

In the Senate of the United States,

December 7, 2001.

Resolved, That the bill from the House of Representatives (H.R. 3338) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *DIVISION A—DEPARTMENT OF DEFENSE*

2 *APPROPRIATIONS, 2002*

3 *That the following sums are appropriated, out of any*
4 *money in the Treasury not otherwise appropriated, for the*
5 *fiscal year ending September 30, 2002, for military func-*
6 *tions administered by the Department of Defense, and for*
7 *other purposes, namely:*

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$23,446,734,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security

1 *Act (42 U.S.C. 429(b)), and to the Department of Defense*
2 *Military Retirement Fund, \$19,465,964,000.*

3 *MILITARY PERSONNEL, MARINE CORPS*

4 *For pay, allowances, individual clothing, subsistence,*
5 *interest on deposits, gratuities, permanent change of station*
6 *travel (including all expenses thereof for organizational*
7 *movements), and expenses of temporary duty travel between*
8 *permanent duty stations, for members of the Marine Corps*
9 *on active duty (except members of the Reserve provided for*
10 *elsewhere); and for payments pursuant to section 156 of*
11 *Public Law 97–377, as amended (42 U.S.C. 402 note), to*
12 *section 229(b) of the Social Security Act (42 U.S.C. 429(b)),*
13 *and to the Department of Defense Military Retirement*
14 *Fund, \$7,335,370,000.*

15 *MILITARY PERSONNEL, AIR FORCE*

16 *For pay, allowances, individual clothing, subsistence,*
17 *interest on deposits, gratuities, permanent change of station*
18 *travel (including all expenses thereof for organizational*
19 *movements), and expenses of temporary duty travel between*
20 *permanent duty stations, for members of the Air Force on*
21 *active duty (except members of reserve components provided*
22 *for elsewhere), cadets, and aviation cadets; and for pay-*
23 *ments pursuant to section 156 of Public Law 97–377, as*
24 *amended (42 U.S.C. 402 note), to section 229(b) of the So-*
25 *cial Security Act (42 U.S.C. 429(b)), and to the Depart-*

1 *ment of Defense Military Retirement Fund,*
2 *\$20,032,704,000.*

3 *RESERVE PERSONNEL, ARMY*

4 *For pay, allowances, clothing, subsistence, gratuities,*
5 *travel, and related expenses for personnel of the Army Re-*
6 *serve on active duty under sections 10211, 10302, and 3038*
7 *of title 10, United States Code, or while serving on active*
8 *duty under section 12301(d) of title 10, United States Code,*
9 *in connection with performing duty specified in section*
10 *12310(a) of title 10, United States Code, or while under-*
11 *going reserve training, or while performing drills or equiva-*
12 *lent duty or other duty, and for members of the Reserve*
13 *Officers' Training Corps, and expenses authorized by sec-*
14 *tion 16131 of title 10, United States Code; and for pay-*
15 *ments to the Department of Defense Military Retirement*
16 *Fund, \$2,670,197,000.*

17 *RESERVE PERSONNEL, NAVY*

18 *For pay, allowances, clothing, subsistence, gratuities,*
19 *travel, and related expenses for personnel of the Navy Re-*
20 *serve on active duty under section 10211 of title 10, United*
21 *States Code, or while serving on active duty under section*
22 *12301(d) of title 10, United States Code, in connection with*
23 *performing duty specified in section 12310(a) of title 10,*
24 *United States Code, or while undergoing reserve training,*
25 *or while performing drills or equivalent duty, and for mem-*

1 *bers of the Reserve Officers' Training Corps, and expenses*
2 *authorized by section 16131 of title 10, United States Code;*
3 *and for payments to the Department of Defense Military*
4 *Retirement Fund, \$1,650,523,000.*

5 *RESERVE PERSONNEL, MARINE CORPS*

6 *For pay, allowances, clothing, subsistence, gratuities,*
7 *travel, and related expenses for personnel of the Marine*
8 *Corps Reserve on active duty under section 10211 of title*
9 *10, United States Code, or while serving on active duty*
10 *under section 12301(d) of title 10, United States Code, in*
11 *connection with performing duty specified in section*
12 *12310(a) of title 10, United States Code, or while under-*
13 *going reserve training, or while performing drills or equiva-*
14 *lent duty, and for members of the Marine Corps platoon*
15 *leaders class, and expenses authorized by section 16131 of*
16 *title 10, United States Code; and for payments to the De-*
17 *partment of Defense Military Retirement Fund,*
18 *\$466,300,000.*

19 *RESERVE PERSONNEL, AIR FORCE*

20 *For pay, allowances, clothing, subsistence, gratuities,*
21 *travel, and related expenses for personnel of the Air Force*
22 *Reserve on active duty under sections 10211, 10305, and*
23 *8038 of title 10, United States Code, or while serving on*
24 *active duty under section 12301(d) of title 10, United States*
25 *Code, in connection with performing duty specified in sec-*

1 *tion 12310(a) of title 10, United States Code, or while un-*
2 *dergoing reserve training, or while performing drills or*
3 *equivalent duty or other duty, and for members of the Air*
4 *Reserve Officers' Training Corps, and expenses authorized*
5 *by section 16131 of title 10, United States Code; and for*
6 *payments to the Department of Defense Military Retire-*
7 *ment Fund, \$1,061,160,000.*

8 *NATIONAL GUARD PERSONNEL, ARMY*

9 *For pay, allowances, clothing, subsistence, gratuities,*
10 *travel, and related expenses for personnel of the Army Na-*
11 *tional Guard while on duty under section 10211, 10302,*
12 *or 12402 of title 10 or section 708 of title 32, United States*
13 *Code, or while serving on duty under section 12301(d) of*
14 *title 10 or section 502(f) of title 32, United States Code,*
15 *in connection with performing duty specified in section*
16 *12310(a) of title 10, United States Code, or while under-*
17 *going training, or while performing drills or equivalent*
18 *duty or other duty, and expenses authorized by section*
19 *16131 of title 10, United States Code; and for payments*
20 *to the Department of Defense Military Retirement Fund,*
21 *\$4,052,695,000.*

22 *NATIONAL GUARD PERSONNEL, AIR FORCE*

23 *For pay, allowances, clothing, subsistence, gratuities,*
24 *travel, and related expenses for personnel of the Air Na-*
25 *tional Guard on duty under section 10211, 10305, or 12402*

1 *of title 10 or section 708 of title 32, United States Code,*
2 *or while serving on duty under section 12301(d) of title 10*
3 *or section 502(f) of title 32, United States Code, in connec-*
4 *tion with performing duty specified in section 12310(a) of*
5 *title 10, United States Code, or while undergoing training,*
6 *or while performing drills or equivalent duty or other duty,*
7 *and expenses authorized by section 16131 of title 10, United*
8 *States Code; and for payments to the Department of Defense*
9 *Military Retirement Fund, \$1,783,744,000.*

10

TITLE II

11

OPERATION AND MAINTENANCE

12

OPERATION AND MAINTENANCE, ARMY

13

For expenses, not otherwise provided for, necessary for
14 *the operation and maintenance of the Army, as authorized*
15 *by law; and not to exceed \$10,794,000 can be used for emer-*
16 *gencies and extraordinary expenses, to be expended on the*
17 *approval or authority of the Secretary of the Army, and*
18 *payments may be made on his certificate of necessity for*
19 *confidential military purposes, \$22,941,588,000.*

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OPERATION AND MAINTENANCE, NAVY

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For expenses, not otherwise provided for, necessary for
22 *the operation and maintenance of the Navy and the Marine*
23 *Corps, as authorized by law; and not to exceed \$4,569,000*
24 *can be used for emergencies and extraordinary expenses, to*
25 *be expended on the approval or authority of the Secretary*

1 *of the Navy, and payments may be made on his certificate*
2 *of necessity for confidential military purposes,*
3 *\$27,038,067,000.*

4 *OPERATION AND MAINTENANCE, MARINE CORPS*

5 *For expenses, not otherwise provided for, necessary for*
6 *the operation and maintenance of the Marine Corps, as au-*
7 *thorized by law, \$2,903,863,000.*

8 *OPERATION AND MAINTENANCE, AIR FORCE*

9 *For expenses, not otherwise provided for, necessary for*
10 *the operation and maintenance of the Air Force, as author-*
11 *ized by law; and not to exceed \$7,998,000 can be used for*
12 *emergencies and extraordinary expenses, to be expended on*
13 *the approval or authority of the Secretary of the Air Force,*
14 *and payments may be made on his certificate of necessity*
15 *for confidential military purposes, \$26,303,436,000.*

16 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

17 *For expenses, not otherwise provided for, necessary for*
18 *the operation and maintenance of activities and agencies*
19 *of the Department of Defense (other than the military de-*
20 *partments), as authorized by law, \$12,864,644,000, of*
21 *which not to exceed \$25,000,000 may be available for the*
22 *CINC initiative fund account; and of which not to exceed*
23 *\$33,500,000 can be used for emergencies and extraordinary*
24 *expenses, to be expended on the approval or authority of*
25 *the Secretary of Defense, and payments may be made on*

1 *his certificate of necessity for confidential military pur-*
2 *poses.*

3 *OPERATION AND MAINTENANCE, ARMY RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Army Reserve; repair of*
7 *facilities and equipment; hire of passenger motor vehicles;*
8 *travel and transportation; care of the dead; recruiting; pro-*
9 *curement of services, supplies, and equipment; and commu-*
10 *nications, \$1,771,246,000.*

11 *OPERATION AND MAINTENANCE, NAVY RESERVE*

12 *For expenses, not otherwise provided for, necessary for*
13 *the operation and maintenance, including training, organi-*
14 *zation, and administration, of the Navy Reserve; repair of*
15 *facilities and equipment; hire of passenger motor vehicles;*
16 *travel and transportation; care of the dead; recruiting; pro-*
17 *curement of services, supplies, and equipment; and commu-*
18 *nications, \$1,003,690,000.*

19 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the operation and maintenance, including training, organi-*
22 *zation, and administration, of the Marine Corps Reserve;*
23 *repair of facilities and equipment; hire of passenger motor*
24 *vehicles; travel and transportation; care of the dead; recruit-*

1 *ing; procurement of services, supplies, and equipment; and*
2 *communications, \$144,023,000.*

3 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Air Force Reserve; repair*
7 *of facilities and equipment; hire of passenger motor vehicles;*
8 *travel and transportation; care of the dead; recruiting; pro-*
9 *curement of services, supplies, and equipment; and commu-*
10 *nications, \$2,023,866,000.*

11 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

12 *For expenses of training, organizing, and admin-*
13 *istering the Army National Guard, including medical and*
14 *hospital treatment and related expenses in non-Federal hos-*
15 *pitals; maintenance, operation, and repairs to structures*
16 *and facilities; hire of passenger motor vehicles; personnel*
17 *services in the National Guard Bureau; travel expenses*
18 *(other than mileage), as authorized by law for Army per-*
19 *sonnel on active duty, for Army National Guard division,*
20 *regimental, and battalion commanders while inspecting*
21 *units in compliance with National Guard Bureau regula-*
22 *tions when specifically authorized by the Chief, National*
23 *Guard Bureau; supplying and equipping the Army Na-*
24 *tional Guard as authorized by law; and expenses of repair,*

1 *modification, maintenance, and issue of supplies and*
2 *equipment (including aircraft), \$3,743,808,000.*

3 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

4 *For operation and maintenance of the Air National*
5 *Guard, including medical and hospital treatment and re-*
6 *lated expenses in non-Federal hospitals; maintenance, oper-*
7 *ation, repair, and other necessary expenses of facilities for*
8 *the training and administration of the Air National Guard,*
9 *including repair of facilities, maintenance, operation, and*
10 *modification of aircraft; transportation of things, hire of*
11 *passenger motor vehicles; supplies, materials, and equip-*
12 *ment, as authorized by law for the Air National Guard;*
13 *and expenses incident to the maintenance and use of sup-*
14 *plies, materials, and equipment, including such as may be*
15 *furnished from stocks under the control of agencies of the*
16 *Department of Defense; travel expenses (other than mileage)*
17 *on the same basis as authorized by law for Air National*
18 *Guard personnel on active Federal duty, for Air National*
19 *Guard commanders while inspecting units in compliance*
20 *with National Guard Bureau regulations when specifically*
21 *authorized by the Chief, National Guard Bureau,*
22 *\$3,998,361,000.*

1 *UNITED STATES COURTS OF APPEALS FOR THE ARMED*
2 *FORCES*

3 *For salaries and expenses necessary for the United*
4 *States Court of Appeals for the Armed Forces, \$9,096,000,*
5 *of which not to exceed \$2,500 can be used for official rep-*
6 *resentation purposes.*

7 *ENVIRONMENTAL RESTORATION, ARMY*
8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For the Department of the Army, \$389,800,000, to re-*
10 *main available until transferred: Provided, That the Sec-*
11 *retary of the Army shall, upon determining that such funds*
12 *are required for environmental restoration, reduction and*
13 *recycling of hazardous waste, removal of unsafe buildings*
14 *and debris of the Department of the Army, or for similar*
15 *purposes, transfer the funds made available by this appro-*
16 *priation to other appropriations made available to the De-*
17 *partment of the Army, to be merged with and to be available*
18 *for the same purposes and for the same time period as the*
19 *appropriations to which transferred: Provided further, That*
20 *upon a determination that all or part of the funds trans-*
21 *ferred from this appropriation are not necessary for the*
22 *purposes provided herein, such amounts may be transferred*
23 *back to this appropriation.*

1 *ENVIRONMENTAL RESTORATION, NAVY*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For the Department of the Navy, \$257,517,000, to re-*
4 *main available until transferred: Provided, That the Sec-*
5 *retary of the Navy shall, upon determining that such funds*
6 *are required for environmental restoration, reduction and*
7 *recycling of hazardous waste, removal of unsafe buildings*
8 *and debris of the Department of the Navy, or for similar*
9 *purposes, transfer the funds made available by this appro-*
10 *priation to other appropriations made available to the De-*
11 *partment of the Navy, to be merged with and to be available*
12 *for the same purposes and for the same time period as the*
13 *appropriations to which transferred: Provided further, That*
14 *upon a determination that all or part of the funds trans-*
15 *ferred from this appropriation are not necessary for the*
16 *purposes provided herein, such amounts may be transferred*
17 *back to this appropriation.*

18 *ENVIRONMENTAL RESTORATION, AIR FORCE*19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the Department of the Air Force, \$385,437,000,*
21 *to remain available until transferred: Provided, That the*
22 *Secretary of the Air Force shall, upon determining that*
23 *such funds are required for environmental restoration, re-*
24 *duction and recycling of hazardous waste, removal of unsafe*
25 *buildings and debris of the Department of the Air Force,*

1 *or for similar purposes, transfer the funds made available*
2 *by this appropriation to other appropriations made avail-*
3 *able to the Department of the Air Force, to be merged with*
4 *and to be available for the same purposes and for the same*
5 *time period as the appropriations to which transferred:*
6 *Provided further, That upon a determination that all or*
7 *part of the funds transferred from this appropriation are*
8 *not necessary for the purposes provided herein, such*
9 *amounts may be transferred back to this appropriation.*

10 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of Defense, \$23,492,000, to remain*
13 *available until transferred: Provided, That the Secretary of*
14 *Defense shall, upon determining that such funds are re-*
15 *quired for environmental restoration, reduction and recy-*
16 *cling of hazardous waste, removal of unsafe buildings and*
17 *debris of the Department of Defense, or for similar purposes,*
18 *transfer the funds made available by this appropriation to*
19 *other appropriations made available to the Department of*
20 *Defense, to be merged with and to be available for the same*
21 *purposes and for the same time period as the appropria-*
22 *tions to which transferred: Provided further, That upon a*
23 *determination that all or part of the funds transferred from*
24 *this appropriation are not necessary for the purposes pro-*

1 *vided herein, such amounts may be transferred back to this*
2 *appropriation.*

3 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

4 *DEFENSE SITES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Department of the Army, \$230,255,000, to re-*
7 *main available until transferred: Provided, That the Sec-*
8 *retary of the Army shall, upon determining that such funds*
9 *are required for environmental restoration, reduction and*
10 *recycling of hazardous waste, removal of unsafe buildings*
11 *and debris at sites formerly used by the Department of De-*
12 *fense, transfer the funds made available by this appropri-*
13 *ation to other appropriations made available to the Depart-*
14 *ment of the Army, to be merged with and to be available*
15 *for the same purposes and for the same time period as the*
16 *appropriations to which transferred: Provided further, That*
17 *upon a determination that all or part of the funds trans-*
18 *ferred from this appropriation are not necessary for the*
19 *purposes provided herein, such amounts may be transferred*
20 *back to this appropriation.*

21 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

22 *For expenses relating to the Overseas Humanitarian,*
23 *Disaster, and Civic Aid programs of the Department of De-*
24 *fense (consisting of the programs provided under sections*
25 *401, 402, 404, 2547, and 2551 of title 10, United States*

1 Code), \$44,700,000, to remain available until September
2 30, 2003.

3 *FORMER SOVIET UNION THREAT REDUCTION*

4 *For assistance to the republics of the former Soviet*
5 *Union, including assistance provided by contract or by*
6 *grants, for facilitating the elimination and the safe and se-*
7 *cur transportation and storage of nuclear, chemical and*
8 *other weapons; for establishing programs to prevent the pro-*
9 *liferation of weapons, weapons components, and weapon-*
10 *related technology and expertise; for programs relating to*
11 *the training and support of defense and military personnel*
12 *for demilitarization and protection of weapons, weapons*
13 *components and weapons technology and expertise, and for*
14 *defense and military contacts, \$357,000,000, to remain*
15 *available until September 30, 2004: Provided, That of the*
16 *amounts provided under this heading, \$15,000,000 shall be*
17 *available only to support the dismantling and disposal of*
18 *nuclear submarines and submarine reactor components in*
19 *the Russian Far East.*

20 *SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS,*

21 *DEFENSE*

22 *For logistical and security support for international*
23 *sporting competitions (including pay and non-travel re-*
24 *lated allowances only for members of the Reserve Compo-*
25 *nents of the Armed Forces of the United States called or*

1 *ordered to active duty in connection with providing such*
2 *support), \$15,800,000, to remain available until expended.*

3 *TITLE III*

4 *PROCUREMENT*

5 *AIRCRAFT PROCUREMENT, ARMY*

6 *For construction, procurement, production, modifica-*
7 *tion, and modernization of aircraft, equipment, including*
8 *ordnance, ground handling equipment, spare parts, and ac-*
9 *cessories therefor; specialized equipment and training de-*
10 *vices; expansion of public and private plants, including the*
11 *land necessary therefor, for the foregoing purposes, and such*
12 *lands and interests therein, may be acquired, and construc-*
13 *tion prosecuted thereon prior to approval of title; and pro-*
14 *curement and installation of equipment, appliances, and*
15 *machine tools in public and private plants; reserve plant*
16 *and Government and contractor-owned equipment layaway;*
17 *and other expenses necessary for the foregoing purposes,*
18 *\$1,893,891,000, to remain available for obligation until*
19 *September 30, 2004.*

20 *MISSILE PROCUREMENT, ARMY*

21 *For construction, procurement, production, modifica-*
22 *tion, and modernization of missiles, equipment, including*
23 *ordnance, ground handling equipment, spare parts, and ac-*
24 *cessories therefor; specialized equipment and training de-*
25 *vices; expansion of public and private plants, including the*

1 *land necessary therefor, for the foregoing purposes, and such*
2 *lands and interests therein, may be acquired, and construc-*
3 *tion prosecuted thereon prior to approval of title; and pro-*
4 *curement and installation of equipment, appliances, and*
5 *machine tools in public and private plants; reserve plant*
6 *and Government and contractor-owned equipment layaway;*
7 *and other expenses necessary for the foregoing purposes,*
8 *\$1,774,154,000, to remain available for obligation until*
9 *September 30, 2004.*

10 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

11 *VEHICLES, ARMY*

12 *For construction, procurement, production, and modi-*
13 *fication of weapons and tracked combat vehicles, equipment,*
14 *including ordnance, spare parts, and accessories therefor;*
15 *specialized equipment and training devices; expansion of*
16 *public and private plants, including the land necessary*
17 *therefor, for the foregoing purposes, and such lands and in-*
18 *terests therein, may be acquired, and construction pros-*
19 *ecuted thereon prior to approval of title; and procurement*
20 *and installation of equipment, appliances, and machine*
21 *tools in public and private plants; reserve plant and Gov-*
22 *ernment and contractor-owned equipment layaway; and*
23 *other expenses necessary for the foregoing purposes,*
24 *\$2,174,546,000, to remain available for obligation until*
25 *September 30, 2004.*

1 *PROCUREMENT OF AMMUNITION, ARMY*

2 *For construction, procurement, production, and modi-*
3 *fication of ammunition, and accessories therefor; specialized*
4 *equipment and training devices; expansion of public and*
5 *private plants, including ammunition facilities authorized*
6 *by section 2854 of title 10, United States Code, and the*
7 *land necessary therefor, for the foregoing purposes, and such*
8 *lands and interests therein, may be acquired, and construc-*
9 *tion prosecuted thereon prior to approval of title; and pro-*
10 *curement and installation of equipment, appliances, and*
11 *machine tools in public and private plants; reserve plant*
12 *and Government and contractor-owned equipment layaway;*
13 *and other expenses necessary for the foregoing purposes,*
14 *\$1,171,465,000, to remain available for obligation until*
15 *September 30, 2004.*

16 *OTHER PROCUREMENT, ARMY*

17 *For construction, procurement, production, and modi-*
18 *fication of vehicles, including tactical, support, and non-*
19 *tracked combat vehicles; the purchase of not to exceed 29*
20 *passenger motor vehicles for replacement only; and the pur-*
21 *chase of 3 vehicles required for physical security of per-*
22 *sonnel, notwithstanding price limitations applicable to pas-*
23 *senger vehicles but not to exceed \$200,000 per vehicle; com-*
24 *munications and electronic equipment; other support equip-*
25 *ment; spare parts, ordnance, and accessories therefor; spe-*

1 *cialized equipment and training devices; expansion of pub-*
2 *lic and private plants, including the land necessary there-*
3 *for, for the foregoing purposes, and such lands and interests*
4 *therein, may be acquired, and construction prosecuted*
5 *thereon prior to approval of title; and procurement and in-*
6 *stallation of equipment, appliances, and machine tools in*
7 *public and private plants; reserve plant and Government*
8 *and contractor-owned equipment layaway; and other ex-*
9 *penses necessary for the foregoing purposes, \$4,160,186,000,*
10 *to remain available for obligation until September 30,*
11 *2004.*

12 *AIRCRAFT PROCUREMENT, NAVY*

13 *For construction, procurement, production, modifica-*
14 *tion, and modernization of aircraft, equipment, including*
15 *ordnance, spare parts, and accessories therefor; specialized*
16 *equipment; expansion of public and private plants, includ-*
17 *ing the land necessary therefor, and such lands and inter-*
18 *ests therein, may be acquired, and construction prosecuted*
19 *thereon prior to approval of title; and procurement and in-*
20 *stallation of equipment, appliances, and machine tools in*
21 *public and private plants; reserve plant and Government*
22 *and contractor-owned equipment layaway, \$8,030,043,000,*
23 *to remain available for obligation until September 30,*
24 *2004.*

1 WEAPONS PROCUREMENT, NAVY

2 *For construction, procurement, production, modifica-*
3 *tion, and modernization of missiles, torpedoes, other weap-*
4 *ons, and related support equipment including spare parts,*
5 *and accessories therefor; expansion of public and private*
6 *plants, including the land necessary therefor, and such*
7 *lands and interests therein, may be acquired, and construc-*
8 *tion prosecuted thereon prior to approval of title; and pro-*
9 *curement and installation of equipment, appliances, and*
10 *machine tools in public and private plants; reserve plant*
11 *and Government and contractor-owned equipment layaway,*
12 *\$1,478,075,000, to remain available for obligation until*
13 *September 30, 2004.*

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

15 CORPS

16 *For construction, procurement, production, and modi-*
17 *fication of ammunition, and accessories therefor; specialized*
18 *equipment and training devices; expansion of public and*
19 *private plants, including ammunition facilities authorized*
20 *by section 2854 of title 10, United States Code, and the*
21 *land necessary therefor, for the foregoing purposes, and such*
22 *lands and interests therein, may be acquired, and construc-*
23 *tion prosecuted thereon prior to approval of title; and pro-*
24 *curement and installation of equipment, appliances, and*
25 *machine tools in public and private plants; reserve plant*

1 *and Government and contractor-owned equipment layaway;*
 2 *and other expenses necessary for the foregoing purposes,*
 3 *\$442,799,000, to remain available for obligation until Sep-*
 4 *tember 30, 2004.*

5 *SHIPBUILDING AND CONVERSION, NAVY*

6 *For expenses necessary for the construction, acquisi-*
 7 *tion, or conversion of vessels as authorized by law, includ-*
 8 *ing armor and armament thereof, plant equipment, appli-*
 9 *ances, and machine tools and installation thereof in public*
 10 *and private plants; reserve plant and Government and con-*
 11 *tractor-owned equipment layaway; procurement of critical,*
 12 *long leadtime components and designs for vessels to be con-*
 13 *structed or converted in the future; and expansion of public*
 14 *and private plants, including land necessary therefor, and*
 15 *such lands and interests therein, may be acquired, and con-*
 16 *struction prosecuted thereon prior to approval of title, as*
 17 *follows:*

18 *Carrier Replacement Program (AP),*
 19 *\$138,890,000;*
 20 *SSGN (AP), \$279,440,000;*
 21 *NSSN, \$1,608,914,000;*
 22 *NSSN (AP), \$684,288,000;*
 23 *CVN Refuelings, \$1,118,124,000;*
 24 *CVN Refuelings (AP), \$73,707,000;*
 25 *Submarine Refuelings, \$382,265,000;*

