Nuclear Nonproliferation, who is appointed by the President, by and with the advice and consent of the Senate.

(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Nuclear Nonproliferation shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Preventing the spread of materials, technology, and expertise relating to weapons of mass destruction.

(2) Detecting the proliferation of weapons of mass destruction worldwide.

(3) Eliminating inventories of surplus fissile materials usable for nuclear weapons.

(4) Providing for international nuclear safety.

SEC. 3216. [50 U.S.C. 2406] DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.

(a) **IN GENERAL.**—(1) There is in the Administration a Deputy Administrator for Naval Reactors. The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order shall serve as the Deputy Administrator for Naval Reactors.

(2) Within the Department of Energy, the Deputy Administrator shall report to the Secretary of Energy through the Administrator and shall have direct access to the Secretary and other senior officials in the Department.

(b) **DUTIES.**—The Deputy Administrator shall be assigned the responsibilities, authorities, and accountability for all functions of

the Office of Naval Reactors under the Naval Nuclear Propulsion Executive Order.

(c) **EFFECT ON EXECUTIVE ORDER.**—Except as otherwise specified in this section and notwithstanding any other provision of this title, the provisions of the Naval Nuclear Propulsion Executive Order remain in full force and effect until changed by law.

(d) **NAVAL NUCLEAR PROPULSION EXECUTIVE ORDER.**—As used in this section, the Naval Nuclear Propulsion Executive Order is Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note) (as in force pursuant to section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 42 U.S.C. 7158 note)).³

SEC. 3217. [50 U.S.C. 2407] GENERAL COUNSEL.

There is a General Counsel of the Administration. The General Counsel is the chief legal officer of the Administration.

SEC. 3218. [50 U.S.C. 2408] STAFF OF ADMINISTRATION.

(a) **IN GENERAL.**—The Administrator shall maintain within the Administration sufficient staff to assist the Administrator in carrying out the duties and responsibilities of the Administrator.

(b) **RESPONSIBILITIES.**—The staff of the Administration shall perform, in accordance with applicable law, such of the functions of the Administrator as the Administrator shall prescribe. The Administrator shall assign to the staff responsibility for the following functions:

- (1) Personnel.
- (2) Legislative affairs.
- (3) Public affairs.
- (4) Liaison with the Department of Energy's Office of Intelligence and Counterintelligence.
- (5) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

SEC. 3219. [50 U.S.C. 2409] SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF ADMINISTRATION.

Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by subsection (b) or (c) of section 3291.

SEC. 3220. [50 U.S.C. 2410] STATUS OF ADMINISTRATION AND CONTRACTOR PERSONNEL WITHIN DEPARTMENT OF ENERGY.

(a) **STATUS OF ADMINISTRATION PERSONNEL.**—Each officer or employee of the Administration—

- (1) shall be responsible to and subject to the authority, direction, and control of—
 - (A) the Secretary acting through the Administrator and consistent with section 202(c)(3) of the Department of Energy Organization Act (42 U.S.C. 7132(c)(3));
 - (B) the Administrator; or

³The text of the executive order is set out in this volume under Selected Other Matters.

- (C) the Administrator's designee within the Administration; and
- (2) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy.
- (b) STATUS OF CONTRACTOR PERSONNEL.—Each officer or employee of a contractor of the Administration shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy who is not an employee of the Administration, except for the Secretary of Energy consistent with section 202(c)(3) of the Department of Energy Organization Act (42 U.S.C. 7132(c)(3)).
- (c) CONSTRUCTION OF SECTION.—Subsections (a) and (b) may not be interpreted to in any way preclude or interfere with the communication of technical findings derived from, and in accord with, duly authorized activities between—
- (1) the head, or any contractor employee, of a national security laboratory or of a nuclear weapons production facility; and
- (2) the Department of Energy, the President, or Congress.
- (d) PROHIBITION ON DUAL OFFICE HOLDING.—Except in accordance with sections 3212(a)(2) and 3216(a)(1):
- (1) An individual may not concurrently hold or carry out the responsibilities of—
- (A) a position within the Administration; and
- (B) a position within the Department of Energy not within the Administration.
- (2) No funds appropriated or otherwise made available for any fiscal year may be used to pay, to an individual who concurrently holds or carries out the responsibilities of a position specified in paragraph (1)(A) and a position specified in paragraph (1)(B), the basic pay, salary, or other compensation relating to any such position.
- (e) STATUS OF INTELLIGENCE AND COUNTERINTELLIGENCE PERSONNEL.—Notwithstanding the restrictions of subsections (a) and (b), each officer or employee of the Administration, or of a contractor of the Administration, who is carrying out activities related to intelligence or counterintelligence shall, in carrying out those activities, be subject to the authority, direction, and control of the Secretary of Energy or the Secretary's delegate.

SEC. 3221. DIRECTOR FOR COST ESTIMATING AND PROGRAM EVALUATION.

- (a) ESTABLISHMENT.—(1) There is in the Administration a Director for Cost Estimating and Program Evaluation (in this section referred to as the "Director").
- (2) The position of the Director shall be a Senior Executive Service position (as defined in section 3132(a) of title 5, United States Code).
- (b) DUTIES.—(1) The Director shall be the principal advisor to the Administrator, the Deputy Secretary of Energy, and the Secretary of Energy with respect to cost estimation and program evaluation for the Administration.

(2) The Administrator may not delegate responsibility for receiving or acting on communications from the Director with respect to cost estimation and program evaluation for the Administration.

(c) ACTIVITIES FOR COST ESTIMATION.—(1) The Director shall be the responsible for the following activities relating to cost estimation:

(A) Advising the Administrator on policies and procedures for cost analysis and estimation by the Administration, including the determination of confidence levels with respect to cost estimates.

(B) Reviewing cost estimates and evaluating the performance baseline for each major atomic energy defense acquisition program.

(C) Advising the Administrator on policies and procedures for developing technology readiness assessments for major atomic energy defense acquisition programs that are consistent with the guidelines of the Department of Energy for technology readiness assessments.

(D) Reviewing technology readiness assessments for such programs to ensure that such programs are meeting levels of confidence associated with appropriate overall system performance.

(E) As directed by the Administrator, conducting independent cost estimates for such programs.

(2) A review, evaluation, or cost estimate conducted under subparagraph (B), (D), or (E) of paragraph (1) shall be considered an inherently governmental function, but the Director may use data collected by a national security laboratory or a management and operating contractor of the Administration in conducting such a review, evaluation, or cost estimate.

(3) The Director shall submit in writing to the Administrator the following:

(A) The certification of the Director with respect to each review, evaluation, and cost estimate conducted under subparagraph (B), (D), or (E) of paragraph (1).

(B) A statement of the confidence level of the Director with respect to each such review, evaluation, and cost estimate, including an identification of areas of uncertainty, risk, and opportunity discovered in conducting each such review, evaluation, and cost estimate.

(d) ACTIVITIES FOR PROGRAM EVALUATION.—(1) The Director shall be responsible for the following activities relating to program evaluation:

(A) Reviewing and commenting on policies and procedures for setting requirements for the future-years nuclear security program under section 3253 and for prioritizing and estimating the funding required by the Administration for that program.

(B) Reviewing the future-years nuclear security program on an annual basis to ensure that the program is accurate and thorough.

(C) Advising the Administrator on policies and procedures for analyses of alternatives for major atomic energy defense acquisition programs.

(D) As part of the planning, programming, and budgeting process of the Administration under sections 3251 and 3252, analyzing the planning phase of that process, advising on programmatic and fiscal year guidance, and managing the program review phase of that process.

(E) Developing and managing the submittal of the Selected Acquisition Reports and independent cost estimates on nuclear weapons systems undergoing major life extension under section 4217 of the Atomic Energy Defense Act (50 U.S.C. 2537).

(F) Reviewing cost and schedule baselines for projects under section 4713 of that Act (50 U.S.C. 2753) and managing notifications to the congressional defense committees of cost overruns under that section.

(2) A review conducted under paragraph (1)(B) shall be considered an inherently governmental function, but the Director may use data collected by a national security laboratory or a management and operating contractor of the Administration in conducting such a review.

(3) The Director shall submit to Congress a report on any major programmatic deviations from the future-years nuclear security program discovered in conducting a review under paragraph (1)(B) at or about the time the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for the next fiscal year.

(e) DATA COLLECTION AND ACCESSIBILITY.—The Administrator, acting through the Director, shall, as appropriate, seek to use procedures, processes, and policies for collecting cost data and making that data accessible that are similar to the procedures, processes, and policies used by the Defense Cost Analysis Resource Center of the Office of Cost Assessment and Program Evaluation of the Department of Defense for those purposes.

(f) STAFF.—The Administrator shall ensure that the Director has sufficient numbers of personnel who have competence in technical matters, budgetary matters, cost estimation, technology readiness analysis, and other appropriate matters to carry out the functions required by this section.