1 *Submarine Refuelings (AP), \$77,750,000;*
2 *DDG-51 destroyer program, \$2,966,036,000;*
3 *Cruiser conversion (AP), \$458,238,000;*
4 *LPD-17 (AP), \$155,000,000;*
5 *LHD-8, \$267,238,000;*
6 *LCAC landing craft air cushion program,*
7 *\$52,091,000;*
8 *Prior year shipbuilding costs, \$725,000,000; and*
9 *For craft, outfitting, post delivery, conversions,*
10 *and first destination transformation transportation,*
11 *\$307,230,000;*
12 *In all: \$9,294,211,000, to remain available for obligation*
13 *until September 30, 2006: Provided, That additional obli-*
14 *gations may be incurred after September 30, 2006, for engi-*
15 *neering services, tests, evaluations, and other such budgeted*
16 *work that must be performed in the final stage of ship con-*
17 *struction: Provided further, That none of the funds provided*
18 *under this heading for the construction or conversion of any*
19 *naval vessel to be constructed in shipyards in the United*
20 *States shall be expended in foreign facilities for the con-*
21 *struction of major components of such vessel: Provided fur-*
22 *ther, That none of the funds provided under this heading*
23 *shall be used for the construction of any naval vessel in*
24 *foreign shipyards.*

1 *OTHER PROCUREMENT, NAVY*

2 *For procurement, production, and modernization of*
3 *support equipment and materials not otherwise provided*
4 *for, Navy ordnance (except ordnance for new aircraft, new*
5 *ships, and ships authorized for conversion); the purchase*
6 *of not to exceed 152 passenger motor vehicles for replace-*
7 *ment only, and the purchase of five vehicles required for*
8 *physical security of personnel, notwithstanding price limi-*
9 *tations applicable to passenger vehicles but not to exceed*
10 *\$200,000 per unit for two units and not to exceed \$115,000*
11 *per unit for the remaining three units; expansion of public*
12 *and private plants, including the land necessary therefor,*
13 *and such lands and interests therein, may be acquired, and*
14 *construction prosecuted thereon prior to approval of title;*
15 *and procurement and installation of equipment, appli-*
16 *ances, and machine tools in public and private plants; re-*
17 *serve plant and Government and contractor-owned equip-*
18 *ment layaway, \$4,146,338,000, to remain available for obli-*
19 *gation until September 30, 2004.*

20 *PROCUREMENT, MARINE CORPS*

21 *For expenses necessary for the procurement, manufac-*
22 *ture, and modification of missiles, armament, military*
23 *equipment, spare parts, and accessories therefor; plant*
24 *equipment, appliances, and machine tools, and installation*
25 *thereof in public and private plants; reserve plant and Gov-*

1 *ernment and contractor-owned equipment layaway; vehicles*
2 *for the Marine Corps, including the purchase of not to ex-*
3 *ceed 25 passenger motor vehicles for replacement only; and*
4 *expansion of public and private plants, including land nec-*
5 *essary therefor, and such lands and interests therein, may*
6 *be acquired, and construction prosecuted thereon prior to*
7 *approval of title, \$974,054,000, to remain available for obli-*
8 *gation until September 30, 2004.*

9 *AIRCRAFT PROCUREMENT, AIR FORCE*

10 *For construction, procurement, lease, and modification*
11 *of aircraft and equipment, including armor and armament,*
12 *specialized ground handling equipment, and training de-*
13 *vices, spare parts, and accessories therefor; specialized*
14 *equipment; expansion of public and private plants, Govern-*
15 *ment-owned equipment and installation thereof in such*
16 *plants, erection of structures, and acquisition of land, for*
17 *the foregoing purposes, and such lands and interests therein,*
18 *may be acquired, and construction prosecuted thereon prior*
19 *to approval of title; reserve plant and Government and con-*
20 *tractor-owned equipment layaway; and other expenses nec-*
21 *essary for the foregoing purposes including rents and trans-*
22 *portation of things, \$10,617,332,000, to remain available*
23 *for obligation until September 30, 2004.*

1 *MISSILE PROCUREMENT, AIR FORCE*

2 *For construction, procurement, and modification of*
3 *missiles, spacecraft, rockets, and related equipment, includ-*
4 *ing spare parts and accessories therefor, ground handling*
5 *equipment, and training devices; expansion of public and*
6 *private plants, Government-owned equipment and installa-*
7 *tion thereof in such plants, erection of structures, and ac-*
8 *quisition of land, for the foregoing purposes, and such lands*
9 *and interests therein, may be acquired, and construction*
10 *prosecuted thereon prior to approval of title; reserve plant*
11 *and Government and contractor-owned equipment layaway;*
12 *and other expenses necessary for the foregoing purposes in-*
13 *cluding rents and transportation of things, \$3,657,522,000,*
14 *to remain available for obligation until September 30,*
15 *2004.*

16 *PROCUREMENT OF AMMUNITION, AIR FORCE*

17 *For construction, procurement, production, and modi-*
18 *fication of ammunition, and accessories therefor; specialized*
19 *equipment and training devices; expansion of public and*
20 *private plants, including ammunition facilities authorized*
21 *by section 2854 of title 10, United States Code, and the*
22 *land necessary therefor, for the foregoing purposes, and such*
23 *lands and interests therein, may be acquired, and construc-*
24 *tion prosecuted thereon prior to approval of title; and pro-*
25 *curement and installation of equipment, appliances, and*

1 *machine tools in public and private plants; reserve plant*
2 *and Government and contractor-owned equipment layaway;*
3 *and other expenses necessary for the foregoing purposes,*
4 *\$873,344,000, to remain available for obligation until Sep-*
5 *tember 30, 2004.*

6 *OTHER PROCUREMENT, AIR FORCE*

7 *For procurement and modification of equipment (in-*
8 *cluding ground guidance and electronic control equipment,*
9 *and ground electronic and communication equipment), and*
10 *supplies, materials, and spare parts therefor, not otherwise*
11 *provided for; the purchase of not to exceed 216 passenger*
12 *motor vehicles for replacement only, and the purchase of*
13 *three vehicles required for physical security of personnel,*
14 *notwithstanding price limitations applicable to passenger*
15 *vehicles but not to exceed \$200,000; lease of passenger motor*
16 *vehicles; and expansion of public and private plants, Gov-*
17 *ernment-owned equipment and installation thereof in such*
18 *plants, erection of structures, and acquisition of land, for*
19 *the foregoing purposes, and such lands and interests therein,*
20 *may be acquired, and construction prosecuted thereon, prior*
21 *to approval of title; reserve plant and Government and con-*
22 *tractor-owned equipment layaway, \$8,144,174,000, to re-*
23 *main available for obligation until September 30, 2004.*

1 *PROCUREMENT, DEFENSE-WIDE*

2 *For expenses of activities and agencies of the Depart-*
3 *ment of Defense (other than the military departments) nec-*
4 *essary for procurement, production, and modification of*
5 *equipment, supplies, materials, and spare parts therefor,*
6 *not otherwise provided for; the purchase of not to exceed*
7 *115 passenger motor vehicles for replacement only; the pur-*
8 *chase of 10 vehicles required for physical security of per-*
9 *sonnel, notwithstanding price limitations applicable to pas-*
10 *senger vehicles but not to exceed \$250,000 per vehicle; ex-*
11 *pansion of public and private plants, equipment, and in-*
12 *stallation thereof in such plants, erection of structures, and*
13 *acquisition of land for the foregoing purposes, and such*
14 *lands and interests therein, may be acquired, and construc-*
15 *tion prosecuted thereon prior to approval of title; reserve*
16 *plant and Government and contractor-owned equipment*
17 *layaway, \$1,473,795,000, to remain available for obligation*
18 *until September 30, 2004.*

19 *DEFENSE PRODUCTION ACT PURCHASES*

20 *For activities by the Department of Defense pursuant*
21 *to sections 108, 301, 302, and 303 of the Defense Production*
22 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*
23 *\$15,000,000 to remain available until expended, of which,*
24 *\$3,000,000 may be used for a Processible Rigid-Rod Poly-*
25 *meric Material Supplier Initiative under title III of the De-*

1 *fense Production Act of 1950 (50 U.S.C. App. 2091 et seq.)*
2 *to develop affordable production methods and a domestic*
3 *supplier for military and commercial processible rigid-rod*
4 *materials.*

5 *NATIONAL GUARD AND RESERVE EQUIPMENT*

6 *For procurement of aircraft, missiles, tracked combat*
7 *vehicles, ammunition, other weapons, and other procure-*
8 *ment for the reserve components of the Armed Forces,*
9 *\$560,505,000, to remain available for obligation until Sep-*
10 *tember 30, 2004: Provided, That the Chiefs of the Reserve*
11 *and National Guard components shall, not later than 30*
12 *days after the enactment of this Act, individually submit*
13 *to the congressional defense committees the modernization*
14 *priority assessment for their respective Reserve or National*
15 *Guard component.*

16 *TITLE IV*

17 *RESEARCH, DEVELOPMENT, TEST AND*
18 *EVALUATION*

19 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

20 *For expenses necessary for basic and applied scientific*
21 *research, development, test and evaluation, including main-*
22 *tenance, rehabilitation, lease, and operation of facilities*
23 *and equipment, \$6,742,123,000, to remain available for ob-*
24 *ligation until September 30, 2003.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

2 *For expenses necessary for basic and applied scientific*
3 *research, development, test and evaluation, including main-*
4 *tenance, rehabilitation, lease, and operation of facilities*
5 *and equipment, \$10,742,710,000, to remain available for*
6 *obligation until September 30, 2003.*

7 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*

8 *FORCE*

9 *For expenses necessary for basic and applied scientific*
10 *research, development, test and evaluation, including main-*
11 *tenance, rehabilitation, lease, and operation of facilities*
12 *and equipment, \$13,859,401,000, to remain available for*
13 *obligation until September 30, 2003.*

14 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*

15 *DEFENSE-WIDE*

16 *For expenses of activities and agencies of the Depart-*
17 *ment of Defense (other than the military departments), nec-*
18 *essary for basic and applied scientific research, develop-*
19 *ment, test and evaluation; advanced research projects as*
20 *may be designated and determined by the Secretary of De-*
21 *fense, pursuant to law; maintenance, rehabilitation, lease,*
22 *and operation of facilities and equipment, \$14,445,589,000,*
23 *to remain available for obligation until September 30,*
24 *2003.*

1 *vided, That none of the funds provided in this paragraph*
2 *shall be used to award a new contract that provides for the*
3 *acquisition of any of the following major components unless*
4 *such components are manufactured in the United States:*
5 *auxiliary equipment, including pumps, for all shipboard*
6 *services; propulsion system components (that is; engines, re-*
7 *duction gears, and propellers); shipboard cranes; and*
8 *spreaders for shipboard cranes: Provided further, That the*
9 *exercise of an option in a contract awarded through the ob-*
10 *ligation of previously appropriated funds shall not be con-*
11 *sidered to be the award of a new contract: Provided further,*
12 *That the Secretary of the military department responsible*
13 *for such procurement may waive the restrictions in the first*
14 *proviso on a case-by-case basis by certifying in writing to*
15 *the Committees on Appropriations of the House of Rep-*
16 *resentatives and the Senate that adequate domestic supplies*
17 *are not available to meet Department of Defense require-*
18 *ments on a timely basis and that such an acquisition must*
19 *be made in order to acquire capability for national security*
20 *purposes.*

21 *TITLE VI*

22 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

23 *DEFENSE HEALTH PROGRAM*

24 *For expenses, not otherwise provided for, for medical*
25 *and health care programs of the Department of Defense, as*

1 authorized by law, \$18,376,404,000, of which
2 \$17,656,185,000 shall be for Operation and maintenance,
3 of which not to exceed 2 percent shall remain available until
4 September 30, 2003; of which \$267,915,000, to remain
5 available for obligation until September 30, 2004, shall be
6 for Procurement; of which \$452,304,000, to remain avail-
7 able for obligation until September 30, 2003, shall be for
8 Research, development, test and evaluation.

9 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY*

10 *For expenses, not otherwise provided for, necessary for*
11 *the destruction of the United States stockpile of lethal chem-*
12 *ical agents and munitions in accordance with the provi-*
13 *sions of section 1412 of the Department of Defense Author-*
14 *ization Act, 1986 (50 U.S.C. 1521), and for the destruction*
15 *of other chemical warfare materials that are not in the*
16 *chemical weapon stockpile, \$1,104,557,000, of which*
17 *\$739,020,000 shall be for Operation and maintenance to re-*
18 *main available until September 30, 2003, \$164,158,000*
19 *shall be for Procurement to remain available until Sep-*
20 *tember 30, 2004, and \$201,379,000 shall be for Research,*
21 *development, test and evaluation to remain available until*
22 *September 30, 2003.*

1 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*
2 *DEFENSE*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For drug interdiction and counter-drug activities of*
5 *the Department of Defense, for transfer to appropriations*
6 *available to the Department of Defense for military per-*
7 *sonnel of the reserve components serving under the provi-*
8 *sions of title 10 and title 32, United States Code; for Oper-*
9 *ation and maintenance; for Procurement; and for Research,*
10 *development, test and evaluation, \$865,981,000: Provided,*
11 *That the funds appropriated under this heading shall be*
12 *available for obligation for the same time period and for*
13 *the same purpose as the appropriation to which transferred:*
14 *Provided further, That upon a determination that all or*
15 *part of the funds transferred from this appropriation are*
16 *not necessary for the purposes provided herein, such*
17 *amounts may be transferred back to this appropriation:*
18 *Provided further, That the transfer authority provided*
19 *under this heading is in addition to any other transfer au-*
20 *thority contained elsewhere in this Act.*

21 *OFFICE OF THE INSPECTOR GENERAL*

22 *For expenses and activities of the Office of the Inspec-*
23 *tor General in carrying out the provisions of the Inspector*
24 *General Act of 1978, as amended, \$152,021,000, of which*
25 *\$150,221,000 shall be for Operation and maintenance, of*

1 *which not to exceed \$700,000 is available for emergencies*
2 *and extraordinary expenses to be expended on the approval*
3 *or authority of the Inspector General, and payments may*
4 *be made on the Inspector General's certificate of necessity*
5 *for confidential military purposes; and of which \$1,800,000*
6 *to remain available until September 30, 2004, shall be for*
7 *Procurement.*

8 *TITLE VII*

9 *RELATED AGENCIES*

10 *CENTRAL INTELLIGENCE AGENCY*

11 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

12 *DISABILITY SYSTEM FUND*

13 *For payment to the Central Intelligence Agency Retire-*
14 *ment and Disability System Fund, to maintain the proper*
15 *funding level for continuing the operation of the Central*
16 *Intelligence Agency Retirement and Disability System,*
17 *\$212,000,000.*

18 *INTELLIGENCE COMMUNITY MANAGEMENT*

19 *ACCOUNT*

20 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses of the Intelligence Community*
23 *Management Account, \$144,776,000, of which \$28,003,000*
24 *for the Advanced Research and Development Committee*
25 *shall remain available until September 30, 2003: Provided,*

1 *That of the funds appropriated under this heading,*
2 *\$27,000,000 shall be transferred to the Department of Jus-*
3 *tice for the National Drug Intelligence Center to support*
4 *the Department of Defense's counter-drug intelligence re-*
5 *sponsibilities, and of the said amount, \$1,500,000 for Pro-*
6 *curement shall remain available until September 30, 2004,*
7 *and \$1,000,000 for Research, development, test and evalua-*
8 *tion shall remain available until September 30, 2003: Pro-*
9 *vided further, That the National Drug Intelligence Center*
10 *shall maintain the personnel and technical resources to pro-*
11 *vide timely support to law enforcement authorities to con-*
12 *duct document exploitation of materials collected in Fed-*
13 *eral, State, and local law enforcement activity.*

14 *PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE,*
15 *REMEDICATION, AND ENVIRONMENTAL RESTORATION FUND*

16 *For payment to Kaho'olawe Island Conveyance, Reme-*
17 *diation, and Environmental Restoration Fund, as author-*
18 *ized by law, \$75,000,000, to remain available until ex-*
19 *pended.*

20 *NATIONAL SECURITY EDUCATION TRUST FUND*

21 *For the purposes of title VIII of Public Law 102-183,*
22 *\$8,000,000, to be derived from the National Security Edu-*
23 *cation Trust Fund, to remain available until expended.*

1 *TITLE VIII*
2 *GENERAL PROVISIONS—DEPARTMENT OF*
3 *DEFENSE*

4 *SEC. 8001. No part of any appropriation contained*
5 *in this Act shall be used for publicity or propaganda pur-*
6 *poses not authorized by the Congress.*

7 *SEC. 8002. During the current fiscal year, provisions*
8 *of law prohibiting the payment of compensation to, or em-*
9 *ployment of, any person not a citizen of the United States*
10 *shall not apply to personnel of the Department of Defense:*
11 *Provided, That salary increases granted to direct and indi-*
12 *rect hire foreign national employees of the Department of*
13 *Defense funded by this Act shall not be at a rate in excess*
14 *of the percentage increase authorized by law for civilian*
15 *employees of the Department of Defense whose pay is com-*
16 *puted under the provisions of section 5332 of title 5, United*
17 *States Code, or at a rate in excess of the percentage increase*
18 *provided by the appropriate host nation to its own employ-*
19 *ees, whichever is higher: Provided further, That this section*
20 *shall not apply to Department of Defense foreign service*
21 *national employees serving at United States diplomatic*
22 *missions whose pay is set by the Department of State under*
23 *the Foreign Service Act of 1980: Provided further, That the*
24 *limitations of this provision shall not apply to foreign na-*

1 *tional employees of the Department of Defense in the Re-*
2 *public of Turkey.*

3 *SEC. 8003. No part of any appropriation contained*
4 *in this Act shall remain available for obligation beyond the*
5 *current fiscal year, unless expressly so provided herein.*

6 *SEC. 8004. No more than 20 percent of the appropri-*
7 *ations in this Act which are limited for obligation during*
8 *the current fiscal year shall be obligated during the last 2*
9 *months of the fiscal year: Provided, That this section shall*
10 *not apply to obligations for support of active duty training*
11 *of reserve components or summer camp training of the Re-*
12 *serve Officers' Training Corps.*

13 *(TRANSFER OF FUNDS)*

14 *SEC. 8005. Upon determination by the Secretary of*
15 *Defense that such action is necessary in the national inter-*
16 *est, he may, with the approval of the Office of Management*
17 *and Budget, transfer not to exceed \$1,500,000,000 of work-*
18 *ing capital funds of the Department of Defense or funds*
19 *made available in this Act to the Department of Defense*
20 *for military functions (except military construction) be-*
21 *tween such appropriations or funds or any subdivision*
22 *thereof, to be merged with and to be available for the same*
23 *purposes, and for the same time period, as the appropria-*
24 *tion or fund to which transferred: Provided, That such au-*
25 *thority to transfer may not be used unless for higher pri-*
26 *ority items, based on unforeseen military requirements,*

1 *than those for which originally appropriated and in no case*
2 *where the item for which funds are requested has been de-*
3 *ned by the Congress: Provided further, That the Secretary*
4 *of Defense shall notify the Congress promptly of all transfers*
5 *made pursuant to this authority or any other authority in*
6 *this Act: Provided further, That no part of the funds in*
7 *this Act shall be available to prepare or present a request*
8 *to the Committees on Appropriations for reprogramming*
9 *of funds, unless for higher priority items, based on unfore-*
10 *seen military requirements, than those for which originally*
11 *appropriated and in no case where the item for which re-*
12 *programming is requested has been denied by the Congress:*
13 *Provided further, That a request for multiple*
14 *reprogrammings of funds using authority provided in this*
15 *section must be made prior to March 31, 2002.*

16 *(TRANSFER OF FUNDS)*

17 *SEC. 8006. During the current fiscal year, cash bal-*
18 *ances in working capital funds of the Department of De-*
19 *fense established pursuant to section 2208 of title 10, United*
20 *States Code, may be maintained in only such amounts as*
21 *are necessary at any time for cash disbursements to be made*
22 *from such funds: Provided, That transfers may be made be-*
23 *tween such funds: Provided further, That transfers may be*
24 *made between working capital funds and the “Foreign Cur-*
25 *rency Fluctuations, Defense” appropriation and the “Oper-*
26 *ation and Maintenance” appropriation accounts in such*

1 amounts as may be determined by the Secretary of Defense,
2 with the approval of the Office of Management and Budget,
3 except that such transfers may not be made unless the Sec-
4 retary of Defense has notified the Congress of the proposed
5 transfer. Except in amounts equal to the amounts appro-
6 priated to working capital funds in this Act, no obligations
7 may be made against a working capital fund to procure
8 or increase the value of war reserve material inventory, un-
9 less the Secretary of Defense has notified the Congress prior
10 to any such obligation.

11 *SEC. 8007. Funds appropriated by this Act may not*
12 *be used to initiate a special access program without prior*
13 *notification 30 calendar days in session in advance to the*
14 *congressional defense committees.*

15 *SEC. 8008. None of the funds provided in this Act shall*
16 *be available to initiate: (1) a multiyear contract that em-*
17 *loys economic order quantity procurement in excess of*
18 *\$20,000,000 in any 1 year of the contract or that includes*
19 *an unfunded contingent liability in excess of \$20,000,000;*
20 *or (2) a contract for advance procurement leading to a*
21 *multiyear contract that employs economic order quantity*
22 *procurement in excess of \$20,000,000 in any 1 year, unless*
23 *the congressional defense committees have been notified at*
24 *least 30 days in advance of the proposed contract award:*
25 *Provided, That no part of any appropriation contained in*

1 *this Act shall be available to initiate a multiyear contract*
2 *for which the economic order quantity advance procurement*
3 *is not funded at least to the limits of the Government's li-*
4 *ability: Provided further, That no part of any appropria-*
5 *tion contained in this Act shall be available to initiate*
6 *multiyear procurement contracts for any systems or compo-*
7 *nent thereof if the value of the multiyear contract would*
8 *exceed \$500,000,000 unless specifically provided in this Act:*
9 *Provided further, That no multiyear procurement contract*
10 *can be terminated without 10-day prior notification to the*
11 *congressional defense committees: Provided further, That the*
12 *execution of multiyear authority shall require the use of a*
13 *present value analysis to determine lowest cost compared*
14 *to an annual procurement.*

15 *Funds appropriated in title III of this Act may be*
16 *used for multiyear procurement contracts as follows:*

17 *C-17; and*

18 *F/A-18E and F engine.*

19 *SEC. 8009. Within the funds appropriated for the oper-*
20 *ation and maintenance of the Armed Forces, funds are here-*
21 *by appropriated pursuant to section 401 of title 10, United*
22 *States Code, for humanitarian and civic assistance costs*
23 *under chapter 20 of title 10, United States Code. Such funds*
24 *may also be obligated for humanitarian and civic assist-*
25 *ance costs incidental to authorized operations and pursuant*

1 *to authority granted in section 401 of chapter 20 of title*
2 *10, United States Code, and these obligations shall be re-*
3 *ported to the Congress on September 30 of each year: Pro-*
4 *vided, That funds available for operation and maintenance*
5 *shall be available for providing humanitarian and similar*
6 *assistance by using Civic Action Teams in the Trust Terri-*
7 *ories of the Pacific Islands and freely associated states of*
8 *Micronesia, pursuant to the Compact of Free Association*
9 *as authorized by Public Law 99-239: Provided further,*
10 *That upon a determination by the Secretary of the Army*
11 *that such action is beneficial for graduate medical edu-*
12 *cation programs conducted at Army medical facilities lo-*
13 *cated in Hawaii, the Secretary of the Army may authorize*
14 *the provision of medical services at such facilities and*
15 *transportation to such facilities, on a nonreimbursable*
16 *basis, for civilian patients from American Samoa, the Com-*
17 *monwealth of the Northern Mariana Islands, the Marshall*
18 *Islands, the Federated States of Micronesia, Palau, and*
19 *Guam.*

20 *SEC. 8010. (a) During fiscal year 2002, the civilian*
21 *personnel of the Department of Defense may not be man-*
22 *aged on the basis of any end-strength, and the management*
23 *of such personnel during that fiscal year shall not be subject*
24 *to any constraint or limitation (known as an end-strength)*

1 *on the number of such personnel who may be employed on*
2 *the last day of such fiscal year.*

3 *(b) The fiscal year 2003 budget request for the Depart-*
4 *ment of Defense as well as all justification material and*
5 *other documentation supporting the fiscal year 2002 De-*
6 *partment of Defense budget request shall be prepared and*
7 *submitted to the Congress as if subsections (a) and (b) of*
8 *this provision were effective with regard to fiscal year 2003.*

9 *(c) Nothing in this section shall be construed to apply*
10 *to military (civilian) technicians.*

11 *SEC. 8011. Notwithstanding any other provision of*
12 *law, none of the funds made available by this Act shall be*
13 *used by the Department of Defense to exceed, outside the*
14 *50 United States, its territories, and the District of Colum-*
15 *bia, 125,000 civilian workyears: Provided, That workyears*
16 *shall be applied as defined in the Federal Personnel Man-*
17 *ual: Provided further, That workyears expended in depend-*
18 *ent student hiring programs for disadvantaged youths shall*
19 *not be included in this workyear limitation.*

20 *SEC. 8012. None of the funds made available by this*
21 *Act shall be used in any way, directly or indirectly, to in-*
22 *fluence congressional action on any legislation or appro-*
23 *priation matters pending before the Congress.*

24 *SEC. 8013. None of the funds appropriated by this Act*
25 *shall be available for the basic pay and allowances of any*

1 *member of the Army participating as a full-time student*
2 *and receiving benefits paid by the Secretary of Veterans Af-*
3 *fairs from the Department of Defense Education Benefits*
4 *Fund when time spent as a full-time student is credited*
5 *toward completion of a service commitment: Provided, That*
6 *this subsection shall not apply to those members who have*
7 *reenlisted with this option prior to October 1, 1987: Pro-*
8 *vided further, That this subsection applies only to active*
9 *components of the Army.*