(g) REPORTS BY DIRECTOR.—The Director shall submit to Congress at or about the time that the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for each of fiscal years 2015 through 2018, a report that includes the following:

(1) A description of activities conducted by the Director during the calendar year preceding the submission of the report that are related to the duties and activities described in this section.

(2) A list of all major atomic energy defense acquisition programs and a concise description of the status of each such program and project in meeting cost and critical schedule milestones.

(h) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration”, with respect to any authority, duty, or responsibility provided by this section, does not include the Office of Naval Reactors.

(2) MAJOR ATOMIC ENERGY DEFENSE ACQUISITION PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “major atomic energy defense acquisition program” means an atomic energy defense acquisition program of the Administration—

(i) the total project cost of which is more than \$500,000,000; or

(ii) the total lifetime cost of which is more than \$1,000,000,000.

(B) EXCLUSION OF CAPITAL ASSETS ACQUISITION PROJECTS.—The term “major atomic energy defense acquisition program” does not include a project covered by Department of Energy Order 413.3 (or a successor order) for the acquisition of capital assets for atomic energy defense activities.

(3) PERFORMANCE BASELINE.—The term “performance baseline”, with respect to a major atomic energy defense acquisition program, means the key parameters with respect to performance, scope, cost, and schedule for the project budget of the program.

Subtitle B—Matters Relating to Security

SEC. 3231. [50 U.S.C. 2421] PROTECTION OF NATIONAL SECURITY INFORMATION.

(a) POLICIES AND PROCEDURES REQUIRED.—The Administrator shall establish procedures to ensure the maximum protection of classified information in the possession of the Administration.

(b) PROMPT REPORTING.—The Administrator shall establish procedures to ensure prompt reporting to the Administrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the management of classified information by personnel of the Administration.

SEC. 3232. [50 U.S.C. 2422] OFFICE OF DEFENSE NUCLEAR SECURITY.

(a) ESTABLISHMENT.—There is within the Administration an Office of Defense Nuclear Security, headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for such position.

(b) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Secretary and Administrator.

(2) The Chief shall have direct access to the Secretary and all other officials of the Department and the contractors of the Department concerning security matters.

(3) The Chief shall be responsible for the development and implementation of security programs for the Administration, including the protection, control and accounting of materials, and for the physical and cyber security for all facilities of the Administration.

SEC. 3233. [50 U.S.C. 2423] COUNTERINTELLIGENCE PROGRAMS.

(a) NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.—The Secretary of Energy shall, at each

national security laboratory and nuclear weapons production facility, establish and maintain a counterintelligence program adequate to protect national security information at that laboratory or production facility.

(b) OTHER FACILITIES.—The Secretary of Energy shall, at each Administration facility not described in subsection (a) at which Restricted Data is located, assign an employee of the Office of Counterintelligence of the Department of Energy who shall be responsible for and assess counterintelligence matters at that facility.

SEC. 3234. [50 U.S.C. 2424] PROCEDURES RELATING TO ACCESS BY INDIVIDUALS TO CLASSIFIED AREAS AND INFORMATION OF ADMINISTRATION.

The Administrator shall establish appropriate procedures to ensure that any individual is not permitted unescorted access to any classified area, or access to classified information, of the Administration until that individual has been verified to hold the appropriate security clearances.

SEC. 3235. [50 U.S.C. 2425] GOVERNMENT ACCESS TO INFORMATION ON ADMINISTRATION COMPUTERS.

(a) PROCEDURES REQUIRED.—The Administrator shall establish procedures to govern access to information on Administration computers. Those procedures shall, at a minimum, provide that any individual who has access to information on an Administration computer shall be required as a condition of such access to provide to the Administrator written consent which permits access by an authorized investigative agency to any Administration computer used in the performance of the duties of such employee during the period of that individual's access to information on an Administration computer and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN ADMINISTRATION COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986 (Public Law 99–508; 100 Stat. 1848)), no user of an Administration computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITION.—For purposes of this section, the term “authorized investigative agency” means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

SEC. 3236. [50 U.S.C. 2426] CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report on special access programs of the Administration.

(2) Each such report shall set forth—

(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

(B) for each such program in that budget, the following:

(i) A brief description of the program.