10 *SEC. 8014. None of the funds appropriated by this Act*
11 *shall be available to convert to contractor performance an*
12 *activity or function of the Department of Defense that, on*
13 *or after the date of the enactment of this Act, is performed*
14 *by more than 10 Department of Defense civilian employees*
15 *until a most efficient and cost-effective organization anal-*
16 *ysis is completed on such activity or function and certifi-*
17 *cation of the analysis is made to the Committees on Appro-*
18 *priations of the House of Representatives and the Senate:*
19 *Provided, That this section and subsections (a), (b), and*
20 *(c) of 10 U.S.C. 2461 shall not apply to a commercial or*
21 *industrial type function of the Department of Defense that:*
22 *(1) is included on the procurement list established pursuant*
23 *to section 2 of the Act of June 25, 1938 (41 U.S.C. 47),*
24 *popularly referred to as the Javits-Wagner-O'Day Act; (2)*
25 *is planned to be converted to performance by a qualified*

1 *nonprofit agency for the blind or by a qualified nonprofit*
2 *agency for other severely handicapped individuals in ac-*
3 *cordance with that Act; or (3) is planned to be converted*
4 *to performance by a qualified firm under 51 percent owner-*
5 *ship by an Indian tribe, as defined in section 450b(e) of*
6 *title 25, United States Code, or a Native Hawaiian organi-*
7 *zation, as defined in section 637(a)(15) of title 15, United*
8 *States Code.*

9 *(TRANSFER OF FUNDS)*

10 *SEC. 8015. Funds appropriated in title III of this Act*
11 *for the Department of Defense Pilot Mentor-Protege Pro-*
12 *gram may be transferred to any other appropriation con-*
13 *tained in this Act solely for the purpose of implementing*
14 *a Mentor-Protege Program developmental assistance agree-*
15 *ment pursuant to section 831 of the National Defense Au-*
16 *thorization Act for Fiscal Year 1991 (Public Law 101-510;*
17 *10 U.S.C. 2301 note), as amended, under the authority of*
18 *this provision or any other transfer authority contained in*
19 *this Act.*

20 *SEC. 8016. None of the funds in this Act may be avail-*
21 *able for the purchase by the Department of Defense (and*
22 *its departments and agencies) of welded shipboard anchor*
23 *and mooring chain 4 inches in diameter and under unless*
24 *the anchor and mooring chain are manufactured in the*
25 *United States from components which are substantially*
26 *manufactured in the United States: Provided, That for the*

1 *purpose of this section manufactured will include cutting,*
2 *heat treating, quality control, testing of chain and welding*
3 *(including the forging and shot blasting process): Provided*
4 *further, That for the purpose of this section substantially*
5 *all of the components of anchor and mooring chain shall*
6 *be considered to be produced or manufactured in the United*
7 *States if the aggregate cost of the components produced or*
8 *manufactured in the United States exceeds the aggregate*
9 *cost of the components produced or manufactured outside*
10 *the United States: Provided further, That when adequate*
11 *domestic supplies are not available to meet Department of*
12 *Defense requirements on a timely basis, the Secretary of the*
13 *service responsible for the procurement may waive this re-*
14 *striction on a case-by-case basis by certifying in writing*
15 *to the Committees on Appropriations that such an acquisi-*
16 *tion must be made in order to acquire capability for na-*
17 *tional security purposes.*

18 *SEC. 8017. None of the funds appropriated by this Act*
19 *available for the Civilian Health and Medical Program of*
20 *the Uniformed Services (CHAMPUS) or TRICARE shall*
21 *be available for the reimbursement of any health care pro-*
22 *vider for inpatient mental health service for care received*
23 *when a patient is referred to a provider of inpatient mental*
24 *health care or residential treatment care by a medical or*
25 *health care professional having an economic interest in the*

1 *facility to which the patient is referred: Provided, That this*
2 *limitation does not apply in the case of inpatient mental*
3 *health services provided under the program for persons with*
4 *disabilities under subsection (d) of section 1079 of title 10,*
5 *United States Code, provided as partial hospital care, or*
6 *provided pursuant to a waiver authorized by the Secretary*
7 *of Defense because of medical or psychological circumstances*
8 *of the patient that are confirmed by a health professional*
9 *who is not a Federal employee after a review, pursuant to*
10 *rules prescribed by the Secretary, which takes into account*
11 *the appropriate level of care for the patient, the intensity*
12 *of services required by the patient, and the availability of*
13 *that care.*

14 *SEC. 8018. Funds available in this Act and hereafter*
15 *may be used to provide transportation for the next-of-kin*
16 *of individuals who have been prisoners of war or missing*
17 *in action from the Vietnam era to an annual meeting in*
18 *the United States, under such regulations as the Secretary*
19 *of Defense may prescribe.*

20 *SEC. 8019. Notwithstanding any other provision of*
21 *law, during the current fiscal year, the Secretary of Defense*
22 *may, by executive agreement, establish with host nation*
23 *governments in NATO member states a separate account*
24 *into which such residual value amounts negotiated in the*
25 *return of United States military installations in NATO*

1 member states may be deposited, in the currency of the host
2 nation, in lieu of direct monetary transfers to the United
3 States Treasury: Provided, That such credits may be uti-
4 lized only for the construction of facilities to support United
5 States military forces in that host nation, or such real prop-
6 erty maintenance and base operating costs that are cur-
7 rently executed through monetary transfers to such host na-
8 tions: Provided further, That the Department of Defense's
9 budget submission for fiscal year 2002 shall identify such
10 sums anticipated in residual value settlements, and identify
11 such construction, real property maintenance or base oper-
12 ating costs that shall be funded by the host nation through
13 such credits: Provided further, That all military construc-
14 tion projects to be executed from such accounts must be pre-
15 viously approved in a prior Act of Congress: Provided fur-
16 ther, That each such executive agreement with a NATO
17 member host nation shall be reported to the congressional
18 defense committees, the Committee on International Rela-
19 tions of the House of Representatives and the Committee
20 on Foreign Relations of the Senate 30 days prior to the
21 conclusion and endorsement of any such agreement estab-
22 lished under this provision.

23 *SEC. 8020. None of the funds available to the Depart-*
24 *ment of Defense may be used to demilitarize or dispose of*

1 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
2 *rifles, .30 caliber rifles, or M-1911 pistols.*

3 *SEC. 8021. No more than \$500,000 of the funds appro-*
4 *priated or made available in this Act shall be used during*
5 *a single fiscal year for any single relocation of an organiza-*
6 *tion, unit, activity or function of the Department of Defense*
7 *into or within the National Capital Region: Provided, That*
8 *the Secretary of Defense may waive this restriction on a*
9 *case-by-case basis by certifying in writing to the congres-*
10 *sional defense committees that such a relocation is required*
11 *in the best interest of the Government.*

12 *SEC. 8022. In addition to the funds provided elsewhere*
13 *in this Act, \$8,000,000 is appropriated only for incentive*
14 *payments authorized by section 504 of the Indian Financ-*
15 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a subcon-*
16 *tractor at any tier shall be considered a contractor for the*
17 *purposes of being allowed additional compensation under*
18 *section 504 of the Indian Financing Act of 1974 (25 U.S.C.*
19 *1544).*

20 *SEC. 8023. During the current fiscal year and here-*
21 *after, funds appropriated or otherwise available for any*
22 *Federal agency, the Congress, the judicial branch, or the*
23 *District of Columbia may be used for the pay, allowances,*
24 *and benefits of an employee as defined by section 2105 of*
25 *title 5, United States Code, or an individual employed by*

1 *the government of the District of Columbia, permanent or*
2 *temporary indefinite, who—*

3 *(1) is a member of a Reserve component of the*
4 *Armed Forces, as described in section 10101 of title*
5 *10, United States Code, or the National Guard, as de-*
6 *scribed in section 101 of title 32, United States Code;*

7 *(2) performs, for the purpose of providing mili-*
8 *tary aid to enforce the law or providing assistance to*
9 *civil authorities in the protection or saving of life or*
10 *property or prevention of injury—*

11 *(A) Federal service under sections 331, 332,*
12 *333, or 12406 of title 10, United States Code, or*
13 *other provision of law, as applicable; or*

14 *(B) full-time military service for his or her*
15 *State, the District of Columbia, the Common-*
16 *wealth of Puerto Rico, or a territory of the*
17 *United States; and*

18 *(3) requests and is granted—*

19 *(A) leave under the authority of this section;*
20 *or*

21 *(B) annual leave, which may be granted*
22 *without regard to the provisions of sections 5519*
23 *and 6323(b) of title 5, United States Code, if*
24 *such employee is otherwise entitled to such an-*
25 *annual leave:*

1 *Provided, That any employee who requests leave under sub-*
2 *section (3)(A) for service described in subsection (2) of this*
3 *section is entitled to such leave, subject to the provisions*
4 *of this section and of the last sentence of section 6323(b)*
5 *of title 5, United States Code, and such leave shall be con-*
6 *sidered leave under section 6323(b) of title 5, United States*
7 *Code.*

8 *SEC. 8024. None of the funds appropriated by this Act*
9 *shall be available to perform any cost study pursuant to*
10 *the provisions of OMB Circular A-76 if the study being*
11 *performed exceeds a period of 24 months after initiation*
12 *of such study with respect to a single function activity or*
13 *48 months after initiation of such study for a multi-func-*
14 *tion activity.*

15 *SEC. 8025. Funds appropriated by this Act for the*
16 *American Forces Information Service shall not be used for*
17 *any national or international political or psychological ac-*
18 *tivities.*

19 *SEC. 8026. Notwithstanding any other provision of*
20 *law or regulation, the Secretary of Defense may adjust wage*
21 *rates for civilian employees hired for certain health care*
22 *occupations as authorized for the Secretary of Veterans Af-*
23 *fairs by section 7455 of title 38, United States Code.*

24 *SEC. 8027. Of the funds made available in this Act,*
25 *not less than \$61,100,000 shall be available to maintain*

1 *an attrition reserve force of 18 B-52 aircraft, of which*
2 *\$3,300,000 shall be available from “Military Personnel, Air*
3 *Force”, \$37,400,000 shall be available from “Operation and*
4 *Maintenance, Air Force”, and \$20,400,000 shall be avail-*
5 *able from “Aircraft Procurement, Air Force”: Provided,*
6 *That the Secretary of the Air Force shall maintain a total*
7 *force of 94 B-52 aircraft, including 18 attrition reserve air-*
8 *craft, during fiscal year 2002: Provided further, That the*
9 *Secretary of Defense shall include in the Air Force budget*
10 *request for fiscal year 2003 amounts sufficient to maintain*
11 *a B-52 force totaling 94 aircraft.*

12 *SEC. 8028. (a) Of the funds for the procurement of sup-*
13 *plies or services appropriated by this Act, qualified non-*
14 *profit agencies for the blind or other severely handicapped*
15 *shall be afforded the maximum practicable opportunity to*
16 *participate as subcontractors and suppliers in the perform-*
17 *ance of contracts let by the Department of Defense.*

18 *(b) During the current fiscal year, a business concern*
19 *which has negotiated with a military service or defense*
20 *agency a subcontracting plan for the participation by small*
21 *business concerns pursuant to section 8(d) of the Small*
22 *Business Act (15 U.S.C. 637(d)) shall be given credit to-*
23 *ward meeting that subcontracting goal for any purchases*
24 *made from qualified nonprofit agencies for the blind or*
25 *other severely handicapped.*

1 (c) For the purpose of this section, the phrase “quali-
2 fied nonprofit agency for the blind or other severely handi-
3 capped” means a nonprofit agency for the blind or other
4 severely handicapped that has been approved by the Com-
5 mittee for the Purchase from the Blind and Other Severely
6 Handicapped under the Javits-Wagner-O’Day Act (41
7 U.S.C. 46–48).

8 SEC. 8029. During the current fiscal year, net receipts
9 pursuant to collections from third party payers pursuant
10 to section 1095 of title 10, United States Code, shall be
11 made available to the local facility of the uniformed services
12 responsible for the collections and shall be over and above
13 the facility’s direct budget amount.

14 SEC. 8030. During the current fiscal year, the Depart-
15 ment of Defense is authorized to incur obligations of not
16 to exceed \$350,000,000 for purposes specified in section
17 2350j(c) of title 10, United States Code, in anticipation of
18 receipt of contributions, only from the Government of Ku-
19 wait, under that section: Provided, That upon receipt, such
20 contributions from the Government of Kuwait shall be cred-
21 ited to the appropriations or fund which incurred such obli-
22 gations.

23 SEC. 8031. Of the funds made available in this Act,
24 not less than \$24,303,000 shall be available for the Civil
25 Air Patrol Corporation, of which \$22,803,000 shall be

1 *available for Civil Air Patrol Corporation operation and*
2 *maintenance to support readiness activities which includes*
3 *\$1,500,000 for the Civil Air Patrol counterdrug program:*
4 *Provided, That funds identified for “Civil Air Patrol”*
5 *under this section are intended for and shall be for the ex-*
6 *clusive use of the Civil Air Patrol Corporation and not for*
7 *the Air Force or any unit thereof.*

8 *SEC. 8032. (a) None of the funds appropriated in this*
9 *Act are available to establish a new Department of Defense*
10 *(department) federally funded research and development*
11 *center (FFRDC), either as a new entity, or as a separate*
12 *entity administrated by an organization managing another*
13 *FFRDC, or as a nonprofit membership corporation con-*
14 *sisting of a consortium of other FFRDCs and other non-*
15 *profit entities.*

16 *(b) No member of a Board of Directors, Trustees, Over-*
17 *seers, Advisory Group, Special Issues Panel, Visiting Com-*
18 *mittee, or any similar entity of a defense FFRDC, and no*
19 *paid consultant to any defense FFRDC, except when acting*
20 *in a technical advisory capacity, may be compensated for*
21 *his or her services as a member of such entity, or as a paid*
22 *consultant by more than one FFRDC in a fiscal year: Pro-*
23 *vided, That a member of any such entity referred to pre-*
24 *viously in this subsection shall be allowed travel expenses*
25 *and per diem as authorized under the Federal Joint Travel*

1 *Regulations, when engaged in the performance of member-*
2 *ship duties.*

3 (c) *Notwithstanding any other provision of law, none*
4 *of the funds available to the department from any source*
5 *during fiscal year 2002 may be used by a defense FFRDC,*
6 *through a fee or other payment mechanism, for construction*
7 *of new buildings, for payment of cost sharing for projects*
8 *funded by Government grants, for absorption of contract*
9 *overruns, or for certain charitable contributions, not to in-*
10 *clude employee participation in community service and/or*
11 *development.*

12 (d) *Notwithstanding any other provision of law, of the*
13 *funds available to the department during fiscal year 2002,*
14 *not more than 6,227 staff years of technical effort (staff*
15 *years) may be funded for defense FFRDCs: Provided, That*
16 *of the specific amount referred to previously in this sub-*
17 *section, not more than 1,029 staff years may be funded for*
18 *the defense studies and analysis FFRDCs.*

19 (e) *The Secretary of Defense shall, with the submission*
20 *of the department's fiscal year 2003 budget request, submit*
21 *a report presenting the specific amounts of staff years of*
22 *technical effort to be allocated for each defense FFRDC dur-*
23 *ing that fiscal year.*

1 (f) Notwithstanding any other provision of this Act,
2 the total amount appropriated in this Act for FFRDCs is
3 hereby reduced by \$60,000,000.

4 SEC. 8033. None of the funds appropriated or made
5 available in this Act shall be used to procure carbon, alloy
6 or armor steel plate for use in any Government-owned facil-
7 ity or property under the control of the Department of De-
8 fense which were not melted and rolled in the United States
9 or Canada: Provided, That these procurement restrictions
10 shall apply to any and all Federal Supply Class 9515,
11 American Society of Testing and Materials (ASTM) or
12 American Iron and Steel Institute (AISI) specifications of
13 carbon, alloy or armor steel plate: Provided further, That
14 the Secretary of the military department responsible for the
15 procurement may waive this restriction on a case-by-case
16 basis by certifying in writing to the Committees on Appro-
17 priations of the House of Representatives and the Senate
18 that adequate domestic supplies are not available to meet
19 Department of Defense requirements on a timely basis and
20 that such an acquisition must be made in order to acquire
21 capability for national security purposes: Provided further,
22 That these restrictions shall not apply to contracts which
23 are in being as of the date of the enactment of this Act.

24 SEC. 8034. For the purposes of this Act, the term “con-
25 gressional defense committees” means the Armed Services

1 *Committee of the House of Representatives, the Armed Serv-*
2 *ices Committee of the Senate, the Subcommittee on Defense*
3 *of the Committee on Appropriations of the Senate, and the*
4 *Subcommittee on Defense of the Committee on Appropria-*
5 *tions of the House of Representatives.*

6 *SEC. 8035. During the current fiscal year, the Depart-*
7 *ment of Defense may acquire the modification, depot main-*
8 *tenance and repair of aircraft, vehicles and vessels as well*
9 *as the production of components and other Defense-related*
10 *articles, through competition between Department of De-*
11 *fense depot maintenance activities and private firms: Pro-*
12 *vided, That the Senior Acquisition Executive of the military*
13 *department or defense agency concerned, with power of dele-*
14 *gation, shall certify that successful bids include comparable*
15 *estimates of all direct and indirect costs for both public and*
16 *private bids: Provided further, That Office of Management*
17 *and Budget Circular A-76 shall not apply to competitions*
18 *conducted under this section.*

19 *SEC. 8036. (a)(1) If the Secretary of Defense, after con-*
20 *sultation with the United States Trade Representative, de-*
21 *termines that a foreign country which is party to an agree-*
22 *ment described in paragraph (2) has violated the terms of*
23 *the agreement by discriminating against certain types of*
24 *products produced in the United States that are covered by*
25 *the agreement, the Secretary of Defense shall rescind the*

1 *Secretary's blanket waiver of the Buy American Act with*
2 *respect to such types of products produced in that foreign*
3 *country.*

4 (2) *An agreement referred to in paragraph (1) is any*
5 *reciprocal defense procurement memorandum of under-*
6 *standing, between the United States and a foreign country*
7 *pursuant to which the Secretary of Defense has prospec-*
8 *tively waived the Buy American Act for certain products*
9 *in that country.*

10 (b) *The Secretary of Defense shall submit to the Con-*
11 *gress a report on the amount of Department of Defense pur-*
12 *chases from foreign entities in fiscal year 2001. Such report*
13 *shall separately indicate the dollar value of items for which*
14 *the Buy American Act was waived pursuant to any agree-*
15 *ment described in subsection (a)(2), the Trade Agreement*
16 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
17 *agreement to which the United States is a party.*

18 (c) *For purposes of this section, the term "Buy Amer-*
19 *ican Act" means title III of the Act entitled "An Act mak-*
20 *ing appropriations for the Treasury and Post Office De-*
21 *partments for the fiscal year ending June 30, 1934, and*
22 *for other purposes", approved March 3, 1933 (41 U.S.C.*
23 *10a et seq.).*

24 SEC. 8037. *Appropriations contained in this Act that*
25 *remain available at the end of the current fiscal year as*

1 *a result of energy cost savings realized by the Department*
2 *of Defense shall remain available for obligation for the next*
3 *fiscal year to the extent, and for the purposes, provided in*
4 *section 2865 of title 10, United States Code.*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *SEC. 8038. Amounts deposited during the current fis-*
7 *cal year to the special account established under 40 U.S.C.*
8 *485(h)(2) and to the special account established under 10*
9 *U.S.C. 2667(d)(1) are appropriated and shall be available*
10 *until transferred by the Secretary of Defense to current ap-*
11 *plicable appropriations or funds of the Department of De-*
12 *fense under the terms and conditions specified by 40 U.S.C.*
13 *485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be*
14 *merged with and to be available for the same time period*
15 *and the same purposes as the appropriation to which trans-*
16 *ferred.*

17 *SEC. 8039. The Under Secretary of Defense (Comp-*
18 *troller) shall submit to the congressional defense committees*
19 *by February 1, 2002, a detailed report identifying, by*
20 *amount and by separate budget activity, activity group,*
21 *subactivity group, line item, program element, program,*
22 *project, subproject, and activity, any activity for which the*
23 *fiscal year 2003 budget request was reduced because the*
24 *Congress appropriated funds above the President's budget*
25 *request for that specific activity for fiscal year 2002.*

1 *SEC. 8040. Notwithstanding any other provision of*
2 *law, funds available for “Drug Interdiction and Counter-*
3 *Drug Activities, Defense” may be obligated for the Young*
4 *Marines program.*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *SEC. 8041. During the current fiscal year, amounts*
7 *contained in the Department of Defense Overseas Military*
8 *Facility Investment Recovery Account established by section*
9 *2921(c)(1) of the National Defense Authorization Act of*
10 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*
11 *available until expended for the payments specified by sec-*
12 *tion 2921(c)(2) of that Act.*

13 *SEC. 8042. (a) IN GENERAL.—Notwithstanding any*
14 *other provision of law, the Secretary of the Air Force may*
15 *convey at no cost to the Air Force, without consideration,*
16 *to Indian tribes located in the States of North Dakota,*
17 *South Dakota, Montana, and Minnesota relocatable mili-*
18 *tary housing units located at Grand Forks Air Force Base*
19 *and Minot Air Force Base that are excess to the needs of*
20 *the Air Force.*

21 *(b) PROCESSING OF REQUESTS.—The Secretary of the*
22 *Air Force shall convey, at no cost to the Air Force, military*
23 *housing units under subsection (a) in accordance with the*
24 *request for such units that are submitted to the Secretary*
25 *by the Operation Walking Shield Program on behalf of In-*

1 *dian tribes located in the States of North Dakota, South*
2 *Dakota, Montana, and Minnesota.*

3 (c) *RESOLUTION OF HOUSING UNIT CONFLICTS.—The*
4 *Operation Walking Shield program shall resolve any con-*
5 *flicts among requests of Indian tribes for housing units*
6 *under subsection (a) before submitting requests to the Sec-*
7 *retary of the Air Force under subsection (b).*

8 (d) *INDIAN TRIBE DEFINED.—In this section, the term*
9 *“Indian tribe” means any recognized Indian tribe included*
10 *on the current list published by the Secretary of the Interior*
11 *under section 104 of the Federally Recognized Indian Tribe*
12 *Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25*
13 *U.S.C. 479a–1).*

14 *SEC. 8043. During the current fiscal year, appropria-*
15 *tions which are available to the Department of Defense for*
16 *operation and maintenance may be used to purchase items*
17 *having an investment item unit cost of not more than*
18 *\$100,000.*

19 *SEC. 8044. (a) During the current fiscal year, none*
20 *of the appropriations or funds available to the Department*
21 *of Defense Working Capital Funds shall be used for the pur-*
22 *chase of an investment item for the purpose of acquiring*
23 *a new inventory item for sale or anticipated sale during*
24 *the current fiscal year or a subsequent fiscal year to cus-*
25 *tomers of the Department of Defense Working Capital*

1 *Funds if such an item would not have been chargeable to*
2 *the Department of Defense Business Operations Fund dur-*
3 *ing fiscal year 1994 and if the purchase of such an invest-*
4 *ment item would be chargeable during the current fiscal*
5 *year to appropriations made to the Department of Defense*
6 *for procurement.*

7 **(b)** *The fiscal year 2003 budget request for the Depart-*
8 *ment of Defense as well as all justification material and*
9 *other documentation supporting the fiscal year 2003 De-*
10 *partment of Defense budget shall be prepared and submitted*
11 *to the Congress on the basis that any equipment which was*
12 *classified as an end item and funded in a procurement ap-*
13 *propriation contained in this Act shall be budgeted for in*
14 *a proposed fiscal year 2003 procurement appropriation and*
15 *not in the supply management business area or any other*
16 *area or category of the Department of Defense Working*
17 *Capital Funds.*

18 **SEC. 8045.** *None of the funds appropriated by this Act*
19 *for programs of the Central Intelligence Agency shall re-*
20 *main available for obligation beyond the current fiscal year,*
21 *except for funds appropriated for the Reserve for Contin-*
22 *gencies, which shall remain available until September 30,*
23 *2003: Provided, That funds appropriated, transferred, or*
24 *otherwise credited to the Central Intelligence Agency Cen-*
25 *tral Services Working Capital Fund during this or any*

1 *prior or subsequent fiscal year shall remain available until*
2 *expended.*

3 *SEC. 8046. Notwithstanding any other provision of*
4 *law, funds made available in this Act for the Defense Intel-*
5 *ligence Agency may be used for the design, development, and*
6 *deployment of General Defense Intelligence Program intel-*
7 *ligence communications and intelligence information sys-*
8 *tems for the Services, the Unified and Specified Commands,*
9 *and the component commands.*

10 *SEC. 8047. Of the funds appropriated by the Depart-*
11 *ment of Defense under the heading “Operation and Mainte-*
12 *nance, Defense-Wide”, not less than \$10,000,000 shall be*
13 *made available only for the mitigation of environmental*
14 *impacts, including training and technical assistance to*
15 *tribes, related administrative support, the gathering of in-*
16 *formation, documenting of environmental damage, and de-*
17 *veloping a system for prioritization of mitigation and cost*
18 *to complete estimates for mitigation, on Indian lands re-*
19 *sulting from Department of Defense activities.*

20 *SEC. 8048. Amounts collected for the use of the facili-*
21 *ties of the National Science Center for Communications and*
22 *Electronics during the current fiscal year and hereafter*
23 *pursuant to section 1459(g) of the Department of Defense*
24 *Authorization Act, 1986, and deposited to the special ac-*
25 *count established under subsection 1459(g)(2) of that Act*

1 *are appropriated and shall be available until expended for*
2 *the operation and maintenance of the Center as provided*
3 *for in subsection 1459(g)(2).*

4 *(TRANSFER OF FUNDS)*

5 *SEC. 8049. In addition to the amounts appropriated*
6 *elsewhere in this Act, \$10,000,000 is hereby appropriated*
7 *to the Department of Defense: Provided, That at the direc-*
8 *tion of the Assistant Secretary of Defense for Reserve Af-*
9 *fairs, these funds shall be transferred to the Reserve compo-*
10 *nent personnel accounts in Title I of this Act: Provided fur-*
11 *ther, That these funds shall be used for incentive and bonus*
12 *programs that address the most pressing recruitment and*
13 *retention issues in the Reserve components.*