- (ii) A brief discussion of the major milestones established for the program.
 - (iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.
 - (iv) The estimated total cost of the program and the estimated cost of the program for—
 - (I) the current fiscal year;
 - (II) the fiscal year for which the budget is submitted; and
 - (III) each of the four succeeding fiscal years during which the program is expected to be conducted.
- (b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—
- (A) notice of the designation of the program as a special access program; and
 - (B) justification for such designation.
- (2) A report under paragraph (1) with respect to a program shall include—
- (A) the current estimate of the total program cost for the program; and
 - (B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.
- (3) In this subsection, the term “new special access program” means a special access program that has not previously been covered in a notice and justification under this subsection.
- (c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—(1) Whenever a change in the classification of a special access program of the Administration is planned to be made or whenever classified information concerning a special access program of the Administration is to be declassified and made public, the Administrator shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.
- (2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.
- (3) If the Administrator determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Administration, the Administrator may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.
- (d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria

used for designating a program of the Administration as a special access program, the Administrator shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) **WAIVER AUTHORITY.**—(1) The Administrator may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Administrator determines that inclusion of that information in the report would adversely affect the national security. The Administrator may waive the report-and-wait requirement in subsection (f) if the Administrator determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

(2) If the Administrator exercises the authority provided under paragraph (1), the Administrator shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

(f) **REPORT AND WAIT FOR INITIATING NEW PROGRAMS.**—A special access program may not be initiated until—

(1) the congressional defense committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

Subtitle C—Matters Relating to Personnel

SEC. 3241. [50 U.S.C. 2441] AUTHORITY TO ESTABLISH CERTAIN CONTRACTING, PROGRAM MANAGEMENT, SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.

The Administrator may, for the purposes of carrying out the responsibilities of the Administrator under this title, establish not more than 600 contracting, program management, scientific, engineering, and technical positions in the Administration, appoint individuals to such positions, and fix the compensation of such individuals. Subject to the limitations in the preceding sentence, the authority of the Administrator to make appointments and fix compensation with respect to positions in the Administration under this section shall be equivalent to, and subject to the limitations of, the authority under section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)) to make appointments and fix compensation with respect to officers and employees described in such section. To ensure that the positions established under this section are used, the Administrator, to the extent practicable, shall appoint an individual to such a position to replace the vacancy of a position not established under this section.

SEC. 3241A. [50 U.S.C. 2441a] AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

(a) **FULL-TIME EQUIVALENT PERSONNEL LEVELS.**—

(1) **TOTAL NUMBER.**—By October 1, 2015, the total number of employees of the Office of the Administrator may not exceed 1,690.

(2) **EXCESS.**—For fiscal year 2016 and each fiscal year thereafter, the Administrator may not exceed the total number of employees authorized under paragraph (1) unless, during each fiscal year in which such total number exceeds 1,690, the Administrator submits to the congressional defense committees a report justifying such excess.

(b) **COUNTING RULE.**—(1) A determination of the number of employees in the Office of the Administrator under subsection (a) shall be expressed on a full-time equivalent basis.

(2) Except as provided by paragraph (3), in determining the total number of employees in the Office of the Administrator under subsection (a), the Administrator shall count each employee of the Office without regard to whether the employee is located at the headquarters of the Administration, a site office of the Administration, a service or support center of the Administration, or any other location.

(3) The following employees may not be counted for purposes of determining the total number of employees in the Office of the Administrator under subsection (a):

(A) Employees of the Office of Naval Reactors.

(B) Employees of the Office of Secure Transportation.

(C) Members of the Armed Forces detailed to the Administration.

(D) Personnel supporting the Office of the Administrator pursuant to the mobility program under subchapter VI of chapter 33 of title 5, United States Code (commonly referred to as the “Intergovernmental Personnel Act Mobility Program”).

(c) **VOLUNTARY EARLY RETIREMENT.**—In accordance with section 3523 of title 5, United States Code, the Administrator may offer voluntary separation or retirement incentives to meet the total number of employees authorized under subsection (a).

(d) **USE OF IPA.**—The Administrator shall ensure that the expertise of the national security laboratories and the nuclear weapons production facilities is made available to the Administration, the Department of Energy, the Department of Defense, other Federal agencies, and Congress through the temporary assignment of personnel from such laboratories and facilities pursuant to the Intergovernmental Personnel Act Mobility Program and other similar programs.

(e) **OFFICE OF THE ADMINISTRATOR EMPLOYEES.**—In this section, the term “Office of the Administrator”, with respect to the employees of the Administration, includes employees whose funding is derived from an account of the Administration titled “Federal Salaries and Expenses”.