14 *SEC. 8050. (a) None of the funds appropriated in this*
15 *Act may be expended by an entity of the Department of*
16 *Defense unless the entity, in expending the funds, complies*
17 *with the Buy American Act. For purposes of this subsection,*
18 *the term "Buy American Act" means title III of the Act*
19 *entitled "An Act making appropriations for the Treasury*
20 *and Post Office Departments for the fiscal year ending June*
21 *30, 1934, and for other purposes", approved March 3, 1933*
22 *(41 U.S.C. 10a et seq.).*

23 *(b) If the Secretary of Defense determines that a person*
24 *has been convicted of intentionally affixing a label bearing*
25 *a "Made in America" inscription to any product sold in*
26 *or shipped to the United States that is not made in Amer-*

1 *ica, the Secretary shall determine, in accordance with sec-*
2 *tion 2410f of title 10, United States Code, whether the per-*
3 *son should be debarred from contracting with the Depart-*
4 *ment of Defense.*

5 *(c) In the case of any equipment or products purchased*
6 *with appropriations provided under this Act, it is the sense*
7 *of the Congress that any entity of the Department of De-*
8 *fense, in expending the appropriation, purchase only Amer-*
9 *ican-made equipment and products, provided that Amer-*
10 *ican-made equipment and products are cost-competitive,*
11 *quality-competitive, and available in a timely fashion.*

12 *SEC. 8051. None of the funds appropriated by this Act*
13 *shall be available for a contract for studies, analysis, or*
14 *consulting services entered into without competition on the*
15 *basis of an unsolicited proposal unless the head of the activ-*
16 *ity responsible for the procurement determines—*

17 *(1) as a result of thorough technical evaluation,*
18 *only one source is found fully qualified to perform the*
19 *proposed work;*

20 *(2) the purpose of the contract is to explore an*
21 *unsolicited proposal which offers significant scientific*
22 *or technological promise, represents the product of*
23 *original thinking, and was submitted in confidence*
24 *by one source; or*

1 (3) *the purpose of the contract is to take advan-*
2 *tage of unique and significant industrial accomplish-*
3 *ment by a specific concern, or to insure that a new*
4 *product or idea of a specific concern is given finan-*
5 *cial support:*

6 *Provided, That this limitation shall not apply to contracts*
7 *in an amount of less than \$25,000, contracts related to im-*
8 *provements of equipment that is in development or produc-*
9 *tion, or contracts as to which a civilian official of the De-*
10 *partment of Defense, who has been confirmed by the Senate,*
11 *determines that the award of such contract is in the interest*
12 *of the national defense.*

13 *SEC. 8052. (a) Except as provided in subsections (b)*
14 *and (c), none of the funds made available by this Act may*
15 *be used—*

16 (1) *to establish a field operating agency; or*

17 (2) *to pay the basic pay of a member of the*
18 *Armed Forces or civilian employee of the department*
19 *who is transferred or reassigned from a headquarters*
20 *activity if the member or employee's place of duty re-*
21 *mains at the location of that headquarters.*

22 *(b) The Secretary of Defense or Secretary of a military*
23 *department may waive the limitations in subsection (a),*
24 *on a case-by-case basis, if the Secretary determines, and cer-*
25 *tifies to the Committees on Appropriations of the House of*

1 *Representatives and Senate that the granting of the waiver*
2 *will reduce the personnel requirements or the financial re-*
3 *quirements of the department.*

4 *(c) This section does not apply to field operating agen-*
5 *cies funded within the National Foreign Intelligence Pro-*
6 *gram.*

7 *SEC. 8053. During the current fiscal year and here-*
8 *after, funds appropriated or made available by the transfer*
9 *of funds in this or subsequent Appropriations Acts, for in-*
10 *telligence activities are deemed to be specifically authorized*
11 *by the Congress for purposes of section 504 of the National*
12 *Security Act of 1947 (50 U.S.C. 414) until the enactment*
13 *of the Intelligence Authorization Act for that fiscal year and*
14 *funds appropriated or made available by transfer of funds*
15 *in any subsequent Supplemental Appropriations Act en-*
16 *acted after the enactment of the Intelligence Authorization*
17 *Act for that fiscal year are deemed to be specifically author-*
18 *ized by the Congress for purposes of section 504 of the Na-*
19 *tional Security Act of 1947 (50 U.S.C. 414).*

20 *SEC. 8054. Notwithstanding section 303 of Public Law*
21 *96-487 or any other provision of law, the Secretary of the*
22 *Navy is authorized to lease real and personal property at*
23 *Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C.*
24 *2667(f), for commercial, industrial or other purposes: Pro-*
25 *vided, That notwithstanding any other provision of law, the*

1 *Secretary of the Navy may remove hazardous materials*
2 *from facilities, buildings, and structures at Adak, Alaska,*
3 *and may demolish or otherwise dispose of such facilities,*
4 *buildings, and structures.*

5 *(RESCISSIONS)*

6 *SEC. 8055. Of the funds provided in Department of*
7 *Defense Appropriations Acts, the following funds are hereby*
8 *rescinded as of the date of the enactment of this Act from*
9 *the following accounts in the specified amounts:*

10 *“Aircraft Procurement, Army, 2001/2003”,*
11 *\$15,500,000;*

12 *“Aircraft Procurement, Air Force, 2001/2003”,*
13 *\$43,983,000;*

14 *“Missile Procurement, Air Force, 2001/2003”,*
15 *\$58,550,000;*

16 *“Procurement, Defense-Wide, 2001/2003”,*
17 *\$64,170,000;*

18 *“Research, Development, Test and Evaluation,*
19 *Air Force, 2001/2002”, \$13,450,000; and*

20 *“Research, Development, Test and Evaluation,*
21 *Defense-Wide, 2001/2002”, \$5,664,000.*

22 *SEC. 8056. None of the funds available in this Act may*
23 *be used to reduce the authorized positions for military (ci-*
24 *vilian) technicians of the Army National Guard, the Air*
25 *National Guard, Army Reserve and Air Force Reserve for*
26 *the purpose of applying any administratively imposed ci-*

1 *vilian personnel ceiling, freeze, or reduction on military (ci-*
2 *vilian) technicians, unless such reductions are a direct re-*
3 *sult of a reduction in military force structure.*

4 *SEC. 8057. None of the funds appropriated or other-*
5 *wise made available in this Act may be obligated or ex-*
6 *pended for assistance to the Democratic People's Republic*
7 *of North Korea unless specifically appropriated for that*
8 *purpose.*

9 *SEC. 8058. During the current fiscal year, funds ap-*
10 *propriated in this Act are available to compensate members*
11 *of the National Guard for duty performed pursuant to a*
12 *plan submitted by a Governor of a State and approved by*
13 *the Secretary of Defense under section 112 of title 32,*
14 *United States Code: Provided, That during the performance*
15 *of such duty, the members of the National Guard shall be*
16 *under State command and control: Provided further, That*
17 *such duty shall be treated as full-time National Guard duty*
18 *for purposes of sections 12602(a)(2) and (b)(2) of title 10,*
19 *United States Code.*

20 *SEC. 8059. Funds appropriated in this Act for oper-*
21 *ation and maintenance of the Military Departments, Com-*
22 *batant Commands and Defense Agencies shall be available*
23 *for reimbursement of pay, allowances and other expenses*
24 *which would otherwise be incurred against appropriations*
25 *for the National Guard and Reserve when members of the*

1 *National Guard and Reserve provide intelligence or coun-*
2 *terintelligence support to Combatant Commands, Defense*
3 *Agencies and Joint Intelligence Activities, including the ac-*
4 *tivities and programs included within the National Foreign*
5 *Intelligence Program (NFIP), the Joint Military Intel-*
6 *ligence Program (JMIP), and the Tactical Intelligence and*
7 *Related Activities (TIARA) aggregate: Provided, That noth-*
8 *ing in this section authorizes deviation from established Re-*
9 *serve and National Guard personnel and training proce-*
10 *dures.*

11 *SEC. 8060. Notwithstanding any other provision of*
12 *law, that not more than 35 percent of funds provided in*
13 *this Act, for environmental remediation may be obligated*
14 *under indefinite delivery/indefinite quantity contracts with*
15 *a total contract value of \$130,000,000 or higher.*

16 *SEC. 8061. Of the funds made available under the*
17 *heading “Operation and Maintenance, Air Force”,*
18 *\$12,000,000 shall be available to realign railroad track on*
19 *Elmendorf Air Force Base and Fort Richardson.*

20 *SEC. 8062. (a) None of the funds available to the De-*
21 *partment of Defense for any fiscal year for drug interdic-*
22 *tion or counter-drug activities may be transferred to any*
23 *other department or agency of the United States except as*
24 *specifically provided in an appropriations law.*

1 (b) *None of the funds available to the Central Intel-*
2 *ligence Agency for any fiscal year for drug interdiction and*
3 *counter-drug activities may be transferred to any other de-*
4 *partment or agency of the United States except as specifi-*
5 *cally provided in an appropriations law.*

6 *(TRANSFER OF FUNDS)*

7 *SEC. 8063. Appropriations available in this Act under*
8 *the heading “Operation and Maintenance, Defense-Wide”*
9 *for increasing energy and water efficiency in Federal build-*
10 *ings may, during their period of availability, be transferred*
11 *to other appropriations or funds of the Department of De-*
12 *fense for projects related to increasing energy and water ef-*
13 *iciency, to be merged with and to be available for the same*
14 *general purposes, and for the same time period, as the ap-*
15 *propriation or fund to which transferred.*

16 *SEC. 8064. None of the funds made available in this*
17 *Act may be used for the procurement of ball and roller bear-*
18 *ings other than those produced by a domestic source and*
19 *of domestic origin: Provided, That the Secretary of the mili-*
20 *tary department responsible for such procurement may*
21 *waive this restriction on a case-by-case basis by certifying*
22 *in writing to the Committees on Appropriations of the*
23 *House of Representatives and the Senate, that adequate do-*
24 *mestic supplies are not available to meet Department of De-*
25 *fense requirements on a timely basis and that such an ac-*
26 *quisition must be made in order to acquire capability for*

1 *national security purposes: Provided further, That this re-*
2 *striction shall not apply to the purchase of “commercial*
3 *items”, as defined by section 4(12) of the Office of Federal*
4 *Procurement Policy Act, except that the restriction shall*
5 *apply to ball or roller bearings purchased as end items.*

6 *SEC. 8065. Notwithstanding any other provision of*
7 *law, funds available to the Department of Defense shall be*
8 *made available to provide transportation of medical sup-*
9 *plies and equipment, on a nonreimbursable basis, to Amer-*
10 *ican Samoa, and funds available to the Department of De-*
11 *fense shall be made available to provide transportation of*
12 *medical supplies and equipment, on a nonreimbursable*
13 *basis, to the Indian Health Service when it is in conjunc-*
14 *tion with a civil-military project.*

15 *SEC. 8066. None of the funds in this Act may be used*
16 *to purchase any supercomputer which is not manufactured*
17 *in the United States, unless the Secretary of Defense cer-*
18 *tifies to the congressional defense committees that such an*
19 *acquisition must be made in order to acquire capability for*
20 *national security purposes that is not available from*
21 *United States manufacturers.*

22 *SEC. 8067. Notwithstanding any other provision of*
23 *law, the Naval shipyards of the United States shall be eligi-*
24 *ble to participate in any manufacturing extension program*
25 *financed by funds appropriated in this or any other Act.*

1 *SEC. 8068. Notwithstanding any other provision of*
2 *law, each contract awarded by the Department of Defense*
3 *during the current fiscal year for construction or service*
4 *performed in whole or in part in a State (as defined in*
5 *section 381(d) of title 10, United States Code) which is not*
6 *contiguous with another State and has an unemployment*
7 *rate in excess of the national average rate of unemployment*
8 *as determined by the Secretary of Labor, shall include a*
9 *provision requiring the contractor to employ, for the pur-*
10 *pose of performing that portion of the contract in such State*
11 *that is not contiguous with another State, individuals who*
12 *are residents of such State and who, in the case of any craft*
13 *or trade, possess or would be able to acquire promptly the*
14 *necessary skills: Provided, That the Secretary of Defense*
15 *may waive the requirements of this section, on a case-by-*
16 *case basis, in the interest of national security.*

17 *SEC. 8069. Of the funds made available in this Act*
18 *under the heading "Operation and Maintenance, Defense-*
19 *Wide", up to \$5,000,000 shall be available to provide assist-*
20 *ance, by grant or otherwise, to public school systems that*
21 *have unusually high concentrations of special needs mili-*
22 *tary dependents enrolled: Provided, That in selecting school*
23 *systems to receive such assistance, special consideration*
24 *shall be given to school systems in States that are considered*
25 *overseas assignments: Provided further, That up to*

1 \$2,000,000 shall be available for DOD to establish a non-
2 profit trust fund to assist in the public-private funding of
3 public school repair and maintenance projects, or provide
4 directly to non-profit organizations who in return will use
5 these monies to provide assistance in the form of repair,
6 maintenance, or renovation to public school systems that
7 have high concentrations of special needs military depend-
8 ents and are located in States that are considered overseas
9 assignments: Provided further, That to the extent a federal
10 agency provides this assistance, by contract, grant or other-
11 wise, it may accept and expend non-federal funds in com-
12 bination with these federal funds to provide assistance for
13 the authorized purpose, if the non-federal entity requests
14 such assistance and the non-federal funds are provided on
15 a reimbursable basis.

16 SEC. 8070. (a) LIMITATION ON TRANSFER OF DE-
17 FENSE ARTICLES AND SERVICES.—Notwithstanding any
18 other provision of law, none of the funds available to the
19 Department of Defense for the current fiscal year may be
20 obligated or expended to transfer to another nation or an
21 international organization any defense articles or services
22 (other than intelligence services) for use in the activities de-
23 scribed in subsection (b) unless the congressional defense
24 committees, the Committee on International Relations of
25 the House of Representatives, and the Committee on For-

1 *ign Relations of the Senate are notified 15 days in advance*
2 *of such transfer.*

3 (b) *COVERED ACTIVITIES.*—*This section applies to—*

4 (1) *any international peacekeeping or peace-en-*
5 *forcement operation under the authority of chapter VI*
6 *or chapter VII of the United Nations Charter under*
7 *the authority of a United Nations Security Council*
8 *resolution; and*

9 (2) *any other international peacekeeping, peace-*
10 *enforcement, or humanitarian assistance operation.*

11 (c) *REQUIRED NOTICE.*—*A notice under subsection (a)*
12 *shall include the following:*

13 (1) *A description of the equipment, supplies, or*
14 *services to be transferred.*

15 (2) *A statement of the value of the equipment,*
16 *supplies, or services to be transferred.*

17 (3) *In the case of a proposed transfer of equip-*
18 *ment or supplies—*

19 (A) *a statement of whether the inventory re-*
20 *quirements of all elements of the Armed Forces*
21 *(including the reserve components) for the type*
22 *of equipment or supplies to be transferred have*
23 *been met; and*

24 (B) *a statement of whether the items pro-*
25 *posed to be transferred will have to be replaced*

1 *and, if so, how the President proposes to provide*
2 *funds for such replacement.*

3 *SEC. 8071. To the extent authorized by subchapter VI*
4 *of chapter 148 of title 10, United States Code, the Secretary*
5 *of Defense may issue loan guarantees in support of United*
6 *States defense exports not otherwise provided for: Provided,*
7 *That the total contingent liability of the United States for*
8 *guarantees issued under the authority of this section may*
9 *not exceed \$15,000,000,000: Provided further, That the ex-*
10 *posure fees charged and collected by the Secretary for each*
11 *guarantee shall be paid by the country involved and shall*
12 *not be financed as part of a loan guaranteed by the United*
13 *States: Provided further, That the Secretary shall provide*
14 *quarterly reports to the Committees on Appropriations,*
15 *Armed Services, and Foreign Relations of the Senate and*
16 *the Committees on Appropriations, Armed Services, and*
17 *International Relations in the House of Representatives on*
18 *the implementation of this program: Provided further, That*
19 *amounts charged for administrative fees and deposited to*
20 *the special account provided for under section 2540c(d) of*
21 *title 10, shall be available for paying the costs of adminis-*
22 *trative expenses of the Department of Defense that are at-*
23 *tributable to the loan guarantee program under subchapter*
24 *VI of chapter 148 of title 10, United States Code.*

1 *SEC. 8072. None of the funds available to the Depart-*
2 *ment of Defense under this Act shall be obligated or ex-*
3 *pended to pay a contractor under a contract with the De-*
4 *partment of Defense for costs of any amount paid by the*
5 *contractor to an employee when—*

6 (1) *such costs are for a bonus or otherwise in ex-*
7 *cess of the normal salary paid by the contractor to the*
8 *employee; and*

9 (2) *such bonus is part of restructuring costs asso-*
10 *ciated with a business combination.*

11 *SEC. 8073. (a) None of the funds appropriated or oth-*
12 *erwise made available in this Act may be used to transport*
13 *or provide for the transportation of chemical munitions or*
14 *agents to the Johnston Atoll for the purpose of storing or*
15 *demilitarizing such munitions or agents.*

16 (b) *The prohibition in subsection (a) shall not apply*
17 *to any obsolete World War II chemical munition or agent*
18 *of the United States found in the World War II Pacific*
19 *Theater of Operations.*

20 (c) *The President may suspend the application of sub-*
21 *section (a) during a period of war in which the United*
22 *States is a party.*

23 *SEC. 8074. Up to \$3,000,000 of the funds appropriated*
24 *under the heading “Operation and Maintenance, Navy” in*
25 *this Act for the Pacific Missile Range Facility may be made*

1 *available to contract for the repair, maintenance, and oper-*
2 *ation of adjacent off-base water, drainage, and flood control*
3 *systems critical to base operations.*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 8075. During the current fiscal year, no more*
6 *than \$30,000,000 of appropriations made in this Act under*
7 *the heading “Operation and Maintenance, Defense-Wide”*
8 *may be transferred to appropriations available for the pay*
9 *of military personnel, to be merged with, and to be available*
10 *for the same time period as the appropriations to which*
11 *transferred, to be used in support of such personnel in con-*
12 *nection with support and services for eligible organizations*
13 *and activities outside the Department of Defense pursuant*
14 *to section 2012 of title 10, United States Code.*

15 *SEC. 8076. For purposes of section 1553(b) of title 31,*
16 *United States Code, any subdivision of appropriations*
17 *made in this Act under the heading “Shipbuilding and*
18 *Conversion, Navy” shall be considered to be for the same*
19 *purpose as any subdivision under the heading “Ship-*
20 *building and Conversion, Navy” appropriations in any*
21 *prior year, and the 1 percent limitation shall apply to the*
22 *total amount of the appropriation.*

23 *SEC. 8077. During the current fiscal year, in the case*
24 *of an appropriation account of the Department of Defense*
25 *for which the period of availability for obligation has ex-*
26 *pired or which has closed under the provisions of section*

1 1552 of title 31, United States Code, and which has a nega-
2 tive unliquidated or unexpended balance, an obligation or
3 an adjustment of an obligation may be charged to any cur-
4 rent appropriation account for the same purpose as the ex-
5 pired or closed account if—

6 (1) the obligation would have been properly
7 chargeable (except as to amount) to the expired or
8 closed account before the end of the period of avail-
9 ability or closing of that account;

10 (2) the obligation is not otherwise properly
11 chargeable to any current appropriation account of
12 the Department of Defense; and

13 (3) in the case of an expired account, the obliga-
14 tion is not chargeable to a current appropriation of
15 the Department of Defense under the provisions of sec-
16 tion 1405(b)(8) of the National Defense Authorization
17 Act for Fiscal Year 1991, Public Law 101-510, as
18 amended (31 U.S.C. 1551 note): Provided, That in
19 the case of an expired account, if subsequent review
20 or investigation discloses that there was not in fact a
21 negative unliquidated or unexpended balance in the
22 account, any charge to a current account under the
23 authority of this section shall be reversed and re-
24 corded against the expired account: Provided further,
25 That the total amount charged to a current appro-

1 *priation under this section may not exceed an*
2 *amount equal to 1 percent of the total appropriation*
3 *for that account.*

4 *SEC. 8078. Funds appropriated in title II of this Act*
5 *and for the Defense Health Program in title VI of this Act*
6 *for supervision and administration costs for facilities*
7 *maintenance and repair, minor construction, or design*
8 *projects may be obligated at the time the reimbursable order*
9 *is accepted by the performing activity: Provided, That for*
10 *the purpose of this section, supervision and administration*
11 *costs includes all in-house Government cost.*

12 *SEC. 8079. During the current fiscal year, the Sec-*
13 *retary of Defense may waive reimbursement of the cost of*
14 *conferences, seminars, courses of instruction, or similar*
15 *educational activities of the Asia-Pacific Center for Secu-*
16 *rity Studies for military officers and civilian officials of*
17 *foreign nations if the Secretary determines that attendance*
18 *by such personnel, without reimbursement, is in the na-*
19 *tional security interest of the United States: Provided, That*
20 *costs for which reimbursement is waived pursuant to this*
21 *section shall be paid from appropriations available for the*
22 *Asia-Pacific Center.*

23 *SEC. 8080. (a) Notwithstanding any other provision*
24 *of law, the Chief of the National Guard Bureau may permit*
25 *the use of equipment of the National Guard Distance Learn-*

1 *ing Project by any person or entity on a space-available,*
2 *reimbursable basis. The Chief of the National Guard Bu-*
3 *reau shall establish the amount of reimbursement for such*
4 *use on a case-by-case basis.*

5 *(b) Amounts collected under subsection (a) shall be*
6 *credited to funds available for the National Guard Distance*
7 *Learning Project and be available to defray the costs associ-*
8 *ated with the use of equipment of the project under that*
9 *subsection. Such funds shall be available for such purposes*
10 *without fiscal year limitation.*

11 *SEC. 8081. Using funds available by this Act or any*
12 *other Act, the Secretary of the Air Force, pursuant to a*
13 *determination under section 2690 of title 10, United States*
14 *Code, may implement cost-effective agreements for required*
15 *heating facility modernization in the Kaiserslautern Mili-*
16 *tary Community in the Federal Republic of Germany: Pro-*
17 *vided, That in the City of Kaiserslautern such agreements*
18 *will include the use of United States anthracite as the base*
19 *load energy for municipal district heat to the United States*
20 *Defense installations: Provided further, That at Landstuhl*
21 *Army Regional Medical Center and Ramstein Air Base,*
22 *furnished heat may be obtained from private, regional or*
23 *municipal services, if provisions are included for the con-*
24 *sideration of United States coal as an energy source.*

1 *SEC. 8082. Notwithstanding 31 U.S.C. 3902, during*
2 *the current fiscal year and hereafter, interest penalties may*
3 *be paid by the Department of Defense from funds financing*
4 *the operation of the military department or defense agency*
5 *with which the invoice or contract payment is associated.*

6 *SEC. 8083. None of the funds appropriated in title IV*
7 *of this Act may be used to procure end-items for delivery*
8 *to military forces for operational training, operational use*
9 *or inventory requirements: Provided, That this restriction*
10 *does not apply to end-items used in development, proto-*
11 *typing, and test activities preceding and leading to accept-*
12 *ance for operational use: Provided further, That this restric-*
13 *tion does not apply to programs funded within the National*
14 *Foreign Intelligence Program: Provided further, That the*
15 *Secretary of Defense may waive this restriction on a case-*
16 *by-case basis by certifying in writing to the Committees on*
17 *Appropriations of the House of Representatives and the*
18 *Senate that it is in the national security interest to do so.*

19 *SEC. 8084. Of the funds made available under the*
20 *heading "Operation and Maintenance, Air Force", not less*
21 *than \$1,500,000 shall be made available by grant or other-*
22 *wise, to the Council of Athabascan Tribal Governments, to*
23 *provide assistance for health care, monitoring and related*
24 *issues associated with research conducted from 1955 to 1957*
25 *by the former Arctic Aeromedical Laboratory.*

1 *SEC. 8085. In addition to the amounts appropriated*
2 *or otherwise made available in this Act, \$5,000,000, to re-*
3 *main available until September 30, 2002, is hereby appro-*
4 *priated to the Department of Defense: Provided, That the*
5 *Secretary of Defense shall make a grant in the amount of*
6 *\$5,000,000 to the American Red Cross for Armed Forces*
7 *Emergency Services.*

8 *SEC. 8086. None of the funds made available in this*
9 *Act may be used to approve or license the sale of the F-*
10 *22 advanced tactical fighter to any foreign government.*

11 *SEC. 8087. (a) The Secretary of Defense may, on a*
12 *case-by-case basis, waive with respect to a foreign country*
13 *each limitation on the procurement of defense items from*
14 *foreign sources provided in law if the Secretary determines*
15 *that the application of the limitation with respect to that*
16 *country would invalidate cooperative programs entered into*
17 *between the Department of Defense and the foreign country,*
18 *or would invalidate reciprocal trade agreements for the pro-*
19 *curement of defense items entered into under section 2531*
20 *of title 10, United States Code, and the country does not*
21 *discriminate against the same or similar defense items pro-*
22 *duced in the United States for that country.*

23 *(b) Subsection (a) applies with respect to—*

24 *(1) contracts and subcontracts entered into on or*
25 *after the date of the enactment of this Act; and*

1 (2) options for the procurement of items that are
2 exercised after such date under contracts that are en-
3 tered into before such date if the option prices are ad-
4 justed for any reason other than the application of a
5 waiver granted under subsection (a).

6 (c) Subsection (a) does not apply to a limitation re-
7 garding construction of public vessels, ball and roller bear-
8 ings, food, and clothing or textile materials as defined by
9 section 11 (chapters 50–65) of the Harmonized Tariff
10 Schedule and products classified under headings 4010,
11 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through
12 7229, 7304.41 through 7304.49, 7306.40, 7502 through
13 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

14 SEC. 8088. Funds made available to the Civil Air Pa-
15 trol in this Act under the heading “Drug Interdiction and
16 Counter-Drug Activities, Defense” may be used for the Civil
17 Air Patrol Corporation’s counterdrug program, including
18 its demand reduction program involving youth programs,
19 as well as operational and training drug reconnaissance
20 missions for Federal, State, and local government agencies;
21 and for equipment needed for mission support or perform-
22 ance: Provided, That the Department of the Air Force
23 should waive reimbursement from the Federal, State, and
24 local government agencies for the use of these funds.

1 *SEC. 8089. Section 8125 of the Department of Defense*
2 *Appropriations Act, 2001 (Public Law 106–259), is hereby*
3 *repealed.*

4 *SEC. 8090. Of the funds appropriated in this Act*
5 *under the heading “Research, Development, Test and Eval-*
6 *uation, Navy”, up to \$3,000,000 may be made available*
7 *for a Maritime Fire Training Center at Barbers Point, in-*
8 *cluding provision for laboratories, construction, and other*
9 *efforts associated with research, development, and other pro-*
10 *grams of major importance to the Department of Defense.*

11 *SEC. 8091. (a) PROHIBITION.—None of the funds made*
12 *available by this Act may be used to support any training*
13 *program involving a unit of the security forces of a foreign*
14 *country if the Secretary of Defense has received credible in-*
15 *formation from the Department of State that the unit has*
16 *committed a gross violation of human rights, unless all nec-*
17 *essary corrective steps have been taken.*

18 *(b) MONITORING.—The Secretary of Defense, in con-*
19 *sultation with the Secretary of State, shall ensure that prior*
20 *to a decision to conduct any training program referred to*
21 *in subsection (a), full consideration is given to all credible*
22 *information available to the Department of State relating*
23 *to human rights violations by foreign security forces.*

24 *(c) WAIVER.—The Secretary of Defense, after consulta-*
25 *tion with the Secretary of State, may waive the prohibition*

1 *in subsection (a) if he determines that such waiver is re-*
2 *quired by extraordinary circumstances.*

3 *(d) REPORT.—Not more than 15 days after the exercise*
4 *of any waiver under subsection (c), the Secretary of Defense*
5 *shall submit a report to the congressional defense commit-*
6 *tees describing the extraordinary circumstances, the purpose*
7 *and duration of the training program, the United States*
8 *forces and the foreign security forces involved in the train-*
9 *ing program, and the information relating to human rights*
10 *violations that necessitates the waiver.*

11 *SEC. 8092. The Secretary of Defense, in coordination*
12 *with the Secretary of Health and Human Services, may*
13 *carry out a program to distribute surplus dental equipment*
14 *of the Department of Defense, at no cost to the Department*
15 *of Defense, to Indian health service facilities and to feder-*
16 *ally-qualified health centers (within the meaning of section*
17 *1905(l)(2)(B) of the Social Security Act (42 U.S.C.*
18 *1396d(l)(2)(B))).*

19 *SEC. 8093. Notwithstanding any other provision in*
20 *this Act, the total amount appropriated in this Act is here-*
21 *by reduced by \$140,591,000 to reflect savings from favorable*
22 *foreign currency fluctuations, to be distributed as follows:*

23 *“Operation and Maintenance, Army”,*
24 *\$89,359,000;*

1 “*Operation and Maintenance, Navy*”,
2 \$15,445,000;

3 “*Operation and Maintenance, Marine Corps*”,
4 \$1,379,000;

5 “*Operation and Maintenance, Air Force*”,
6 \$24,408,000; and

7 “*Operation and Maintenance, Defense-Wide*”,
8 \$10,000,000.

9 *SEC. 8094. None of the funds appropriated or made*
10 *available in this Act to the Department of the Navy shall*
11 *be used to develop, lease or procure the T-AKE class of ships*
12 *unless the main propulsion diesel engines and propulsors*
13 *are manufactured in the United States by a domestically*
14 *operated entity: Provided, That the Secretary of Defense*
15 *may waive this restriction on a case-by-case basis by certi-*
16 *fying in writing to the Committees on Appropriations of*
17 *the House of Representatives and the Senate that adequate*
18 *domestic supplies are not available to meet Department of*
19 *Defense requirements on a timely basis and that such an*
20 *acquisition must be made in order to acquire capability for*
21 *national security purposes or there exists a significant cost*
22 *or quality difference.*

23 *SEC. 8095. Notwithstanding any other provision of*
24 *law, the total amount appropriated in this Act under Title*
25 *I and Title II is hereby reduced by \$50,000,000: Provided,*

1 *That during the current fiscal year, not more than 250*
2 *military and civilian personnel of the Department of De-*
3 *fense shall be assigned to legislative affairs or legislative*
4 *liaison functions: Provided further, That of the 250 per-*
5 *sonnel assigned to legislative liaison or legislative affairs*
6 *functions, 20 percent shall be assigned to the Office of the*
7 *Secretary of Defense and the Office of the Chairman of the*
8 *Joint Chiefs of Staff, 20 percent shall be assigned to the*
9 *Department of the Army, 20 percent shall be assigned to*
10 *the Department of the Navy, 20 percent shall be assigned*
11 *to the Department of the Air Force, and 20 percent shall*
12 *be assigned to the combatant commands: Provided further,*
13 *That of the personnel assigned to legislative liaison and leg-*
14 *islative affairs functions, no fewer than 20 percent shall be*
15 *assigned to the Under Secretary of Defense (Comptroller),*
16 *the Assistant Secretary of the Army (Financial Manage-*
17 *ment and Comptroller), the Assistant Secretary of the Navy*
18 *(Financial Management and Comptroller), and the Assist-*
19 *ant Secretary of the Air Force (Financial Management and*
20 *Comptroller).*

21 *SEC. 8096. None of the funds appropriated or other-*
22 *wise made available by this or other Department of Defense*
23 *Appropriations Acts may be obligated or expended for the*
24 *purpose of performing repairs or maintenance to military*
25 *family housing units of the Department of Defense, includ-*

1 *ing areas in such military family housing units that may*
2 *be used for the purpose of conducting official Department*
3 *of Defense business.*

4 *SEC. 8097. Notwithstanding any other provision of*
5 *law, funds appropriated in this Act under the heading “Re-*
6 *search, Development, Test and Evaluation, Defense-Wide”*
7 *for any advanced concept technology demonstration project*
8 *may only be obligated 30 days after a report, including a*
9 *description of the project and its estimated annual and total*
10 *cost, has been provided in writing to the congressional de-*
11 *fense committees: Provided, That the Secretary of Defense*
12 *may waive this restriction on a case-by-case basis by certi-*
13 *fying to the congressional defense committees that it is in*
14 *the national interest to do so.*

15 *SEC. 8098. Notwithstanding any other provision in*
16 *this Act, the total amount appropriated in this Act is here-*
17 *by reduced by \$171,296,000, to reduce cost growth in travel,*
18 *to be distributed as follows:*

19 *“Operation and Maintenance, Army”,*
20 *\$9,000,000;*

21 *“Operation and maintenance, Marine Corps”,*
22 *\$296,000;*

23 *“Operation and Maintenance, Air Force”,*
24 *\$150,000,000;*

1 *“Operation and Maintenance, Army Reserve”,*
2 *\$2,000,000; and*
3 *“Operation and maintenance, Defense-wide”*
4 *\$10,000,000.*

5 *SEC. 8099. During the current fiscal year, refunds at-*
6 *tributable to the use of the Government travel card, refunds*
7 *attributable to the use of the Government Purchase Card*
8 *and refunds attributable to official Government travel ar-*
9 *ranged by Government Contracted Travel Management*
10 *Centers may be credited to operation and maintenance ac-*
11 *counts of the Department of Defense which are current when*
12 *the refunds are received.*

13 *SEC. 8100. (a) REGISTERING INFORMATION TECH-*
14 *NOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFI-*
15 *CER.—None of the funds appropriated in this Act may be*
16 *used for a mission critical or mission essential information*
17 *technology system (including a system funded by the defense*
18 *working capital fund) that is not registered with the Chief*
19 *Information Officer of the Department of Defense. A system*
20 *shall be considered to be registered with that officer upon*
21 *the furnishing to that officer of notice of the system, together*
22 *with such information concerning the system as the Sec-*
23 *retary of Defense may prescribe. An information technology*
24 *system shall be considered a mission critical or mission es-*

1 *sential information technology system as defined by the Sec-*
2 *retary of Defense.*

3 (b) *CERTIFICATIONS AS TO COMPLIANCE WITH*
4 *CLINGER-COHEN ACT.—(1) During the current fiscal year,*
5 *a major automated information system may not receive*
6 *Milestone I approval, Milestone II approval, or Milestone*
7 *III approval, or their equivalent, within the Department*
8 *of Defense until the Chief Information Officer certifies, with*
9 *respect to that milestone, that the system is being developed*
10 *in accordance with the Clinger-Cohen Act of 1996 (40*
11 *U.S.C. 1401 et seq.). The Chief Information Officer may*
12 *require additional certifications, as appropriate, with re-*
13 *spect to any such system.*

14 (2) *The Chief Information Officer shall provide the*
15 *congressional defense committees timely notification of cer-*
16 *tifications under paragraph (1). Each such notification*
17 *shall include, at a minimum, the funding baseline and*
18 *milestone schedule for each system covered by such a certifi-*
19 *cation and confirmation that the following steps have been*
20 *taken with respect to the system:*

21 (A) *Business process reengineering.*

22 (B) *An analysis of alternatives.*

23 (C) *An economic analysis that includes a cal-*
24 *culatation of the return on investment.*

25 (D) *Performance measures.*

1 (E) *An information assurance strategy con-*
2 *sistent with the Department’s Global Information*
3 *Grid.*

4 (c) *DEFINITIONS.—For purposes of this section:*

5 (1) *The term “Chief Information Officer” means*
6 *the senior official of the Department of Defense des-*
7 *ignated by the Secretary of Defense pursuant to sec-*
8 *tion 3506 of title 44, United States Code.*

9 (2) *The term “information technology system”*
10 *has the meaning given the term “information tech-*
11 *nology” in section 5002 of the Clinger-Cohen Act of*
12 *1996 (40 U.S.C. 1401).*

13 (3) *The term “major automated information sys-*
14 *tem” has the meaning given that term in Department*
15 *of Defense Directive 5000.1.*

16 *SEC. 8101. During the current fiscal year, none of the*
17 *funds available to the Department of Defense may be used*
18 *to provide support to another department or agency of the*
19 *United States if such department or agency is more than*
20 *90 days in arrears in making payment to the Department*
21 *of Defense for goods or services previously provided to such*
22 *department or agency on a reimbursable basis: Provided,*
23 *That this restriction shall not apply if the department is*
24 *authorized by law to provide support to such department*
25 *or agency on a nonreimbursable basis, and is providing the*

1 requested support pursuant to such authority: Provided fur-
2 ther, That the Secretary of Defense may waive this restric-
3 tion on a case-by-case basis by certifying in writing to the
4 Committees on Appropriations of the House of Representa-
5 tives and the Senate that it is in the national security inter-
6 est to do so.

7 SEC. 8102. None of the funds provided in this Act may
8 be used to transfer to any nongovernmental entity ammuni-
9 tion held by the Department of Defense that has a center-
10 fire cartridge and a United States military nomenclature
11 designation of “armor penetrator”, “armor piercing (AP)”,
12 “armor piercing incendiary (API)”, or “armor-piercing in-
13 cendiary-tracer (API-T)”, except to an entity performing
14 demilitarization services for the Department of Defense
15 under a contract that requires the entity to demonstrate to
16 the satisfaction of the Department of Defense that armor
17 piercing projectiles are either: (1) rendered incapable of
18 reuse by the demilitarization process; or (2) used to manu-
19 facture ammunition pursuant to a contract with the De-
20 partment of Defense or the manufacture of ammunition for
21 export pursuant to a License for Permanent Export of Un-
22 classified Military Articles issued by the Department of
23 State.

24 SEC. 8103. Notwithstanding any other provision of
25 law, the Chief of the National Guard Bureau, or his des-

1 *ignee, may waive payment of all or part of the consider-*
2 *ation that otherwise would be required under 10 U.S.C.*
3 *2667, in the case of a lease of personal property for a period*
4 *not in excess of 1 year to any organization specified in 32*
5 *U.S.C. 508(d), or any other youth, social, or fraternal non-*
6 *profit organization as may be approved by the Chief of the*
7 *National Guard Bureau, or his designee, on a case-by-case*
8 *basis.*

9 *SEC. 8104. None of the funds appropriated by this Act*
10 *shall be used for the support of any nonappropriated funds*
11 *activity of the Department of Defense that procures malt*
12 *beverages and wine with nonappropriated funds for resale*
13 *(including such alcoholic beverages sold by the drink) on*
14 *a military installation located in the United States unless*
15 *such malt beverages and wine are procured within that*
16 *State, or in the case of the District of Columbia, within*
17 *the District of Columbia, in which the military installation*
18 *is located: Provided, That in a case in which the military*
19 *installation is located in more than one State, purchases*
20 *may be made in any State in which the installation is lo-*
21 *cated: Provided further, That such local procurement re-*
22 *quirements for malt beverages and wine shall apply to all*
23 *alcoholic beverages only for military installations in States*
24 *which are not contiguous with another State: Provided fur-*
25 *ther, That alcoholic beverages other than wine and malt bev-*

1 erages, in contiguous States and the District of Columbia
2 shall be procured from the most competitive source, price
3 and other factors considered.

4 *SEC. 8105. During the current fiscal year, under regu-*
5 *lations prescribed by the Secretary of Defense, the Center*
6 *of Excellence for Disaster Management and Humanitarian*
7 *Assistance may also pay, or authorize payment for, the ex-*
8 *penses of providing or facilitating education and training*
9 *for appropriate military and civilian personnel of foreign*
10 *countries in disaster management, peace operations, and*
11 *humanitarian assistance.*

12 *SEC. 8106. (a) The Department of Defense is author-*
13 *ized to enter into agreements with the Veterans Administra-*
14 *tion and federally-funded health agencies providing services*
15 *to Native Hawaiians for the purpose of establishing a part-*
16 *nership similar to the Alaska Federal Health Care Partner-*
17 *ship, in order to maximize Federal resources in the provi-*
18 *sion of health care services by federally-funded health agen-*
19 *cies, applying telemedicine technologies. For the purpose of*
20 *this partnership, Native Hawaiians shall have the same*
21 *status as other Native Americans who are eligible for the*
22 *health care services provided by the Indian Health Service.*

23 *(b) The Department of Defense is authorized to develop*
24 *a consultation policy, consistent with Executive Order No.*
25 *13084 (issued May 14, 1998), with Native Hawaiians for*

1 *the purpose of assuring maximum Native Hawaiian par-*
2 *ticipation in the direction and administration of govern-*
3 *mental services so as to render those services more respon-*
4 *sive to the needs of the Native Hawaiian community.*

5 *(c) For purposes of this section, the term “Native Ha-*
6 *waiian” means any individual who is a descendant of the*
7 *aboriginal people who, prior to 1778, occupied and exer-*
8 *cised sovereignty in the area that now comprises the State*
9 *of Hawaii.*

10 *SEC. 8107. In addition to the amounts provided else-*
11 *where in this Act, the amount of \$10,000,000 is hereby ap-*
12 *propriated for “Operation and Maintenance, Defense-*
13 *Wide”, to be available, notwithstanding any other provision*
14 *of law, only for a grant to the United Service Organizations*
15 *Incorporated, a federally chartered corporation under chap-*
16 *ter 2201 of title 36, United States Code. The grant provided*
17 *for by this section is in addition to any grant provided*
18 *for under any other provision of law.*

19 *SEC. 8108. Of the amounts appropriated in this Act*
20 *under the heading “Research, Development, Test and Eval-*
21 *uation, Defense-Wide”, \$141,700,000 shall be made avail-*
22 *able for the Arrow missile defense program: Provided, That*
23 *of this amount, \$107,700,000 shall be made available for*
24 *the purpose of continuing the Arrow System Improvement*
25 *Program (ASIP), continuing ballistic missile defense inter-*

1 *operability with Israel, and establishing an Arrow produc-*
2 *tion capability in the United States: Provided further, That*
3 *the remainder, \$34,000,000, shall be available for the pur-*
4 *pose of adjusting the cost-share of the parties under the*
5 *Agreement between the Department of Defense and the Min-*
6 *istry of Defense of Israel for the Arrow Deployability Pro-*
7 *gram.*

8 *SEC. 8109. Funds available to the Department of De-*
9 *fense for the Global Positioning System during the current*
10 *fiscal year may be used to fund civil requirements associ-*
11 *ated with the satellite and ground control segments of such*
12 *system's modernization program.*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 8110. Of the amounts appropriated in this Act*
15 *under the heading "Operation and Maintenance, Defense-*
16 *Wide", \$115,000,000 shall remain available until expended:*
17 *Provided, That notwithstanding any other provision of law,*
18 *the Secretary of Defense is authorized to transfer such funds*
19 *to other activities of the Federal Government.*

20 *SEC. 8111. In addition to the amounts appropriated*
21 *or otherwise made available in this Act, \$1,300,000,000 is*
22 *hereby appropriated to the Department of Defense for*
23 *whichever of the following purposes the President deter-*
24 *mines to be in the national security interests of the United*
25 *States:*

1 (1) *research, development, test and evaluation for*
2 *ballistic missile defense; and*

3 (2) *activities for combating terrorism.*

4 *SEC. 8112. In addition to amounts appropriated else-*
5 *where in this Act, \$5,000,000 is hereby appropriated to the*
6 *Department of Defense: Provided, That the Secretary of the*
7 *Army shall make a grant in the amount of \$5,000,000 to*
8 *the Fort Des Moines Memorial Park and Education Center.*

9 *SEC. 8113. In addition to amounts appropriated else-*
10 *where in this Act, \$5,000,000 is hereby appropriated to the*
11 *Department of Defense: Provided, That the Secretary of De-*
12 *fense shall make a grant in the amount of \$5,000,000 to*
13 *the National D-Day Museum.*

14 *SEC. 8114. Section 8106 of the Department of Defense*
15 *Appropriations Act, 1997 (titles I through VIII of the mat-*
16 *ter under subsection 101(b) of Public Law 104–208; 110*
17 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*
18 *to apply to disbursements that are made by the Department*
19 *of Defense in fiscal year 2002.*

20 *SEC. 8115. (a) Section 8162 of the Department of De-*
21 *fense Appropriations Act, 2000 (16 U.S.C. 431 note; Public*
22 *Law 106–79) is amended—*

23 (1) *by redesignating subsection (m) as subsection*
24 *(o); and*

25 (2) *by adding after subsection (l) the following:*

1 “(m) *AUTHORITY TO ESTABLISH MEMORIAL.*—

2 “(1) *IN GENERAL.*—*The Commission may estab-*
3 *lish a permanent memorial to Dwight D. Eisenhower*
4 *on land under the jurisdiction of the Secretary of the*
5 *Interior in the District of Columbia or its environs.*

6 “(2) *COMPLIANCE WITH STANDARDS FOR COM-*
7 *MEMORATIVE WORKS.*—*The establishment of the me-*
8 *morial shall be in accordance with the Commemora-*
9 *tive Works Act (40 U.S.C. 1001 et seq.).”.*

10 (b) *Section 8162 of the Department of Defense Appro-*
11 *priations Act, 2000 (16 U.S.C. 431 note; Public Law 106-*
12 *79) is amended—*

13 (1) *in subsection (j)(2), by striking “accept gifts”*
14 *and inserting “solicit and accept contributions”; and*

15 (2) *by inserting after subsection (m) (as added*
16 *by subsection (a)(2)) the following:*

17 “(n) *MEMORIAL FUND.*—

18 “(1) *ESTABLISHMENT.*—*There is created in the*
19 *Treasury a fund for the memorial to Dwight D. Ei-*
20 *senhower that includes amounts contributed under*
21 *subsection (j)(2).*

22 “(2) *USE OF FUND.*—*The fund shall be used for*
23 *the expenses of establishing the memorial.*

1 “(3) *INTEREST.*—*The Secretary of the Treasury*
2 *shall credit to the fund the interest on obligations held*
3 *in the fund.*”.

4 *(c) In addition to the amounts appropriated or other-*
5 *wise made available elsewhere in this Act for the Depart-*
6 *ment of Defense, \$3,000,000, to remain available until ex-*
7 *pendent is hereby appropriated to the Department of De-*
8 *fense: Provided, That the Secretary of Defense shall make*
9 *a grant in the amount of \$3,000,000 to the Dwight D. Ei-*
10 *senhower Memorial Commission for direct administrative*
11 *support.*

12 *SEC. 8116. In addition to amounts appropriated else-*
13 *where in this Act, \$8,000,000 shall be available only for*
14 *the settlement of subcontractor claims for payment associ-*
15 *ated with the Air Force contract F19628-97-C-0105, Clear*
16 *Radar Upgrade, at Clear AFS, Alaska: Provided, That the*
17 *Secretary of the Air Force shall evaluate claims as may*
18 *be submitted by subcontractors, engaged under the contract,*
19 *and, notwithstanding any other provision of law shall pay*
20 *such amounts from the funds provided in this paragraph*
21 *which the Secretary deems appropriate to settle completely*
22 *any claims which the Secretary determines to have merit,*
23 *with no right of appeal in any forum: Provided further,*
24 *That subcontractors are to be paid interest, calculated in*
25 *accordance with the Contract Disputes Act of 1978, 41*

1 *U.S.C. Sections 601–613, on any claims which the Sec-*
2 *retary determines to have merit: Provided further, That the*
3 *Secretary of the Air Force may delegate evaluation and*
4 *payment as above to the U.S. Army Corps of Engineers,*
5 *Alaska District on a reimbursable basis.*

6 *SEC. 8117. Notwithstanding any other provision of*
7 *this Act, the total amount appropriated in this Act is here-*
8 *by reduced by \$1,650,000,000, to reflect savings to be*
9 *achieved from business process reforms, management effi-*
10 *ciencies, and procurement of administrative and manage-*
11 *ment support: Provided, That none of the funds provided*
12 *in this Act may be used for consulting and advisory services*
13 *for legislative affairs and legislative liaison functions.*

14 *SEC. 8118. In addition to amounts provided elsewhere*
15 *in this Act, \$21,000,000 is hereby appropriated for the Sec-*
16 *retary of Defense to establish a Regional Defense Counter-*
17 *terrorism Fellowship Program: Provided, That funding pro-*
18 *vided herein may be used by the Secretary to fund foreign*
19 *military officers to attend U.S. military educational insti-*
20 *tutions and selected regional centers for non-lethal training:*
21 *Provided further, That United States Regional Com-*
22 *manders in Chief will be the nominative authority for can-*
23 *didates and schools for attendance with joint staff review*
24 *and approval by the Secretary of Defense: Provided further,*

1 *That the Secretary of Defense shall establish rules to govern*
2 *the administration of this program.*

3 *SEC. 8119. Notwithstanding any other provision of*
4 *law, from funds appropriated in this or any other Act*
5 *under the heading, "Aircraft Procurement, Air Force", that*
6 *remain available for obligation, not to exceed \$16,000,000*
7 *shall be available for recording, adjusting, and liquidating*
8 *obligations for the C-17 aircraft properly chargeable to the*
9 *fiscal year 1998 Aircraft Procurement, Air Force account:*
10 *Provided, That the Secretary of the Air Force shall notify*
11 *the congressional defense committees of all of the specific*
12 *sources of funds to be used for such purpose.*

13 *SEC. 8120. Notwithstanding any provisions of the*
14 *Southern Nevada Public Land Management Act of 1998,*
15 *Public Law 105-263, or the land use planning provision*
16 *of Section 202 of the Federal Land Policy and Management*
17 *Act of 1976, Public Law 94-579, or of any other law to*
18 *the contrary, the Secretary of the Interior may acquire non-*
19 *federal lands adjacent to Nellis Air Force Base, through a*
20 *land exchange in Nevada, to ensure the continued safe oper-*
21 *ation of live ordnance departure areas at Nellis Air Force*
22 *Base, Las Vegas, Nevada. The Secretary of the Air Force*
23 *shall identify up to 220 acres of non-federal lands needed*
24 *to ensure the continued safe operation of the live ordnance*
25 *departure areas at Nellis Air Force Base. Any such identi-*

1 *fied property acquired by exchange by the Secretary of the*
2 *Interior shall be transferred by the Secretary of the Interior*
3 *to the jurisdiction, custody, and control of the Secretary of*
4 *the Air Force to be managed as a part of Nellis Air Force*
5 *Base. To the extent the Secretary of the Interior is unable*
6 *to acquire non-federal lands by exchange, the Secretary of*
7 *the Air Force is authorized to purchase those lands at fair*
8 *market value subject to available appropriations.*

9 *SEC. 8121. Of the amounts appropriated in this Act*
10 *under the heading, “Shipbuilding and Conversion, Navy”,*
11 *\$725,000,000 shall be available until September 30, 2002,*
12 *to fund prior year shipbuilding cost increases: Provided,*
13 *That upon enactment of this Act, the Secretary of the Navy*
14 *shall transfer such funds to the following appropriations in*
15 *the amounts specified: Provided further, That the amounts*
16 *transferred shall be merged with and be available for the*
17 *same purposes as the appropriations to which transferred:*