(f) **ANNUAL REPORT.**—The Administrator shall include in the budget justification materials submitted to Congress in support of the budget of the Administration for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report containing the following information as of the date of the report:

(1) The number of full-time equivalent employees of the Office of the Administrator, as counted under subsection (a).

(2) The number of service support contracts of the Administration and whether such contracts are funded using program or program direction funds.

(3) The number of full-time equivalent contractor employees working under each contract identified under paragraph (2).

(4) The number of full-time equivalent contractor employees described in paragraph (3) that have been employed under such a contract for a period greater than two years.

(5) With respect to each contract identified under paragraph (2)—

(A) the cost of the contract; and

(B) identification of the program or program direction accounts that support the contract.

【Section 3242 repealed by section 3132(c)(1)(A) of division C of Public Law 112–239.】

SEC. 3243. SEVERANCE PAY.

【Omitted-Amendment】

SEC. 3244. CONTINUED COVERAGE OF HEALTH CARE BENEFITS.

【Omitted-Amendment】

SEC. 3245. [50 U.S.C. 2443] NOTIFICATION OF EMPLOYEE PRACTICES AFFECTING NATIONAL SECURITY.

(a) ANNUAL NOTIFICATION.—At or about the time that the President’s budget is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Energy and the Administrator shall jointly notify the appropriate congressional committees of—

(1) the number of covered employees whose security clearance was revoked during the year prior to the year in which the notification is made; and

(2) for each employee counted under paragraph (1), the length of time such employee has been employed at the Department or the Administration, as the case may be, since such revocation.

(b) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—Whenever the Secretary or the Administrator terminates the employment of a covered employee or removes and reassigns a covered employee for cause, the Secretary or the Administrator, as the case may be, shall notify the appropriate congressional committees of such termination or reassignment by not later than 30 days after the date of such termination or reassignment.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The term “covered employee” means—

(A) an employee of the Administration; or

(B) an employee of an element of the Department of Energy (other than the Administration) involved in nuclear security.

SEC. 3246. [50 U.S.C. 2445] LIMITATION ON BONUSES FOR EMPLOYEES WHO ENGAGE IN IMPROPER PROGRAM MANAGEMENT.

(a) **LIMITATION.**—

(1) **IN GENERAL.**—The Secretary of Energy or the Administrator may not pay to a covered employee a bonus during the one-year period beginning on the date on which the Secretary or the Administrator, as the case may be, determines that the covered employee engaged in improper program management that resulted in a notification under section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) or significantly and detrimentally affected the cost, scope, or schedule associated with the approval of critical decision 3 in the acquisition process for a project (as defined in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets)).

(2) **IMPLEMENTATION GUIDANCE.**—Not later than one year after the date of the enactment of this section, the Secretary shall issue guidance for the implementation of paragraph (1).

(b) **GUIDANCE PROHIBITING BONUSES FOR ADDITIONAL EMPLOYEES.**—Not later than 180 days after the date of the enactment of this section, the Secretary and the Administrator shall each issue guidance prohibiting the payment of a bonus to a covered employee during the one-year period beginning on the date on which the Secretary or the Administrator, as the case may be, determines that the covered employee engaged in improper program management—

(1) that jeopardized the health, safety, or security of employees or facilities of the Administration or another element of the Department of Energy involved in nuclear security; or

(2) in carrying out defense nuclear nonproliferation activities.

(c) **WAIVER.**—The Secretary or the Administrator, as the case may be, may waive the limitation on the payment of a bonus under subsection (a) or (b) on a case-by-case basis if—

(1) the Secretary or the Administrator, as the case may be, notifies the appropriate congressional committees of such waiver; and

(2) a period of 60 days elapses following such notification.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The term “bonus” means a bonus or award paid under title 5, United States Code, including under chapters 45 or 53 of such title, or any other provision of law.

(3) The term “covered employee” has the meaning given that term in section 3245.

SEC. 3247. [50 U.S.C. 2446] TREATMENT OF CONTRACTORS WHO ENGAGE IN IMPROPER PROGRAM MANAGEMENT.

(a) **IN GENERAL.**—Except as provided by subsection (b), if the Secretary of Energy or the Administrator determines that a covered contractor engaged in improper program management that resulted in a notification under section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) or significantly and detrimentally affected the cost, scope, or schedule associated with the approval of critical decision 3 in the acquisition process for a project (as defined in Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets)), the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees—

(1) an explanation as to whether termination of the contract is an appropriate remedy;

(2) a description of the terms of the contract regarding award fees and performance; and

(3) a description of how the Secretary or the Administrator, as the case may be, plans to exercise options under the contract.