18 *To:*

19 *Under the heading, “Shipbuilding and Con-*
20 *version, Navy, 1995/2002”:*

21 *Carrier Replacement Program,*
22 *\$172,364,000;*

23 *Under the heading, “Shipbuilding and Con-*
24 *version, Navy, 1996/2002”:*

1 *LPD-17 Amphibious Transport Dock*
 2 *Ship Program, \$172,989,000;*

3 *Under the heading, “Shipbuilding and Con-*
 4 *version, Navy, 1997/2002”:*

5 *DDG-51 Destroyer Program,*
 6 *\$37,200,000;*

7 *Under the heading, “Shipbuilding and Con-*
 8 *version, Navy, 1998/2002”:*

9 *NSSN Program, \$168,561,000;*

10 *DDG-51 Destroyer Program,*
 11 *\$111,457,000;*

12 *Under the heading, “Shipbuilding and Con-*
 13 *version, Navy, 1999/2002”:*

14 *NSSN Program, \$62,429,000.*

15 *(TRANSFER OF FUNDS)*

16 *SEC. 8122. Upon enactment of this Act, the Secretary*
 17 *of the Navy shall make the following transfers of funds: Pro-*
 18 *vided, That the amounts transferred shall be available for*
 19 *the same purposes as the appropriations to which trans-*
 20 *ferred, and for the same time period as the appropriation*
 21 *from which transferred: Provided further, That the amounts*
 22 *shall be transferred between the following appropriations in*
 23 *the amount specified:*

24 *From:*

25 *Under the heading, “Shipbuilding and Con-*
 26 *version, Navy, 1990/2002”:*

1 *TRIDENT* ballistic missile submarine
2 program, \$78,000;

3 *SSN-21* attack submarine program,
4 \$66,000;

5 *DDG-51* destroyer program,
6 \$6,100,000;

7 *ENTERPRISE* refueling moderniza-
8 tion program, \$964,000;

9 *LSD-41* dock landing ship cargo vari-
10 ant ship program, \$237,000;

11 *MCM* mine countermeasures program,
12 \$118,000;

13 *Oceanographic* ship program,
14 \$2,317,000;

15 *AOE* combat support ship program,
16 \$164,000;

17 *AO* conversion program, \$56,000;

18 *Coast Guard* icebreaker ship program,
19 \$863,000;

20 *Craft, outfitting, post delivery, and*
21 *ship special support equipment, \$529,000;*

22 *To:*

23 *Under the heading, “Shipbuilding and Con-*
24 *version, Navy, 1998/2002”:*

1 *DDG-51 destroyer program,*
2 *\$11,492,000;*

3 *From:*

4 *Under the heading, “Shipbuilding and Con-*
5 *version, Navy, 1993/2002”:*

6 *DDG-51 destroyer program,*
7 *\$3,986,000;*

8 *LHD-1 amphibious assault ship pro-*
9 *gram, \$85,000;*

10 *LSD-41 dock landing ship cargo vari-*
11 *ant program, \$428,000;*

12 *AOE combat support ship program,*
13 *\$516,000;*

14 *Craft, outfitting, post delivery, and*
15 *first destination transportation, and infla-*
16 *tion adjustments, \$1,034,000;*

17 *To:*

18 *Under the heading, “Shipbuilding, and*
19 *Conversion, Navy, 1998/2002”:*

20 *DDG-51 destroyer program,*
21 *\$6,049,000;*

22 *From:*

23 *Under the heading, “Other Procurement,*
24 *Navy, 2001/2003”:*

25 *Shallow Water MCM, \$16,248,000;*

1 *To:*

2 *Under the heading, “Shipbuilding and Con-*
3 *version, Navy, 2001/2005”:*

4 *Submarine Refuelings, \$16,248,000.*

5 *SEC. 8123. (a) The Secretary of Defense shall convey*
6 *to Gwitchyaa Zhee Corporation the lands withdrawn by*
7 *Public Land Order No. 1996, Lot 1 of United States Survey*
8 *7008, Public Land Order No. 1396, a portion of Lot 3 of*
9 *United States Survey 7161, lands reserved pursuant to the*
10 *instructions set forth at page 513 of volume 44 of the Inte-*
11 *rior Land Decisions issued January 13, 1916, Lot 13 of*
12 *United States Survey 7161, Lot 1 of United States Survey*
13 *7008 described in Public Land Order No. 1996, and Lot*
14 *13 of the United States Survey 7161 reserved pursuant to*
15 *the instructions set forth at page 513 of volume 44 of the*
16 *Interior Land Decisions issued January 13, 1916.*

17 *(b) Following site restoration and survey by the De-*
18 *partment of the Air Force that portion of Lot 3 of United*
19 *States Survey 7161 withdrawn by Public Land Order No.*
20 *1396 and no longer needed by the Air Force shall be con-*
21 *veyed to Gwitchyaa Zhee Corporation.*

22 *SEC. 8124. The Secretary of the Navy may settle, or*
23 *compromise, and pay any and all admiralty claims under*
24 *10 U.S.C. 7622 arising out of the collision involving the*
25 *USS GREENEVILLE and the EHIME MARU, in any*

1 amount and without regard to the monetary limitations in
2 subsections (a) and (b) of that section: Provided, That such
3 payments shall be made from funds available to the Depart-
4 ment of the Navy for operation and maintenance.

5 SEC. 8125. (a) Not later than February 1, 2002, the
6 Secretary of Defense shall report to the congressional defense
7 committees on the status of the safety and security of muni-
8 tions shipments that use commercial trucking carriers with-
9 in the United States.

10 (b) REPORT ELEMENTS.—The report under subsection
11 (a) shall include the following:

12 (1) An assessment of the Department of Defense's
13 policies and practices for conducting background in-
14 vestigations of current and prospective drivers of mu-
15 nitions shipments.

16 (2) A description of current requirements for
17 periodic safety and security reviews of commercial
18 trucking carriers that carry munitions.

19 (3) A review of the Department of Defense's ef-
20 forts to establish uniform safety and security stand-
21 ards for cargo terminals not operated by the Depart-
22 ment that store munitions shipments.

23 (4) An assessment of current capabilities to pro-
24 vide for escort security vehicles for shipments that

1 *contain dangerous munitions or sensitive technology,*
2 *or pass through high-risk areas.*

3 *(5) A description of current requirements for de-*
4 *pots and other defense facilities to remain open out-*
5 *side normal operating hours to receive munitions*
6 *shipments.*

7 *(6) Legislative proposals, if any, to correct defi-*
8 *ciencies identified by the Department of Defense in*
9 *the report under subsection (a).*

10 *(c) Not later than six months after enactment of this*
11 *Act, the Secretary shall report to Congress on safety and*
12 *security procedures used for U.S. munitions shipments in*
13 *European NATO countries, and provide recommendations*
14 *on what procedures or technologies used in those countries*
15 *should be adopted for shipments in the United States.*

16 *SEC. 8126. In addition to the amounts appropriated*
17 *or otherwise made available elsewhere in this Act for the*
18 *Department of Defense, \$15,000,000, to remain available*
19 *until September 30, 2002 is hereby appropriated to the De-*
20 *partment of Defense: Provided, That the Secretary of De-*
21 *fense shall make a grant in the amount of \$15,000,000 to*
22 *the Padgett Thomas Barracks in Charleston, South Caro-*
23 *lina.*

24 *SEC. 8127. (a) DESIGNATED SPECIAL EVENTS OF NA-*
25 *TIONAL SIGNIFICANCE.—*

1 (1) *Notwithstanding any other provision of law,*
2 *at events determined by the President to be special*
3 *events of national significance for which the United*
4 *States Secret Service is authorized pursuant to Sec-*
5 *tion 3056(e)(1), title 18, United States Code, to plan,*
6 *coordinate, and implement security operations, the*
7 *Secretary of Defense, after consultation with the Sec-*
8 *retary of the Treasury, shall provide assistance on a*
9 *temporary basis without reimbursement in support of*
10 *the United States Secret Service's duties related to*
11 *such designated events.*

12 (2) *Assistance under this subsection shall be pro-*
13 *vided in accordance with an agreement that shall be*
14 *entered into by the Secretary of Defense and the Sec-*
15 *retary of the Treasury within 120 days of the enact-*
16 *ment of this Act.*

17 (b) *REPORT ON ASSISTANCE.*—*Not later than January*
18 *30 of each year following a year in which the Secretary*
19 *of Defense provides assistance under this section, the Sec-*
20 *retary shall submit to Congress a report on the assistance*
21 *provided. The report shall set forth—*

22 (1) *a description of the assistance provided; and*

23 (2) *the amount expended by the Department in*
24 *providing the assistance.*

1 (c) *RELATIONSHIP TO OTHER LAWS.*—*The assistance*
2 *provided under this section shall not be subject to the provi-*
3 *sions of sections 375 and 376 of this title.*

4 *SEC. 8128. MULTI-YEAR AIRCRAFT LEASE PILOT*
5 *PROGRAM. (a) The Secretary of the Air Force may, from*
6 *funds provided in this Act or any future appropriations*
7 *Act, establish a multi-year pilot program for leasing general*
8 *purpose Boeing 767 aircraft in commercial configuration.*

9 *(b) Sections 2401 and 2401a of title 10, United States*
10 *Code, shall not apply to any aircraft lease authorized by*
11 *this section.*

12 *(c) Under the aircraft lease Pilot Program authorized*
13 *by this section:*

14 *(1) The Secretary may include terms and condi-*
15 *tions in lease agreements that are customary in air-*
16 *craft leases by a non-Government lessor to a non-Gov-*
17 *ernment lessee, but only those that are not incon-*
18 *sistent with any of the terms and conditions man-*
19 *dated herein.*

20 *(2) The term of any individual lease agreement*
21 *into which the Secretary enters under this section*
22 *shall not exceed 10 years, inclusive of any options to*
23 *renew or extend the initial lease term.*

24 *(3) The Secretary may provide for special pay-*
25 *ments in a lessor if the Secretary terminates or can-*

1 *cels the lease prior to the expiration of its term. Such*
2 *special payments shall not exceed an amount equal to*
3 *the value of one year's lease payment under the lease.*

4 *(4) Subchapter IV of chapter 15 of Title 31,*
5 *United States Code shall apply to the lease trans-*
6 *actions under this section, except that the limitation*
7 *in section 1553(b)(2) shall not apply.*

8 *(5) The Secretary shall lease aircraft under*
9 *terms and conditions consistent with this section and*
10 *consistent with the criteria for an operating lease as*
11 *defined in OMB Circular A-11, as in effect at the*
12 *time of the lease.*

13 *(6) Lease arrangements authorized by this sec-*
14 *tion may not commence until:*

15 *(A) The Secretary submits a report to the*
16 *congressional defense committees outlining the*
17 *plans for implementing the Pilot Program. The*
18 *report shall describe the terms and conditions of*
19 *proposed contracts and describe the expected sav-*
20 *ings, if any, comparing total costs, including op-*
21 *eration, support, acquisition, and financing, of*
22 *the lease, including modification, with the out-*
23 *right purchase of the aircraft as modified.*

24 *(B) A period of not less than 30 calendar*
25 *days has elapsed after submitting the report.*

1 (7) *Not later than 1 year after the date on which*
2 *the first aircraft is delivered under this Pilot Pro-*
3 *gram, and yearly thereafter on the anniversary of the*
4 *first delivery, the Secretary shall submit a report to*
5 *the congressional defense committees describing the*
6 *status of the Pilot Program. The Report will be based*
7 *on at least 6 months of experience in operating the*
8 *Pilot Program.*

9 (8) *The Air Force shall accept delivery of the*
10 *aircraft in a general purpose configuration.*

11 (9) *At the conclusion of the lease term, each air-*
12 *craft obtained under that lease may be returned to the*
13 *contractor in the same configuration in which the*
14 *aircraft was delivered.*

15 (10) *The present value of the total payments over*
16 *the duration of each lease entered into under this au-*
17 *thority shall not exceed 90 percent of the fair market*
18 *value of the aircraft obtained under that lease.*

19 (d) *No lease entered into under this authority shall*
20 *provide for—*

21 (1) *the modification of the general purpose air-*
22 *craft from the commercial configuration, unless and*
23 *until separate authority for such conversion is en-*
24 *acted and only to the extent budget authority is pro-*

1 *vided in advance in appropriations Acts for that pur-*
2 *pose; or*

3 *(2) the purchase of the aircraft by, or the trans-*
4 *fer of ownership to, the Air Force.*

5 *(e) The authority granted to the Secretary of the Air*
6 *Force by this section is separate from and in addition to,*
7 *and shall not be construed to impair or otherwise affect,*
8 *the authority of the Secretary to procure transportation or*
9 *enter into leases under a provision of law other than this*
10 *section.*

11 *(f) The authority provided under this section may be*
12 *used to lease not more than a total of one hundred aircraft*
13 *for the purposes specified herein.*

14 *(g) Notwithstanding any other provision of this Act*
15 *or any other provision of law, the President shall have the*
16 *sole authority to reprogram, for any other defense purpose,*
17 *the funds authorized by this section if he determines that*
18 *doing so will increase national security or save lives.*

19 *SEC. 8129. From within amounts made available in*
20 *the Title II of this Act, under the heading “Operation and*
21 *Maintenance, Army National Guard”, and notwithstanding*
22 *any other provision of law, \$2,500,000 shall be available*
23 *only for repairs and safety improvements to the segment*
24 *of Camp McCain Road which extends from Highway 8*
25 *south toward the boundary of Camp McCain, Mississippi*

1 *and originating intersection of Camp McCain Road; and*
2 *for repairs and safety improvements to the segment of*
3 *Greensboro Road which connects the Administration Offices*
4 *of Camp McCain to the Troutt Rifle Range: Provided, That*
5 *these funds shall remain available until expended: Provided*
6 *further, That the authorized scope of work includes, but is*
7 *not limited to, environmental documentation and mitiga-*
8 *tion, engineering and design, improving safety, resurfacing,*
9 *widening lanes, enhancing shoulders, and replacing signs*
10 *and pavement markings.*

11 *SEC. 8130. From funds made available under Title II*
12 *of this Act, the Secretary of the Army may make available*
13 *a grant of \$3,000,000 to the Chicago Park District for ren-*
14 *ovation of the Broadway Armory, a former National Guard*
15 *facility in the Edgewater community in Chicago.*

16 *SEC. 8131. Notwithstanding any other provision of*
17 *law, none of the funds in this Act may be used to alter*
18 *specifications for insulation to be used on U.S. naval ships*
19 *or for the procurement of insulation materials different*
20 *from those in use as of November 1, 2001, until the Depart-*
21 *ment of Defense certifies to the Appropriations Committees*
22 *that the proposed specification changes or proposed new in-*
23 *sulation materials will be as safe, provide no increase in*
24 *weight, and will not increase maintenance requirements*
25 *when compared to the insulation material currently used.*

1 *SEC. 8132. (a)(1) Chapter 131 of title 10, United*
2 *States Code, is amended by adding at the end the following*
3 *new section:*

4 **“§2228. Department of Defense strategic loan and**
5 *loan guaranty program*

6 “(a) *AUTHORITY.—The Secretary of Defense may*
7 *carry out a program to make direct loans and guarantee*
8 *loans for the purpose of supporting the attainment of the*
9 *objectives set forth in subsection (b).*

10 “(b) *OBJECTIVES.—The Secretary may, under the pro-*
11 *gram, make a direct loan to an applicant or guarantee the*
12 *payment of the principal and interest of a loan made to*
13 *an applicant upon the Secretary’s determination that the*
14 *applicant’s use of the proceeds of the loan will support the*
15 *attainment of any of the following objectives:*

16 “(1) *Sustain the readiness of the United States*
17 *to carry out the national security objectives of the*
18 *United States through the guarantee of steady domes-*
19 *tic production of items necessary for low intensity*
20 *conflicts to counter terrorism or other imminent*
21 *threats to the national security of the United States.*

22 “(2) *Sustain the economic stability of strategi-*
23 *cally important domestic sectors of the defense indus-*
24 *try that manufacture or construct products for low-*
25 *intensity conflicts and counter terrorism to respond to*

1 *attacks on United States national security and to*
2 *protect potential United States civilian and military*
3 *targets from attack.*

4 *“(3) Sustain the production and use of systems*
5 *that are critical for the exploration and development*
6 *of new domestic energy sources for the United States.*

7 *“(c) CONDITIONS.—A loan made or guaranteed under*
8 *the program shall meet the following requirements:*

9 *“(1) The period for repayment of the loan may*
10 *not exceed five years.*

11 *“(2) The loan shall be secured by primary collat-*
12 *eral that is sufficient to pay the total amount of the*
13 *unpaid principal and interest of the loan in the event*
14 *of default.*

15 *“(d) EVALUATION OF COST.—As part of the consider-*
16 *ation of each application for a loan or for a guarantee of*
17 *the loan under the program, the Secretary shall evaluate*
18 *the cost of the loan within the meaning of section 502(5)*
19 *of the Federal Credit Reform Act of 1990 (2 U.S.C.*
20 *661a(5)).”.*

21 *(2) The table of sections at the beginning of such sec-*
22 *tion is amended by adding at the end the following new*
23 *item:*

“2228. Department of Defense strategic loan and loan guaranty program.”.

24 *(b) Of the amounts appropriated by Public Law 107–*
25 *38, there shall be available such sums as may be necessary*

1 *for the costs (as defined in section 502(5) of the Federal*
2 *Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of direct*
3 *loans and loan guarantees made under section 2228 of title*
4 *10, United States Code, as added by subsection (a).*

5 *SEC. 8133. REGULATION OF BIOLOGICAL AGENTS AND*
6 *TOXINS. (a) BIOLOGICAL AGENTS PROVISIONS OF THE*
7 *ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF*
8 *1996; CODIFICATION IN THE PUBLIC HEALTH SERVICE*
9 *ACT, WITH AMENDMENTS.—*

10 *(1) PUBLIC HEALTH SERVICE ACT.—Subpart 1*
11 *of part F of title III of the Public Health Service Act*
12 *(42 U.S.C. 262 et seq.) is amended by inserting after*
13 *section 351 the following:*

14 **“SEC. 351A. ENHANCED CONTROL OF BIOLOGICAL AGENTS**
15 **AND TOXINS.**

16 *“(a) REGULATORY CONTROL OF BIOLOGICAL AGENTS*
17 *AND TOXINS.—*

18 *“(1) LIST OF BIOLOGICAL AGENTS AND TOX-*
19 *INS.—*

20 *“(A) IN GENERAL.—The Secretary shall by*
21 *regulation establish and maintain a list of each*
22 *biological agent and each toxin that has the po-*
23 *tential to pose a severe threat to public health*
24 *and safety.*

1 “(B) *CRITERIA.*—*In determining whether to*
2 *include an agent or toxin on the list under sub-*
3 *paragraph (A), the Secretary shall—*

4 “(i) *consider—*

5 “(I) *the effect on human health of*
6 *exposure to the agent or toxin;*

7 “(II) *the degree of contagiousness*
8 *of the agent or toxin and the methods*
9 *by which the agent or toxin is trans-*
10 *ferred to humans;*

11 “(III) *the availability and effec-*
12 *tiveness of pharmacotherapies and im-*
13 *munizations to treat and prevent any*
14 *illness resulting from infection by the*
15 *agent or toxin; and*

16 “(IV) *any other criteria, includ-*
17 *ing the needs of children and other vul-*
18 *nerable populations, that the Secretary*
19 *considers appropriate; and*

20 “(ii) *consult with appropriate Federal*
21 *departments and agencies, and scientific ex-*
22 *perts representing appropriate professional*
23 *groups, including those with pediatric ex-*
24 *pertise.*

1 “(2) *BIENNIAL REVIEW.*—*The Secretary shall re-*
2 *view and republish the list under paragraph (1) bien-*
3 *nially, or more often as needed, and shall, through*
4 *rulemaking, revise the list as necessary to incorporate*
5 *additions or deletions to ensure public health, safety,*
6 *and security.*

7 “(3) *EXEMPTIONS.*—*The Secretary may exempt*
8 *from the list under paragraph (1)—*

9 “(A) *attenuated or inactive biological*
10 *agents or toxins used in biomedical research or*
11 *for legitimate medical purposes; and*

12 “(B) *products that are cleared or approved*
13 *under the Federal Food, Drug, and Cosmetic Act*
14 *or under the Virus-Serum-Toxin Act, as amend-*
15 *ed in 1985 by the Food Safety and Security*
16 *Act.”;*

17 “(b) *REGULATION OF TRANSFERS OF LISTED BIO-*
18 *LOGICAL AGENTS AND TOXINS.*—*The Secretary shall by reg-*
19 *ulation provide for—*

20 “(1) *the establishment and enforcement of safety*
21 *procedures for the transfer of biological agents and*
22 *toxins listed pursuant to subsection (a)(1), including*
23 *measures to ensure—*

24 “(A) *proper training and appropriate skills*
25 *to handle such agents and toxins; and*

1 “(B) proper laboratory facilities to contain
2 and dispose of such agents and toxins;

3 “(2) safeguards to prevent access to such agents
4 and toxins for use in domestic or international ter-
5 rorism or for any other criminal purpose;

6 “(3) the establishment of procedures to protect
7 the public safety in the event of a transfer or poten-
8 tial transfer of a biological agent or toxin in violation
9 of the safety procedures established under paragraph
10 (1) or the safeguards established under paragraph (2);
11 and

12 “(4) appropriate availability of biological agents
13 and toxins for research, education, and other legiti-
14 mate purposes.

15 “(c) *POSSESSION AND USE OF LISTED BIOLOGICAL*
16 *AGENTS AND TOXINS.—The Secretary shall by regulation*
17 *provide for the establishment and enforcement of standards*
18 *and procedures governing the possession and use of biologi-*
19 *cal agents and toxins listed pursuant to subsection (a)(1)*
20 *in order to protect the public health and safety, including*
21 *the measures, safeguards, procedures, and availability of*
22 *such agents and toxins described in paragraphs (1) through*
23 *(4) of subsection (b), respectively.*

24 “(d) *REGISTRATION AND TRACEABILITY MECHA-*
25 *NISMS.—Regulations under subsections (b) and (c) shall re-*

1 *quire registration for the possession, use, and transfer of*
2 *biological agents and toxins listed pursuant to subsection*
3 *(a)(1), and such registration shall include (if available to*
4 *the registered person) information regarding the character-*
5 *ization of such biological agents and toxins to facilitate*
6 *their identification and traceability. The Secretary shall*
7 *maintain a national database of the location of such bio-*
8 *logical agents and toxins with information regarding their*
9 *characterizations.*

10 “(e) *INSPECTIONS.*—*The Secretary shall have the au-*
11 *thority to inspect persons subject to the regulations under*
12 *subsections (b) and (c) to ensure their compliance with such*
13 *regulations, including prohibitions on restricted persons*
14 *under subsection (g).*

15 “(f) *EXEMPTIONS.*—

16 “(1) *IN GENERAL.*—*The Secretary shall establish*
17 *exemptions, including exemptions from the security*
18 *provisions, from the applicability of provisions of—*

19 “(A) *the regulations issued under subsection*
20 *(b) and (c) when the Secretary determines that*
21 *the exemptions, including exemptions from the*
22 *security requirements, and for the use of attenu-*
23 *ated or inactive biological agents or toxins in*
24 *biomedical research or for legitimate medical*

1 *purposes are consistent with protecting public*
2 *health and safety; and*

3 “(B) *the regulations issued under subsection*
4 *(c) for agents and toxins that the Secretary de-*
5 *termines do not present a threat for use in do-*
6 *mestic or international terrorism, provided the*
7 *exemptions are consistent with protecting public*
8 *health and safety.*

9 “(2) *CLINICAL LABORATORIES.—The Secretary*
10 *shall exempt clinical laboratories and other persons*
11 *that possess, use, or transfer biological agents and tox-*
12 *ins listed pursuant to subsection (a)(1) from the ap-*
13 *plicability of provisions of regulations issued under*
14 *subsections (b) and (c) only when—*

15 “(A) *such agents or toxins are presented for*
16 *diagnosis, verification, or proficiency testing;*

17 “(B) *the identification of such agents and*
18 *toxins is, when required under Federal or State*
19 *law, reported to the Secretary or other public*
20 *health authorities; and*

21 “(C) *such agents or toxins are transferred*
22 *or destroyed in a manner set forth by the Sec-*
23 *retary in regulation.*

24 “(g) *SECURITY REQUIREMENTS FOR REGISTERED*
25 *PERSONS.—*

1 “(1) *SECURITY.*—*In carrying out paragraphs*
2 *(2) and (3) of subsection (b), the Secretary shall es-*
3 *tablish appropriate security requirements for persons*
4 *possessing, using, or transferring biological agents*
5 *and toxins listed pursuant to subsection (a)(1), con-*
6 *sidering existing standards developed by the Attorney*
7 *General for the security of government facilities, and*
8 *shall ensure compliance with such requirements as a*
9 *condition of registration under regulations issued*
10 *under subsections (b) and (c).*

11 “(2) *LIMITING ACCESS TO LISTED AGENTS AND*
12 *TOXINS.*—*Regulations issued under subsections (b)*
13 *and (c) shall include provisions—*

14 “(A) *to restrict access to biological agents*
15 *and toxins listed pursuant to subsection (a)(1)*
16 *only to those individuals who need to handle or*
17 *use such agents or toxins; and*

18 “(B) *to provide that registered persons*
19 *promptly submit the names and other identi-*
20 *fying information for such individuals to the At-*
21 *torney General, with which information the At-*
22 *torney General shall promptly use criminal, im-*
23 *migration, and national security databases*
24 *available to the Federal Government to identify*
25 *whether such individuals—*

1 “(i) are restricted persons, as defined
2 in section 175b of title 18, United States
3 Code; or

4 “(ii) are named in a warrant issued to
5 a Federal or State law enforcement agency
6 for participation in any domestic or inter-
7 national act of terrorism.

8 “(3) CONSULTATION AND IMPLEMENTATION.—
9 Regulations under subsections (b) and (c) shall be de-
10 veloped in consultation with research-performing or-
11 ganizations, including universities, and implemented
12 with timeframes that take into account the need to
13 continue research and education using biological
14 agents and toxins listed pursuant to subsection (a)(1).

15 “(h) DISCLOSURE OF INFORMATION.—

16 “(1) IN GENERAL.—Any information in the pos-
17 session of any Federal agency that identifies a person,
18 or the geographic location of a person, who is reg-
19 istered pursuant to regulations under this section (in-
20 cluding regulations promulgated before the effective
21 date of this subsection), or any site-specific informa-
22 tion relating to the type, quantity, or characterization
23 of a biological agent or toxin listed pursuant to sub-
24 section (a)(1) or the site-specific security mechanisms
25 in place to protect such agents and toxins, including

1 *the national database required in subsection (d), shall*
2 *not be disclosed under section 552(a) of title 5, United*
3 *States Code.*

4 “(2) *DISCLOSURES FOR PUBLIC HEALTH AND*
5 *SAFETY; CONGRESS.—Nothing in this section may be*
6 *construed as preventing the head of any Federal*
7 *agency—*

8 “(A) *from making disclosures of informa-*
9 *tion described in paragraph (1) for purposes of*
10 *protecting the public health and safety; or*

11 “(B) *from making disclosures of such infor-*
12 *mation to any committee or subcommittee of the*
13 *Congress with appropriate jurisdiction, upon re-*
14 *quest.*

15 “(i) *CIVIL PENALTY.—Any person who violates any*
16 *provision of a regulation under subsection (b) or (c) shall*
17 *be subject to the United States for a civil money penalty*
18 *in an amount not exceeding \$250,000 in the case of an indi-*
19 *vidual and \$500,000 in the case of any other person. The*
20 *provisions of section 1128A of the Social Security Act (other*
21 *than subsections (a), (b), (h), and (i), the first sentence of*
22 *subsection (c), and paragraphs (1) and (2) of subsection*
23 *(f)) shall apply to civil money penalties under this sub-*
24 *section in the same manner as such provisions apply to*
25 *a penalty or proceeding under section 1128A(a) of the So-*

1 *cial Security Act. The secretary may delegate authority*
2 *under this section in the same manner as provided in sec-*
3 *tion 1128A(j)(2) of the Social Security Act and such au-*
4 *thority shall include all powers as contained in 5 U.S.C.*
5 *App., section 6.”*

6 “(j) *DEFINITIONS.—For purposes of this section, the*
7 *terms ‘biological agent’ and ‘toxin’ have the same meaning*
8 *as in section 178 of title 18, United States Code.”.*

9 (2) *REGULATIONS.—*

10 (A) *DATE CERTAIN FOR PROMULGATION;*
11 *EFFECTIVE DATE REGARDING CRIMINAL AND*
12 *CIVIL PENALTIES.—Not later than 180 days after*
13 *the date of the enactment of this title, the Sec-*
14 *retary of Health and Human Services shall pro-*
15 *mulgate an interim final rule for carrying out*
16 *section 351A(c) of the Public Health Service Act,*
17 *which amends the Antiterrorism and Effective*
18 *Death Penalty Act of 1996. Such interim final*
19 *rule will take effect 60 days after the date on*
20 *which such rule is promulgated, including for*
21 *purposes of—*

22 (i) *section 175(b) of title 18, United*
23 *States Code (relating to criminal penalties),*
24 *as added by subsection (b)(1)(B) of this sec-*
25 *tion; and*

1 (ii) section 351A(i) of the Public
2 Health Service Act (relating to civil pen-
3 alties).

4 (B) SUBMISSION OF REGISTRATION APPLI-
5 CATIONS.—A person required to register for pos-
6 session under the interim final rule promulgated
7 under subparagraph (A), shall submit an appli-
8 cation for such registration not later than 60
9 days after the date on which such rule is promul-
10 gated.

11 (3) CONFORMING AMENDMENT.—Subsections (d),
12 (e), (f), and (g) of section 511 of the Antiterrorism
13 and Effective Death Penalty Act of 1996 (42 U.S.C.
14 262 note) are repealed.

15 (4) EFFECTIVE DATE.—Paragraph (1) shall take
16 effect as if incorporated in the Antiterrorism and Ef-
17 fective Death Penalty Act of 1996, and any regula-
18 tions, including the list under subsection (d)(1) of sec-
19 tion 511 of that Act, issued under section 511 of that
20 Act shall remain in effect as if issued under section
21 351A of the Public Health Service Act.

22 (b) SELECT AGENTS.—

23 (1) IN GENERAL.—Section 175 of title 18,
24 United States Code, as amended by the Uniting and
25 Strengthening America by Providing Appropriate

1 *Tools Required to Intercept and Obstruct Terrorism*
2 *(USA PATRIOT ACT) Act of 2001 (Public Law 107–*
3 *56) is amended—*

4 *(A) by redesignating subsections (b) and (c)*
5 *as subsections (c) and (d), respectively; and*

6 *(B) by inserting after subsection (a) the fol-*
7 *lowing:*

8 *“(b) SELECT AGENTS.—*

9 *“(1) UNREGISTERED FOR POSSESSION.—Whoever*
10 *knowingly possesses a biological agent or toxin where*
11 *such agent or toxin is a select agent for which such*
12 *person has not obtained a registration required by*
13 *regulation issued under section 351A(c) of the Public*
14 *Health Service Act shall be fined under this title, or*
15 *imprisoned for not more than 5 years, or both.*

16 *“(2) TRANSFER TO UNREGISTERED PERSON.—*
17 *Whoever transfers a select agent to a person who the*
18 *transferor has reasons to believe has not obtained a*
19 *registration required by regulations issued under sec-*
20 *tion 351A(b) or (c) of the Public Health Service Act*
21 *shall be fined under this title, or imprisoned for not*
22 *more than 5 years, or both.”.*

23 *(2) DEFINITIONS.—Section 175 of title 18,*
24 *United States Code, as amended by paragraph (1), is*

1 *further amended by striking subsection (d) and in-*
2 *serting the following:*

3 “(d) *DEFINITIONS.—As used in this section:*

4 *“(1) The terms ‘biological agent’ and ‘toxin’ have*
5 *the meanings given such terms in section 178, except*
6 *that, for purposes of subsections (b) and (c), such*
7 *terms do not encompass any biological agent or toxin*
8 *that is in its naturally occurring environment, if the*
9 *biological agent or toxin has not been cultivated, cul-*
10 *tured, collected, or otherwise extracted from its nat-*
11 *ural source.*

12 *“(2) The term ‘for use as a weapon’ includes the*
13 *development, production, transfer, acquisition, reten-*
14 *tion, or possession of any biological agent, toxin, or*
15 *delivery system, other than for prophylactic, protec-*
16 *tive, or other peaceful purposes.*

17 *“(3) The term ‘select agent’ means a biological*
18 *agent or toxin, as defined in paragraph (1), that is*
19 *on the list that is in effect pursuant to section*
20 *511(d)(1) of the Antiterrorism and Effective Death*
21 *Penalty Act of 1996 (Public Law 104–132), or as sub-*
22 *sequently revised under section 351A(a) of the Public*
23 *Health Service Act.”.*

24 (3) *CONFORMING AMENDMENT.—*

1 (A) Section 175(a) of title 18, United States
2 Code, is amended in the second sentence by strik-
3 ing “under this section” and inserting “under
4 this subsection”.

5 (B) Section 175(c) of title 18, United States
6 Code, (as redesignated by paragraph (1)), is
7 amended by striking the second sentence.

8 (c) *REPORT TO CONGRESS.*—Not later than 1 year
9 after the date of the enactment of this Act, the Secretary
10 of Health and Human Services, after consultation with
11 other appropriate Federal agencies, shall submit to the Con-
12 gress a report that—

13 (1) describes the extent to which there has been
14 compliance by governmental and private entities with
15 applicable regulations under section 351A of the Pub-
16 lic Health Service Act, including the extent of compli-
17 ance before the date of the enactment of this Act, and
18 including the extent of compliance with regulations
19 promulgated after such date of enactment;

20 (2) describes the actions to date and future plans
21 of the Secretary for updating the list of biological
22 agents and toxins under section 351A(a)(1) of the
23 Public Health Service Act;

24 (3) describes the actions to date and future plans
25 of the Secretary for determining compliance with reg-

1 *ulations under such section 351A of the Public Health*
2 *Service Act and for taking appropriate enforcement*
3 *actions; and*

4 *(4) provides any recommendations of the Sec-*
5 *retary for administrative or legislative initiatives re-*
6 *garding such section 351A of the Public Health Serv-*
7 *ice Act.*

8 *SEC. 8134. Section 101(1) of the Soldiers' and Sailors'*
9 *Civil Relief Act of 1940 (50 U.S.C. App. 511(1)) is*
10 *amended—*

11 *(1) in the first sentence—*

12 *(A) by striking “and all” and inserting*
13 *“all”; and*

14 *(B) by inserting before the period the fol-*
15 *lowing: “, and all members of the National*
16 *Guard on duty described in the following sen-*
17 *tence”; and*

18 *(2) in the second sentence, by inserting before the*
19 *period the following: “, and, in the case of a member*
20 *of the National Guard, shall include training or other*
21 *duty authorized by section 502(f) of title 32, United*
22 *States Code, at the request of the President, for or in*
23 *support of an operation during a war or national*
24 *emergency declared by the President or Congress”.*

1 *SEC. 8135. SENSE OF CONGRESS CONCERNING THE*
2 *MILITARY INDUSTRIAL BASE. (a) IN GENERAL.—It is the*
3 *sense of the Congress that the military aircraft industrial*
4 *base of the United States be preserved. In order to ensure*
5 *this we must retain—*

6 *(1) adequate competition in the design, engineer-*
7 *ing, production, sale and support of military aircraft;*

8 *(2) continued innovation in the development and*
9 *manufacture of military aircraft;*

10 *(3) actual and future capability of more than*
11 *one aircraft company to design, engineer, produce*
12 *and support military aircraft.*

13 *(b) STUDY OF IMPACT ON THE INDUSTRIAL BASE.—*
14 *In order to determine the current and future adequacy of*
15 *the military aircraft industrial base a study shall be con-*
16 *ducted. Of the funds made available under the heading*
17 *“PROCUREMENT, DEFENSE-WIDE” in this Act, up to*
18 *\$1,500,000 may be made available for a comprehensive*
19 *analysis of and report on the risks to innovation and cost*
20 *of limited or no competition in contracting for military air-*
21 *craft and related weapon systems for the Department of De-*
22 *fense, including the cost of contracting where there is no*
23 *more than one primary manufacturer with the capacity to*
24 *bid for and build military aircraft and related weapon sys-*
25 *tems, the impact of any limited competition in primary*

1 *contracting on innovation in the design, development, and*
2 *construction of military aircraft and related weapon sys-*
3 *tems, the impact of limited competition in primary con-*
4 *tracting on the current and future capacity of manufactur-*
5 *ers to design, engineer and build military aircraft and*
6 *weapon systems. The Secretary of Defense shall report to*
7 *the House and Senate Committees on Appropriations on*
8 *the design of this analysis, and shall submit a report to*
9 *these committees no later than 6 months from the date of*
10 *enactment of this Act.*

11 *SEC. 8136. The Secretary of the Army shall, using*
12 *amounts appropriated by title II of this division under the*
13 *heading “OPERATION AND MAINTENANCE, ARMY”, make a*
14 *production grant in the amount of \$2,000,000 to Green Tree*
15 *Chemical Technologies of Parlin, New Jersey, in order to*
16 *help sustain that company through fiscal year 2002.*

17 *SEC. 8137. Of the funds appropriated in this Act*
18 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*
19 *EVALUATION, AIR FORCE” up to \$4,000,000 may be made*
20 *available to extend the modeling and reengineering program*
21 *now being performed at the Oklahoma City Air Logistics*
22 *Center Propulsion Directorate.*

23 *SEC. 8138. Of the total amount appropriated by title*
24 *VI under the heading “OTHER DEPARTMENT OF DEFENSE*

1 *APPROPRIATIONS*”, \$7,500,000 may be available for Armed
2 *Forces Retirement Homes*.

3 *SEC. 8139. Of the total amount appropriated by this*
4 *division for operation and maintenance, Marine Corps,*
5 *\$2,800,000 may be used for completing the fielding of half-*
6 *zip, pullover, fleece uniform shirts for all members of the*
7 *Marine Corps, including the Marine Corps Reserve.*

8 *SEC. 8140. Of the amount appropriated by title III*
9 *of this division under the heading “AIRCRAFT PROCURE-*
10 *MENT, AIR FORCE”, \$6,000,000 may be available for 10 ra-*
11 *dars in the Air Force Radar Modernization Program for*
12 *C-130H2 aircraft for aircraft of the Nevada Air National*
13 *Guard at Reno, Nevada.*

14 *SEC. 8141. Of the amount appropriated by title IV of*
15 *this division under the heading “RESEARCH, DEVELOP-*
16 *MENT, TEST AND EVALUATION, ARMY”, \$3,000,000 may be*
17 *made available for Medical Development for the Clark*
18 *County, Nevada, bioterrorism and public health laboratory.*

19 *SEC. 8142. Of the amount appropriated by title IV of*
20 *this division under the heading “RESEARCH, DEVELOP-*
21 *MENT, TEST AND EVALUATION, AIR FORCE”, \$1,000,000*
22 *may be made available for Agile Combat Support for the*
23 *Rural Low Bandwidth Medical Collaboration System.*

24 *SEC. 8143. Of the total amount appropriated by this*
25 *division for operation and maintenance, Navy, \$6,000,000*

1 *may be available for the critical infrastructure protection*
2 *initiative.*

3 *SEC. 8144. Of the funds provided in this Act under*
4 *the heading, “RESEARCH, DEVELOPMENT, TEST AND EVAL-*
5 *UATION, AIR FORCE”, \$2,000,000 may be made available*
6 *for Battlespace Logistics Readiness and Sustainment*
7 *project in Fayetteville, Arkansas.*

8 *SEC. 8145. Of the funds appropriated by title VI of*
9 *this division under the heading “DRUG INTERDICTION AND*
10 *COUNTER-DRUG ACTIVITIES, DEFENSE”, \$2,400,000 may*
11 *be made available for the Counter Narcotics and Terrorism*
12 *Operational Medical Support Program at the Uniformed*
13 *Services University of the Health Sciences.*

14 *SEC. 8146. (a) ASSESSMENT REQUIRED.—Not later*
15 *than March 15, 2002, the Secretary of the Army shall sub-*
16 *mit to the Committees on Appropriations of the Senate and*
17 *House of Representatives a report containing an assessment*
18 *of current risks under, and various alternatives to, the cur-*
19 *rent Army plan for the destruction of chemical weapons.*

20 *(b) ELEMENTS.—The report under subsection (a) shall*
21 *include the following:*

22 *(1) A description and assessment of the current*
23 *risks in the storage of chemical weapons arising from*
24 *potential terrorist attacks.*

1 (2) *A description and assessment of the current*
2 *risks in the storage of chemical weapons arising from*
3 *storage of such weapons after April 2007, the required*
4 *date for disposal of such weapons as stated in the*
5 *Chemical Weapons Convention.*

6 (3) *A description and assessment of various op-*
7 *tions for eliminating or reducing the risks described*
8 *in paragraphs (1) and (2).*

9 (c) *CONSIDERATIONS.—In preparing the report, the*
10 *Secretary shall take into account the plan for the dis-*
11 *assembly and neutralization of the agents in chemical*
12 *weapons as described in Army engineering studies in 1985*
13 *and 1996, the 1991 Department of Defense Safety Contin-*
14 *gency Plan, and the 1993 findings of the National Academy*
15 *of Sciences on disassembly and neutralization of chemical*
16 *weapons.*

17 *SEC. 8147. Of the amount appropriated by title IV of*
18 *this division under the heading “RESEARCH, DEVELOP-*
19 *MENT, TEST AND EVALUATION, DEFENSE-WIDE” and avail-*
20 *able for the Advanced Technology Development for Arms*
21 *Control Technology element, \$7,000,000 may be made avail-*
22 *able for the Nuclear Treaty sub-element of such element for*
23 *peer-reviewed seismic research to support Air Force oper-*
24 *ational nuclear test monitoring requirements.*

1 *SEC. 8148. Of the amount available in title III of this*
2 *division under the heading “PROCUREMENT OF AMMUNI-*
3 *TION, AIR FORCE”, \$10,000,000 may be available for pro-*
4 *curement of Sensor Fused Weapons (CBU-97).*

5 *SEC. 8149. Of the amount appropriated by title III*
6 *of this division under the heading “OTHER PROCUREMENT,*
7 *NAVY”, \$8,000,000 may be made available for procurement*
8 *of the Tactical Support Center, Mobile Acoustic Analysis*
9 *System.*

10 *SEC. 8150. Of the total amount appropriated by this*
11 *division for operation and maintenance, Air National*
12 *Guard, \$4,000,000 may be used for continuation of the Air*
13 *National Guard Information Analysis Network (GUARD-*
14 *IAN).*

15 *SEC. 8151. Of the amount appropriated by title II for*
16 *operation and maintenance, Defense-wide, \$55,700,000*
17 *may be available for the Defense Leadership and Manage-*
18 *ment Program.*

19 *SEC. 8152. Of the funds made available in title IV of*
20 *this Act under the heading “RESEARCH, DEVELOPMENT,*
21 *TEST AND EVALUATION, ARMY”, up to \$4,000,000 may be*
22 *made available for the Display Performance and Environ-*
23 *mental Evaluation Laboratory Project of the Army Re-*
24 *search Laboratory.*

1 *SEC. 8153. Of the funds made available in title II of*
2 *this Act under the heading “OPERATION AND MAINTENANCE,*
3 *NAVY”, up to \$2,000,000 may be made available*
4 *for the U.S. Navy to expand the number of combat aircrews*
5 *who can benefit from outsourced Joint Airborne Tactical*
6 *Electronic Combat Training.*

7 *SEC. 8154. Of the funds made available in title II of*
8 *this Act under the heading “OPERATION AND MAINTENANCE,*
9 *AIR FORCE”, up to \$2,000,000 may be made avail-*
10 *able for the U.S. Air Force to expand the number of combat*
11 *aircrews who can benefit from outsourced Joint Airborne*
12 *Tactical Electronic Combat Training.*

13 *SEC. 8155. SENSE OF THE SENATE REGARDING ENVIRONMENTAL*
14 *CONTAMINATION IN THE PHILIPPINES. It is the*
15 *sense of the Senate that—*

16 *(1) the Secretary of State, in cooperation with*
17 *the Secretary of Defense, should continue to work with*
18 *the Government of the Philippines and with appro-*
19 *priate non-governmental organizations in the United*
20 *States and the Philippines to fully identify and share*
21 *all relevant information concerning environmental*
22 *contamination and health effects emanating from*
23 *former United States military facilities in the Phil-*
24 *ippines following the departure of the United States*
25 *military forces from the Philippines in 1992;*

1 (2) *the United States and the Government of the*
2 *Philippines should continue to build upon the agree-*
3 *ments outlined in the Joint Statement by the United*
4 *States and the Republic of the Philippines on a*
5 *Framework for Bilateral Cooperation in the Environ-*
6 *ment and Public Health, signed on July 27, 2000;*
7 *and*

8 (3) *Congress should encourage an objective non-*
9 *governmental study, which would examine environ-*
10 *mental contamination and health effects emanating*
11 *from former United States military facilities in the*
12 *Philippines, following the departure of United States*
13 *military forces from the Philippines in 1992.*

14 *SEC. 8156. (a) AUTHORITY FOR BURIAL OF CERTAIN*
15 *INDIVIDUALS AT ARLINGTON NATIONAL CEMETERY.—The*
16 *Secretary of the Army shall authorize the burial in a sepa-*
17 *rate gravesite at Arlington National Cemetery, Virginia, of*
18 *any individual who—*

19 (1) *died as a direct result of the terrorist attacks*
20 *on the United States on September 11, 2001; and*

21 (2) *would have been eligible for burial in Arling-*
22 *ton National Cemetery by reason of service in a re-*
23 *serve component of the Armed Forces but for the fact*
24 *that such individual was less than 60 years of age at*
25 *the time of death.*

1 (b) *ELIGIBILITY OF SURVIVING SPOUSE.*—*The sur-*
2 *living spouse of an individual buried in a gravesite in Ar-*
3 *lington National Cemetery under the authority provided*
4 *under subsection (a) shall be eligible for burial in the*
5 *gravesite of the individual to the same extent as the sur-*
6 *living spouse of any other individual buried in Arlington*
7 *National Cemetery is eligible for burial in the gravesite of*
8 *such other individual.*

9 *SEC. 8157. In fiscal year 2002, the Department of the*
10 *Interior National Business Center may continue to enter*
11 *into grants, cooperative agreements, and other transactions,*
12 *under the Defense Conversion, Reinvestment, and Transi-*
13 *tion Assistance Act of 1992, and other related legislation.*

14 *SEC. 8158. Of the total amount appropriated by this*
15 *division for other procurement, Army, \$9,000,000 may be*
16 *available for the “Product Improved Combat Vehicle Crew-*
17 *man’s Headset”.*

18 *SEC. 8159. Of the funds appropriated by this division*
19 *for research, development, test and evaluation, Navy, up to*
20 *\$4,000,000 may be used to support development and testing*
21 *of new designs of low cost digital modems for Wideband*
22 *Common Data Link.*

23 *SEC. 8160. Of the amount appropriated by this divi-*
24 *sion for the Army for research, development, test, and eval-*
25 *uation, \$2,000,000 may be available for research and devel-*

1 *opment of key enabling technologies (such as filament wind-*
2 *ing, braiding, contour weaving, and dry powder resin*
3 *towpregs fabrication) for producing low cost, improved per-*
4 *formance, reduced signature, multifunctional composite*
5 *materials.*

6 *SEC. 8161. Of the total amount appropriated under*
7 *title IV for research, development, test and evaluation,*
8 *Army, \$2,000,000 may be available for the Collaborative*
9 *Engineering Center of Excellence, \$3,000,000 may be avail-*
10 *able for the Battlefield Ordnance Awareness, and*
11 *\$4,000,000 may be available for the Cooperative Micro-sat-*
12 *ellite Experiment.*

13 *SEC. 8162. Of the amount appropriated by title IV of*
14 *this division under the heading “RESEARCH, DEVELOP-*
15 *MENT, TEST AND EVALUATION, ARMY” that is available for*
16 *Munitions, \$5,000,000 may be available to develop high-*
17 *performance 81mm and 120mm mortar systems that use*
18 *metal matrix composites to substantially reduce the weight*
19 *of such systems.*

20 *SEC. 8163. Of the total amount appropriated by title*
21 *IV of this division for research, development, test, and eval-*
22 *uation, Air Force, up to \$6,000,000 may be used for human*
23 *effectiveness applied research for continuing development*
24 *under the solid electrolyte oxygen separation program of the*
25 *Air Force.*

1 *SEC. 8164. Section 8106 of the Department of Defense*
2 *Appropriations Act, 1997 (titles I through VIII of the mat-*
3 *ter under subsection 101(b) of Public Law 104–208; 110*
4 *Stat. 3009–111, 10 U.S.C. 113 note) shall continue in effect*
5 *to apply to disbursements that are made by the Department*
6 *of Defense in fiscal year 2002.*

7 *SEC. 8165. Of the amount appropriated by title IV of*
8 *this division for the Army for research, development, test,*
9 *and evaluation, \$5,000,000 may be available for the Three-*
10 *Dimensional Ultrasound Imaging Initiative II.*

11 *SEC. 8166. Of the amount available in title IV of this*
12 *division under the heading “RESEARCH, DEVELOPMENT,*
13 *TEST AND EVALUATION, ARMY” that is available for missile*
14 *technology, \$5,000,000 may be available for the Surveil-*
15 *lance Denial Solid Dye Laser Technology program of the*
16 *Aviation and Missile Research, Development and Engineer-*
17 *ing Center of the Army.*

18 *SEC. 8167. Of the amount appropriated by title III*
19 *of this division under the heading “OTHER PROCUREMENT,*
20 *ARMY”, \$10,000,000 may be made available for procure-*
21 *ment of Shortstop Electronic Protection Systems for critical*
22 *force protection.*

23 *SEC. 8168. Of the amount appropriated by title IV of*
24 *this division under the heading “RESEARCH, DEVELOP-*
25 *MENT, TEST AND EVALUATION, NAVY”, up to \$5,000,000*

1 *may be made available for the Broad Area Maritime Sur-*
2 *veillance program.*

3 *SEC. 8169. (a) INCREASE IN AMOUNT AVAILABLE FOR*
4 *FORMER SOVIET UNION THREAT REDUCTION.—The*
5 *amount appropriated by title II of this division under the*
6 *heading “FORMER SOVIET UNION THREAT REDUCTION” is*
7 *hereby increased by \$46,000,000.*

8 *(b) OFFSET.—The amount appropriated by title II of*
9 *this division under the heading “OPERATION AND MAINTEN-*
10 *NANCE, DEFENSE-WIDE” is hereby decreased by*
11 *\$46,000,000.*

12 *SEC. 8170. Of the total amount appropriated by title*
13 *IV under the heading “RESEARCH, DEVELOPMENT, TEST*
14 *AND EVALUATION, DEFENSE-WIDE”, \$2,000,000 may be*
15 *made available for Military Personnel Research.*

16 *SEC. 8171. Funds appropriated by this Act for C–130J*
17 *aircraft shall be used to support the Air Force’s long-range*
18 *plan called the “C–130 Roadmap” to assist in the plan-*
19 *ning, budgeting, and beddown of the C–130J fleet. The “C–*
20 *130 Roadmap” gives consideration to the needs of the serv-*
21 *ice, the condition of the aircraft to be replaced, and the re-*
22 *quirement to properly phase facilities to determine the best*
23 *C–130J aircraft beddown sequence.*

24 *SEC. 8172. Of the funds made available in title II of*
25 *this Act under the heading “OPERATION AND MAINTEN-*

1 NANCE, ARMY”, \$2,550,000 may be available for the U.S.
2 Army Materiel Command’s Logistics and Technology
3 Project (LOGTECH).

4 SEC. 8173. Of the total amount appropriated by title
5 IV under the heading “RESEARCH, DEVELOPMENT, TEST
6 AND EVALUATION, NAVY”, \$5,000,000 is available for the
7 planning and design for evolutionary improvements for the
8 next LHD-type Amphibious Assault Ship.

9 SEC. 8174. (a) Of the total amount appropriated by
10 title III of this division for procurement, Defense-Wide, up
11 to \$5,000,000 may be made available for low-rate initial
12 production of the Striker advanced lightweight grenade
13 launcher.