(b) **EXCEPTION.**—If the Secretary or the Administrator, as the case may be, is not able to submit the information described in paragraphs (1) through (3) of subsection (a) by reason of a contract enforcement action, the Secretary or the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of such contract enforcement action and the date on which the Secretary or the Administrator, as the case may be, plans to submit the information described in such paragraphs.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The term “covered contractor” means—

(A) a contractor of the Administration; or

(B) a contractor of an element of the Department of Energy (other than the Administration) involved in nuclear security.

Subtitle D—Budget and Financial Management**SEC. 3251. [50 U.S.C. 2451] SEPARATE TREATMENT IN BUDGET.**

(a) **PRESIDENT’S BUDGET.**—In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, amounts requested for the Administration shall be set forth separately within the other amounts requested for the Department of Energy.

(b) **BUDGET JUSTIFICATION MATERIALS.**—(1) In the budget justification materials submitted to Congress in support of each such budget, the amounts requested for the Administration shall be specified in individual, dedicated program elements.

(2) In the budget justification materials submitted to Congress in support of each such budget, the Administrator shall include an

assessment of how the budget maintains the core nuclear weapons skills of the Administration, including nuclear weapons design, engineering, production, testing, and prediction of stockpile aging.

SEC. 3252. [50 U.S.C. 2452] PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

(a) **PROCEDURES REQUIRED.**—The Administrator shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Administration comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Administration using funds that are available for obligation for a limited number of years.

(b) **ANNUAL PLAN FOR OBLIGATION OF FUNDS.**—(1) Each year, the Administrator shall prepare a plan for the obligation of the amounts that, in the President's budget submitted to Congress that year under section 1105(a) of title 31, United States Code, are proposed to be appropriated for the Administration for the fiscal year that begins in that year (in this section referred to as the "budget year") and the two succeeding fiscal years.

(2) For each program element and construction line item of the Administration, the plan shall provide the goal of the Administration for the obligation of those amounts for that element or item for each fiscal year of the plan, expressed as a percentage of the total amount proposed to be appropriated in that budget for that element or item.

(c) **SUBMISSION OF PLAN AND REPORT.**—The Administrator shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress under section 1105(a) of title 31, United States Code, each of the following:

(1) The plan required by subsection (b) prepared with respect to that budget.

(2) A report on the plans prepared with respect to the preceding years' budgets, which shall include, for each goal provided in those plans—

(A) the assessment of the Administrator as to whether or not that goal was met; and

(B) if that assessment is that the goal was not met—

(i) the reasons why that goal was not met; and

(ii) the plan of the Administrator for meeting or, if necessary, adjusting that goal.

SEC. 3253. [50 U.S.C. 2453] FUTURE-YEARS NUCLEAR SECURITY PROGRAM.

(a) **SUBMISSION TO CONGRESS.**—The Administrator shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years nuclear security program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years nuclear security program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b) **ELEMENTS.**—Each future-years nuclear security program shall contain the following:

(1) A detailed description of the program elements (and the projects, activities, and construction projects associated with each such program element) during the applicable five-fiscal-year period for at least each of the following:

- (A) For defense programs—
 - (i) directed stockpile work;
 - (ii) campaigns;
 - (iii) readiness in technical base and facilities; and
 - (iv) secure transportation asset.
- (B) For defense nuclear nonproliferation—
 - (i) nonproliferation and verification, research, and development;
 - (ii) arms control; and
 - (iii) fissile materials disposition.
- (C) For naval reactors, naval reactors operations and maintenance.

(2) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support each program element specified pursuant to paragraph (1).

(3) A detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal-year period will help ensure that the nuclear weapons stockpile is safe and reliable, as determined in accordance with the criteria established under section 4202(a) of the Atomic Energy Defense Act (50 U.S.C. 2522(a)).

(4) A description of the anticipated workload requirements for each Administration site during that five-fiscal-year period.

(c) **CONSISTENCY IN BUDGETING.**—(1) The Administrator shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years nuclear security program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

(d) **TREATMENT OF MANAGEMENT CONTINGENCIES.**—Nothing in this section shall be construed to prohibit the inclusion in the future-years nuclear security program of amounts for management contingencies, subject to the requirements of subsection (c).

SEC. 3254. [50 U.S.C. 2454] SEMIANNUAL FINANCIAL REPORTS ON DEFENSE NUCLEAR NONPROLIFERATION PROGRAMS.

(a) **SEMIANNUAL REPORTS REQUIRED.**—The Administrator shall submit to the Committees on Armed Services of the Senate and the

House of Representatives a semiannual report on the amounts available for the defense nuclear nonproliferation programs of the Administration. Each such report shall cover a half of a fiscal year (in this section referred to as a “fiscal half”) and shall be submitted not later than 30 days after the end of that fiscal half.

(b) CONTENTS.—Each report for a fiscal half shall, for each such defense nuclear nonproliferation program for which amounts are available for the fiscal year that includes that fiscal half, set forth the following:

(1) The aggregate amount available for such program as of the beginning of such fiscal half and, within such amount, the uncommitted balances, the unobligated balances, and the unexpended balances.

(2) The aggregate amount newly made available for such program during such fiscal half and, within such amount, the amount made available by appropriations, by transfers, by reprogrammings, and by other means.

(3) The aggregate amount available for such program as of the end of such fiscal half and, within such amount, the uncommitted balances, the unobligated balances, and the unexpended balances.

SEC. 3255. [50 U.S.C. 2455] COMPTROLLER GENERAL ASSESSMENT OF ADEQUACY OF BUDGET REQUESTS WITH RESPECT TO THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR WEAPONS STOCKPILE.

(a) GAO STUDY AND REPORTS.—(1) For the nuclear security budget materials submitted in each fiscal year by the Administrator, the Comptroller General of the United States shall conduct a study on whether both the budget for the fiscal year following the fiscal year in which such budget materials are submitted and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security enterprise at a level that is sufficient for the modernization and refurbishment of the nuclear security enterprise.

(2) Not later than 90 days after the date on which the Administrator submits the nuclear security budget materials in an even-numbered year, and not later than 150 days after the date on which the Administrator submits such materials in an odd-numbered year, the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

(A) the findings of such study; and

(B) whether the nuclear security budget materials support the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

(b) TEMPORARY SUSPENSION.—The requirements of subsection (a) shall not apply with respect to the nuclear security budget materials submitted for fiscal year 2018 or 2019.

(c) DEFINITIONS.—In this section:

(1) The term “budget” means the budget for a fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

(2) The term “nuclear security budget materials” means the materials submitted to Congress by the Administrator in support of the budget for a fiscal year.

Subtitle E—Miscellaneous Provisions

SEC. 3261. [50 U.S.C. 2461] ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

(a) COMPLIANCE REQUIRED.—The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements.

(b) PROCEDURES REQUIRED.—The Administrator shall develop procedures for meeting such requirements.

(c) RULE OF CONSTRUCTION.—Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.

SEC. 3262. [50 U.S.C. 2462] COMPLIANCE WITH FEDERAL ACQUISITION REGULATION.

The Administrator shall establish procedures to ensure that the mission and programs of the Administration are executed in full compliance with all applicable provisions of the Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.

SEC. 3263. [50 U.S.C. 2463] SHARING OF TECHNOLOGY WITH DEPARTMENT OF DEFENSE.

The Administrator shall, in cooperation with the Secretary of Defense, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administration and the Department of Defense to further national security objectives.

SEC. 3264. [50 U.S.C. 2464] USE OF CAPABILITIES OF NATIONAL SECURITY LABORATORIES BY ENTITIES OUTSIDE THE ADMINISTRATION.

The Secretary of Energy, in consultation with the Administrator, shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b), of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate entities, including the use of those capabilities to support efforts to defend against weapons of mass destruction.

Subtitle F—Definitions

SEC. 3281. [50 U.S.C. 2471] DEFINITIONS.

For purposes of this title:

(1) The term “national security laboratory” means any of the following:

(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(C) Lawrence Livermore National Laboratory, Livermore, California.

(2) The term “nuclear weapons production facility” means any of the following:

- (A) The Kansas City Plant, Kansas City, Missouri.
- (B) The Pantex Plant, Amarillo, Texas.
- (C) The Y-12 National Security Complex, Oak Ridge, Tennessee.
- (D) The Savannah River Site, Aiken, South Carolina.
- (E) The Nevada National Security Site, Nevada.
- (F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

(3) The term “classified information” means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

(4) The term “Restricted Data” has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(5) The term “congressional defense committees” means—

- (A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(6) The term “nuclear security enterprise” means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.

Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

SEC. 3291. [50 U.S.C. 2481] FUNCTIONS TRANSFERRED.

(a) TRANSFERS.—There are hereby transferred to the Administrator all national security functions and activities performed immediately before the date of the enactment of this Act by the following elements of the Department of Energy:

- (1) The Office of Defense Programs.
- (2) The Office of Nonproliferation and National Security.
- (3) The Office of Fissile Materials Disposition.
- (4) The nuclear weapons production facilities.
- (5) The national security laboratories.
- (6) The Office of Naval Reactors.

(b) AUTHORITY TO TRANSFER ADDITIONAL FUNCTIONS.—The Secretary of Energy may transfer to the Administrator any other facility, mission, or function that the Secretary, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

(c) ENVIRONMENTAL REMEDIATION AND WASTE MANAGEMENT ACTIVITIES.—In the case of any environmental remediation and waste management activity of any element of the Administration,

the Secretary of Energy may determine to transfer responsibility for that activity to another element of the Department.

(d) TRANSFER OF FUNDS.—(1) Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

(A) be credited to any applicable appropriation account of the Administration; or

(B) be credited to a new account that may be established on the books of the Department of the Treasury; and shall be merged with the funds already credited to that account and accounted for as one fund.

(2) Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

(e) PERSONNEL.—(1) With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.

(2) The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred under this section is reduced by the number of employees so transferred.

【Section 3292 repealed by section 3132(c)(1)(B) of division C of Public Law 112–239.】

SEC. 3293. PAY LEVELS.

【Omitted-Amendment】

SEC. 3294. CONFORMING AMENDMENTS.

【Omitted-Amendment】

【Section 3295 repealed by section 3132(c)(1)(C) of division C of Public Law 112–239.】

SEC. 3296. [50 U.S.C. 2484] APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS.

With respect to any facility, mission, or function of the Department of Energy that the Secretary of Energy transfers to the Administrator under section 3291, unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the date of the transfer that are applicable to such facility, mission, or function shall continue to apply to the corresponding functions of the Administration.

【Section 3297 repealed by section 3132(c)(1)(D) of division C of Public Law 112–239.】

SEC. 3298. [50 U.S.C. 2401 note] CLASSIFICATION IN UNITED STATES CODE.

Subtitles A through F of this title (other than provisions of those subtitles amending existing provisions of law) shall be classified to the United States Code as a new chapter of title 50, United States Code.

SEC. 3299. [50 U.S.C. 2401 note] EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as provided in subsection (b), the provisions of this title shall take effect on March 1, 2000.

(b) **EXCEPTIONS.**—(1) Sections 3202, 3204, 3251, 3295, and 3297 shall take effect on the date of the enactment of this Act.

(2) Sections 3234 and 3235 shall take effect on the date of the enactment of this Act. During the period beginning on the date of the enactment of this Act and ending on the effective date of this title, the Secretary of Energy shall carry out those sections and any reference in those sections to the Administrator and the Administration shall be treated as references to the Secretary and the Department of Energy, respectively.

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TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

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SEC. 3402. [50 U.S.C. 98d note] DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) **DISPOSAL REQUIRED.**—Subject to subsection (c), the President shall make disposals from the National Defense Stockpile of materials in quantities as follows:

- (1) Beryllium metal, 250 short tons.
- (2) Chromium ferro alloy, 496,204 short tons.
- (3) Chromium metal, 5,000 short tons.
- (4) Palladium, 497,271 troy ounces.

(b) **MANAGEMENT OF DISPOSAL TO ACHIEVE OBJECTIVES FOR RECEIPTS.**—The President shall manage the disposal of materials under subsection (a) so as to result in receipts to the United States in amounts equal to—

- (1) \$10,000,000 during fiscal year 2000;
- (2) \$100,000,000 during the 5-fiscal year period ending September 30, 2004;
- (3) \$340,000,000 before the end of fiscal year 2005;
- (4) \$500,000,000 before the end of fiscal year 2010; and
- (5) \$830,000,000 by the end of fiscal year 2016.

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

- (1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or
- (2) avoidable loss to the United States.

(d) **DISPOSITION OF RECEIPTS.**—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection. The disposal of materials under this section to achieve the receipt levels specified in subsection (b), within the time periods specified in subsection, shall be in addition to any routine and on-going disposals used to fund operations of the National Defense Stockpile.

(f) INCREASED RECEIPTS UNDER PRIOR DISPOSAL AUTHORITY.—
【Omitted-Amendment】

(g) ELIMINATION OF DISPOSAL RESTRICTIONS ON EARLIER DISPOSAL AUTHORITY.—
【Omitted-Amendment】