14 (b) Of the total amount appropriated by title IV of
15 this division for research, development, test and evaluation,
16 Navy, up to \$1,000,000 may be made available for the
17 Warfighting Laboratory for delivery and evaluation of pro-
18 totype units of the Striker advanced lightweight grenade
19 launcher.

20 SEC. 8175. Of the total amount appropriated by title
21 IV of this division for research, development, test and eval-
22 uation, Defense-Wide, up to \$4,000,000 may be made avail-
23 able for the Intelligent Spatial Technologies for Smart
24 Maps Initiative of the National Imagery and Mapping
25 Agency.

1 *SEC. 8176. Of the total amount appropriated by title*
2 *IV of this division for research, development, test, and eval-*
3 *uation, Defense-Wide, \$5,000,000 may be available for fur-*
4 *ther development of light weight sensors of chemical and*
5 *biological agents using fluorescence-based detection.*

6 *SEC. 8177. Of the amount appropriated by title IV of*
7 *this division under the heading “RESEARCH, DEVELOP-*
8 *MENT, TEST AND EVALUATION, ARMY”, \$2,500,000 may be*
9 *made available for the Army Nutrition Project.*

10 *SEC. 8178. Of the amount appropriated by title IV of*
11 *this division under the heading “RESEARCH, DEVELOP-*
12 *MENT, TEST AND EVALUATION, DEFENSE-WIDE”,*
13 *\$2,000,000 may be made available for the Partnership for*
14 *Peace (PFP) Information Management System. Any*
15 *amount made available for the Partnership for Peace Infor-*
16 *mation Management System under this section is in addi-*
17 *tion to other amounts available for the Partnership for*
18 *Peace Information Management System under this Act.*

19 *SEC. 8179. Of the amount appropriated by title III*
20 *of this division under the heading “OTHER PROCUREMENT,*
21 *ARMY”, \$4,892,000 may be used for the Communicator*
22 *Automated Emergency Notification System of the Army*
23 *National Guard.*

24 *SEC. 8180. Of the funds provided for Research, Devel-*
25 *opment, Test and Evaluation in this Act, the Secretary of*

1 *Defense may use \$10,000,000 to initiate a university-indus-*
2 *try program to utilize advances in 3-dimensional chip scale*
3 *packaging (CSP) and high temperature superconducting*
4 *(HTS) transceiver performance, to reduce the size, weight,*
5 *power consumption, and cost of advanced military wireless*
6 *communications systems for covert military and intel-*
7 *ligence operations, especially HUMINT.*

8 *SEC. 8181. (a) FUNDING FOR NATIONAL GUARD CON-*
9 *SOLIDATED INTERACTIVE VIRTUAL INFORMATION CEN-*
10 *TER.— Of the amount appropriated by title II of this divi-*
11 *sion under the heading “OPERATION AND MAINTENANCE,*
12 *AIR NATIONAL GUARD”, \$5,000,000 may be available for*
13 *the Consolidated Interactive Virtual Information Center of*
14 *the National Guard.*

15 *(b) SUPPLEMENT NOT SUPPLANT.—The amount avail-*
16 *able under subsection (a) for the Consolidated Interactive*
17 *Virtual Information Center of the National Guard is in ad-*
18 *dition to any other amounts available under this Act for*
19 *the Consolidated Interactive Virtual Information Center.*

20 *SEC. 8182. Of the amount appropriated by title IV of*
21 *this division under the heading “RESEARCH, DEVELOP-*
22 *MENT, TEST AND EVALUATION, NAVY” and available for*
23 *Navy Space and Electronic Warfare (SEW) Architecture/*
24 *Engine, \$1,200,000 may be made available for concept de-*
25 *velopment and composite construction of high speed vessels*

1 *currently implemented by the Navy Warfare Development*
2 *Command.*

3 *SEC. 8183. Of the total amount appropriated by this*
4 *division for operation and maintenance, Defense-Wide,*
5 *\$5,000,000 may be available for payments under section*
6 *363 of the Floyd D. Spence National Defense Authorization*
7 *Act for Fiscal Year 2001 (as enacted into law by Public*
8 *Law 106–398; 114 Stat. 1654A–77).*

9 *SEC. 8184. (a) FINDINGS.—The Senate makes the fol-*
10 *lowing findings:*

11 *(1) The military departments have recently ini-*
12 *tiated worker safety demonstration programs.*

13 *(2) These programs are intended to improve the*
14 *working conditions of Department of Defense per-*
15 *sonnel and save money.*

16 *(3) These programs are in the public interest,*
17 *and the enhancement of these programs will lead to*
18 *desirable results for the military departments.*

19 *(b) FUNDS FOR ENHANCEMENT OF ARMY PROGRAM.—*
20 *Of the amount appropriated by title II of this division*
21 *under the heading “OPERATION AND MAINTENANCE,*
22 *ARMY”, \$3,300,000 may be available to enhance the Worker*
23 *Safety Demonstration Program of the Army.*

24 *(c) FUNDS FOR ENHANCEMENT OF NAVY PROGRAM.—*
25 *Of the amount appropriated by title II of this division*

1 *under the heading “OPERATION AND MAINTENANCE, NAVY”,*
2 *\$3,300,000 may be available to enhance the Worker Safety*
3 *Demonstration Program of the Navy.*

4 *(d) FUNDS FOR ENHANCEMENT OF AIR FORCE PRO-*
5 *GRAM.—Of the amount appropriated by title II of this divi-*
6 *sion under the heading “OPERATION AND MAINTENANCE,*
7 *AIR FORCE”, \$3,300,000 may be available to enhance the*
8 *Worker Safety Demonstration Program of the Air Force.*

9 *SEC. 8185. Of the total amount appropriated by this*
10 *division for operation and maintenance, Air National*
11 *Guard, \$435,000 may be available (subject to section*
12 *2805(c) of title 10, United States Code) for the replacement*
13 *of deteriorating gas lines, mains, valves, and fittings at the*
14 *Air National Guard facility at Rosecrans Memorial Air-*
15 *port, St. Joseph, Missouri, and (subject to section 2811 of*
16 *title 10, United States Code) for the repair of the roof of*
17 *the Aerial Port Facility at that airport.*

18 *SEC. 8186. Of the amount appropriated in title IV of*
19 *this division under the heading “RESEARCH, DEVELOP-*
20 *MENT, TEST AND EVALUATION, NAVY”, \$7,000,000 may be*
21 *made available for the Center for Advanced Power Systems.*

22 *SEC. 8187. Of the amount appropriated by title IV of*
23 *this division for the Air Force for research, development,*
24 *test, and evaluation, \$3,500,000 may be available for the*
25 *Collaborative Technology Clusters program.*

1 *SEC. 8188. Of the amount appropriated by title III*
2 *of this division under the heading “OTHER PROCUREMENT,*
3 *ARMY”, \$7,000,000 may be available for Army live fire*
4 *ranges.*

5 *SEC. 8189. Of the amount appropriated by title II of*
6 *this division under the heading “OPERATION AND MAINTEN-*
7 *NANCE, AIR FORCE”, \$3,900,000 may be available for the*
8 *aging aircraft program of the Air Force.*

9 *SEC. 8190. Of the total amount appropriated in title*
10 *II of this division for operation and maintenance, Navy,*
11 *for civilian manpower and personnel management,*
12 *\$1,500,000 may be used for the Navy Pilot Human Re-*
13 *sources Call Center, Cutler, Maine.*

14 *SEC. 8191. Of the total amount appropriated in title*
15 *IV of this division for research, development, test and eval-*
16 *uation, Army, \$5,000,000 may be used for Compact Kinetic*
17 *Energy Missile Inertial Future Missile Technology Integra-*
18 *tion.*

19 *SEC. 8192. Of the amount appropriated by title III*
20 *of this division under the heading “OTHER PROCUREMENT,*
21 *NAVY”, \$1,600,000 may be available for the Navy for Engi-*
22 *neering Control and Surveillance Systems.*

23 *SEC. 8193. Of the amount appropriated by title IV of*
24 *this division under the heading “RESEARCH, DEVELOP-*
25 *MENT, TEST AND EVALUATION, NAVY”, \$5,000,000 may*

1 *made be available for a program at the Naval Medical Re-*
2 *search Center (NMRC) to treat victims of radiation expo-*
3 *sure.*

4 *SEC. 8194. Of the amount appropriated by title IV of*
5 *this division under the heading “RESEARCH, DEVELOP-*
6 *MENT, TEST AND EVALUATION, DEFENSE-WIDE”,*
7 *\$10,000,000 may be available for the Gulf States Initiative.*

8 *SEC. 8195. Of the total amount appropriated by title*
9 *IV of this division for research, development, test, and eval-*
10 *uation, Navy, \$4,300,000 may be available for the dem-*
11 *onstratation and validation of laser fabricated steel reinforce-*
12 *ment for ship construction.*

13 *SEC. 8196. REPORT ON PROGRESS TOWARD IMPLE-*
14 *MENTATION OF COMPREHENSIVE NUCLEAR THREAT RE-*
15 *DUCTION PROGRAMS TO SAFEGUARD PAKISTANI AND IN-*
16 *DIAN MISSILE NUCLEAR STOCKPILES AND TECHNOLOGY.*

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

18 *(1) Since 1991 the Nunn-Lugar cooperative*
19 *threat reduction initiative with the Russian Federa-*
20 *tion has sought to address the threat posed by Soviet-*
21 *era stockpiles of nuclear, chemical, and biological*
22 *weapons-grade materials being illicitly acquired by*
23 *terrorist organizations or rogue states.*

24 *(2) India and Pakistan have acquired or devel-*
25 *oped independently nuclear materials, detonation de-*

1 *vices, warheads, and delivery systems as part of their*
2 *nuclear weapons programs.*

3 *(3) Neither India nor Pakistan is currently a*
4 *signatory of the Nuclear Non-Proliferation Treaty or*
5 *the Comprehensive Test Ban Treaty or an active par-*
6 *ticipant in the United Nations Conference of Disar-*
7 *mament, nor do these countries voluntarily submit to*
8 *international inspections of their nuclear facilities.*

9 *(4) Since the commencement of the military*
10 *campaign against the Taliban regime and the al-*
11 *Qaeda terrorist network in Afghanistan, Pakistan has*
12 *taken additional steps to secure its nuclear assets*
13 *from theft by members of al-Qaeda or other terrorists*
14 *sympathetic to Osama bin Laden or the Taliban.*

15 *(5) Self-policing of nuclear materials and sen-*
16 *sitive technologies by Indian and Pakistani authori-*
17 *ties without up-to-date Western technology and exper-*
18 *tise in the nuclear security area is unlikely to prevent*
19 *determined terrorists or sympathizers from gaining*
20 *access to such stockpiles over the long term.*

21 *(6) The United States has a significant national*
22 *security interest in cooperating with India and Paki-*
23 *stan in order to ensure that effective nuclear threat*
24 *reduction programs and policies are being pursued by*
25 *the governments of those two countries.*

1 **(b) REPORT.**—Not later than 180 days after the date
2 of enactment of this Act, the Secretary of Defense, in co-
3 operation with the Secretaries of State and Energy, shall
4 submit a report to Congress describing the steps that have
5 been taken to develop cooperative threat reduction programs
6 with India and Pakistan. Such report shall include rec-
7 ommendations for changes in any provision of existing law
8 that is currently an impediment to the full establishment
9 of such programs, a timetable for implementation of such
10 programs, and an estimated five-year budget that will be
11 required to fully fund such programs.

12 **SEC. 8197.** Of the amount appropriated by title III
13 of this division under the heading “**PROCUREMENT, MARINE**
14 **CORPS**”, \$5,000,000 may be available for M-4 Carbine,
15 Modular Weapon Systems.

16 **SEC. 8198.** Of the amount appropriated by title III
17 of this division under the heading “**AIRCRAFT PROCURE-**
18 **MENT, ARMY**”, \$7,500,000 may be available for AN/AVR-
19 2A laser detecting sets.

20 **SEC. 8199.** Of the amount appropriated by title IV of
21 this division under the heading “**RESEARCH, DEVELOP-**
22 **MENT, TEST AND EVALUATION, AIR FORCE**”, \$2,500,000
23 may be available for Industrial Preparedness
24 (PE0708011F) for continuing development of the nickel-
25 metal hydride replacement battery for F-16 aircraft.

1 *SEC. 8200. Of the amount appropriated by title III*
2 *under the heading “AIRCRAFT PROCUREMENT, NAVY”,*
3 *\$8,960,000 may be available for the Navy for four Hushkit*
4 *noise inhibitors for C-9 aircraft.*

5 *SEC. 8201. Of the amount appropriated by title VI of*
6 *this division under the heading “DEFENSE HEALTH PRO-*
7 *GRAM”, \$5,000,000 may be available for the Army for the*
8 *development of the Operating Room of the Future, an ap-*
9 *plied technology test bed at the University of Maryland*
10 *Medical Center.*

11 *SEC. 8202. Of the amount appropriated by title IV of*
12 *this division under the heading “RESEARCH, DEVELOP-*
13 *MENT, TEST AND EVALUATION, ARMY”, \$5,700,000 may be*
14 *made available for the Coalition for Advanced Biomaterials*
15 *Technologies and Therapies (CABTT) program to maximize*
16 *far-forward treatment and for the accelerated return to duty*
17 *of combat casualties.*

18 *SEC. 8203. Of the amount appropriated by title III*
19 *of this division under the heading “AIRCRAFT PROCURE-*
20 *MENT, NAVY”, \$9,800,000 may be available for Advanced*
21 *Digital Recorders and Digital Recorder Producers for P-*
22 *3 aircraft.*

23 *SEC. 8204. From amounts appropriated by this divi-*
24 *sion, amounts may hereby be made available as follows:*
25 *\$8,000,000 for Big Crow (PE605118D).*

1 *SEC. 8205. From within amounts appropriated by*
2 *title IV of this division under the heading “RESEARCH, DE-*
3 *VELOPMENT, TEST AND EVALUATION, ARMY” the Com-*
4 *manding General of the Army Space and Missile Defense*
5 *Command may acquire and maintain domed housing units*
6 *for military personnel on Kwajalein Atoll and other islands*
7 *and locations in support of the mission of the command.*

8 *SEC. 8206. Of the funds made available in title IV of*
9 *this Act under the heading “RESEARCH, DEVELOPMENT,*
10 *TEST AND EVALUATION, ARMY” \$4,000,000 may be avail-*
11 *able for a national tissue engineering center.*

12 *SEC. 8207. Of the funds in title III for Ammunition*
13 *Procurement, Army, \$5,000,000 may be available for M107,*
14 *HE, 155mm.*

15 *SEC. 8208. Of the funds in title IV for Research, Devel-*
16 *opment, Test and Evaluation, Air Force, \$1,000,000 may*
17 *be available for Integrated Medical Information Technology*
18 *System.*

19 *SEC. 8209. Of the funds authorized in title IV for ap-*
20 *propriation for Research, Development, Test and Evalua-*
21 *tion, Navy, \$3,000,000 may be available for modular hel-*
22 *met.*

23 *SEC. 8210. Of the funds available in title II for Oper-*
24 *ation and Maintenance, Army Reserve, \$5,000,000 may be*
25 *available for land forces readiness-information operations.*

1 *SEC. 8211. Of the total amount appropriated by title*
2 *III of this division for other procurement, Navy,*
3 *\$10,000,000 may be available for the NULKA decoy pro-*
4 *curement.*

5 *SEC. 8212. (a) MODIFICATION OF GENERAL REQUIRE-*
6 *MENTS.—Section 1078(b) of the Floyd D. Spence National*
7 *Defense Authorization Act for Fiscal Year 2001 (as enacted*
8 *by Public Law 106–398; 114 Stat. 1654A–283) is*
9 *amended—*

10 *(1) in paragraph (1), by inserting “, or its con-*
11 *tractors or subcontractors,” after “Department of De-*
12 *fense”; and*

13 *(2) in paragraph (3), by striking “stored, assem-*
14 *bled, disassembled, or maintained” and inserting*
15 *“manufactured, assembled, or disassembled”.*

16 *(b) DETERMINATION OF EXPOSURES AT IAAP.—The*
17 *Secretary of Defense shall take appropriate actions to deter-*
18 *mine the nature and extent of the exposure of current and*
19 *former employees at the Army facility at the Iowa Army*
20 *Ammunition Plant, including contractor and subcontractor*
21 *employees at the facility, to radioactive or other hazardous*
22 *substances at the facility, including possible pathways for*
23 *the exposure of such employees to such substances.*

1 (c) *NOTIFICATION OF EMPLOYEES REGARDING EXPO-*
2 *SURE.—(1) The Secretary shall take appropriate actions*
3 *to—*

4 (A) *identify current and former employees at the*
5 *facility referred to in subsection (b), including con-*
6 *tractor and subcontractor employees at the facility;*
7 *and*

8 (B) *notify such employees of known or possible*
9 *exposures to radioactive or other hazardous substances*
10 *at the facility.*

11 (2) *Notice under paragraph (1)(B) shall include—*

12 (A) *information on the discussion of exposures*
13 *covered by such notice with health care providers and*
14 *other appropriate persons who do not hold a security*
15 *clearance; and*

16 (B) *if necessary, appropriate guidance on con-*
17 *tacting health care providers and officials involved*
18 *with cleanup of the facility who hold an appropriate*
19 *security clearance.*

20 (3) *Notice under paragraph (1)(B) shall be by mail*
21 *or other appropriate means, as determined by the Secretary.*

22 (d) *DEADLINE FOR ACTIONS.—The Secretary shall*
23 *complete the actions required by subsections (b) and (c) not*
24 *later than 90 days after the date of the enactment of this*
25 *Act.*

1 (e) *REPORT.*—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary shall submit to
3 the congressional defense committees a report setting forth
4 the results of the actions undertaken by the Secretary under
5 this section, including any determinations under subsection
6 (b), the number of workers identified under subsection
7 (c)(1)(A), the content of the notice to such workers under
8 subsection (c)(1)(B), and the status of progress on the provi-
9 sion of the notice to such workers under subsection
10 (c)(1)(B).

11 *SEC. 8213.* Of the amount appropriated by title IV of
12 this division under the heading “RESEARCH, DEVELOP-
13 MENT, TEST AND EVALUATION, AIR FORCE” \$1,000,000,
14 may be available for Low Cost Launch Vehicle Technology.

15 *SEC. 8214. (a) STUDY OF PHYSICAL STATE OF ARMED*
16 *SERVICES INITIAL ENTRY TRAINEE HOUSING AND BAR-*
17 *RACKS.*—The Comptroller General of the United States
18 shall carry out a study of the physical state of the Initial
19 Entry Trainee housing and barracks of the Armed Services.

20 (b) *REPORT TO CONGRESS.*—Not later than nine
21 months after the date of the enactment of this Act, the
22 Comptroller General shall submit to the congressional de-
23 fense committees a report on the study carried out under
24 subsection (a). The report shall set forth the results of the

1 *study, and shall include such other matters relating to the*
2 *study as the Comptroller General considers appropriate.*

3 (c) *CONGRESSIONAL DEFENSE COMMITTEES DE-*
4 *FINED.—In this section, the term “congressional defense*
5 *committees” means—*

6 (1) *the Committees on Appropriations and*
7 *Armed Services of the Senate; and*

8 (2) *the Committees on Appropriations and*
9 *Armed Services of the House of Representatives.*

10 *SEC. 8215. PILOT PROGRAM FOR EFFICIENT INVEN-*
11 *TORY MANAGEMENT SYSTEM FOR THE DEPARTMENT OF*
12 *DEFENSE. (a) Of the total amount appropriated by this di-*
13 *vision for operation and maintenance, Defense-Wide,*
14 *\$1,000,000 may be available for the Secretary of Defense*
15 *to carry out a pilot program for the development and oper-*
16 *ation of an efficient inventory management system for the*
17 *Department of Defense. The pilot program may be designed*
18 *to address the problems in the inventory management sys-*
19 *tem of the Department that were identified by the Comp-*
20 *troller General of the United States as a result of the Gen-*
21 *eral Accounting Office audit of the inventory management*
22 *system of the Department in 1997.*

23 (b) *In entering into any contract for purposes of the*
24 *pilot program, the Secretary may take into appropriate ac-*
25 *count current Department contract goals for small business*

1 *concerns owned and controlled by socially and economically*
2 *disadvantaged individuals.*

3 *(c) Not later than one year after the date of the enact-*
4 *ment of this Act, the Secretary may submit to Congress a*
5 *report on the pilot program. The report shall describe the*
6 *pilot program, assess the progress of the pilot program, and*
7 *contain such recommendations as the Secretary considers*
8 *appropriate regarding expansion or extension of the pilot*
9 *program.*

10 *SEC. 8216. Of the amount appropriated by title IV of*
11 *this division under the heading “RESEARCH, DEVELOP-*
12 *MENT, TEST AND EVALUATION, NAVY”, \$2,000,000 may be*
13 *allocated to the Advanced Safety Tether Operation and Re-*
14 *liability/Space Transfer using Electrodynamic Propulsion*
15 *(STEP-AIRSEDS) program (PE0602236N) of the Office of*
16 *Naval Research/Navy Research Laboratory.*

17 **TITLE IX—AMERICAN SERVICE-**
18 **MEMBERS’ PROTECTION ACT**
19 **OF 2001**

20 **SEC. 9001. SHORT TITLE.**

21 *This title may be cited as the “American*
22 *Servicemembers’ Protection Act of 2001”.*

23 **SEC. 9002. FINDINGS.**

24 *Congress makes the following findings:*

1 (1) *On July 17, 1998, the United Nations Diplo-*
2 *matic Conference of Plenipotentiaries on the Estab-*
3 *lishment of an International Criminal Court, meeting*
4 *in Rome, Italy, adopted the “Rome Statute of the*
5 *International Criminal Court”. The vote on whether*
6 *to proceed with the statute was 120 in favor to 7*
7 *against, with 21 countries abstaining. The United*
8 *States voted against final adoption of the Rome Stat-*
9 *ute.*

10 (2) *As of April 30, 2001, 139 countries had*
11 *signed the Rome Statute and 30 had ratified it. Pur-*
12 *suant to Article 126 of the Rome Statute, the statute*
13 *will enter into force on the first day of the month*
14 *after the 60th day following the date on which the*
15 *60th country deposits an instrument ratifying the*
16 *statute.*

17 (3) *Since adoption of the Rome Statute, a Pre-*
18 *paratory Commission for the International Criminal*
19 *Court has met regularly to draft documents to imple-*
20 *ment the Rome Statute, including Rules of Procedure*
21 *and Evidence, Elements of Crimes, and a definition*
22 *of the Crime of Aggression.*

23 (4) *During testimony before the Congress fol-*
24 *lowing the adoption of the Rome Statute, the lead*
25 *United States negotiator, Ambassador David Scheffer*

1 *stated that the United States could not sign the Rome*
2 *Statute because certain critical negotiating objectives*
3 *of the United States had not been achieved. As a re-*
4 *sult, he stated: “We are left with consequences that do*
5 *not serve the cause of international justice.”*

6 *(5) Ambassador Scheffer went on to tell the Con-*
7 *gress that: “Multinational peacekeeping forces oper-*
8 *ating in a country that has joined the treaty can be*
9 *exposed to the Court’s jurisdiction even if the country*
10 *of the individual peacekeeper has not joined the trea-*
11 *ty. Thus, the treaty purports to establish an arrange-*
12 *ment whereby United States armed forces operating*
13 *overseas could be conceivably prosecuted by the inter-*
14 *national court even if the United States has not*
15 *agreed to be bound by the treaty. Not only is this con-*
16 *trary to the most fundamental principles of treaty*
17 *law, it could inhibit the ability of the United States*
18 *to use its military to meet alliance obligations and*
19 *participate in multinational operations, including*
20 *humanitarian interventions to save civilian lives.*
21 *Other contributors to peacekeeping operations will be*
22 *similarly exposed.”*

23 *(6) Notwithstanding these concerns, President*
24 *Clinton directed that the United States sign the Rome*
25 *Statute on December 31, 2000. In a statement issued*

1 *that day, he stated that in view of the unremedied de-*
2 *ficiencies of the Rome Statute, “I will not, and do not*
3 *recommend that my successor submit the Treaty to*
4 *the Senate for advice and consent until our funda-*
5 *mental concerns are satisfied”.*

6 *(7) Any American prosecuted by the Inter-*
7 *national Criminal Court will, under the Rome Stat-*
8 *ute, be denied procedural protections to which all*
9 *Americans are entitled under the Bill of Rights to the*
10 *United States Constitution, such as the right to trial*
11 *by jury.*

12 *(8) Members of the Armed Forces of the United*
13 *States should be free from the risk of prosecution by*
14 *the International Criminal Court, especially when*
15 *they are stationed or deployed around the world to*
16 *protect the vital national interests of the United*
17 *States. The United States Government has an obliga-*
18 *tion to protect the members of its Armed Forces, to*
19 *the maximum extent possible, against criminal pros-*
20 *ecutions carried out by the International Criminal*
21 *Court.*

22 *(9) In addition to exposing members of the*
23 *Armed Forces of the United States to the risk of inter-*
24 *national criminal prosecution, the Rome Statute cre-*
25 *ates a risk that the President and other senior elected*

1 *and appointed officials of the United States Govern-*
2 *ment may be prosecuted by the International Crimi-*
3 *nal Court. Particularly if the Preparatory Commis-*
4 *sion agrees on a definition of the Crime of Aggression*
5 *over United States objections, senior United States of-*
6 *ficials may be at risk of criminal prosecution for na-*
7 *tional security decisions involving such matters as re-*
8 *sponding to acts of terrorism, preventing the pro-*
9 *liferation of weapons of mass destruction, and deter-*
10 *ring aggression. No less than members of the Armed*
11 *Forces of the United States, senior officials of the*
12 *United States Government should be free from the risk*
13 *of prosecution by the International Criminal Court,*
14 *especially with respect to official actions taken by*
15 *them to protect the national interests of the United*
16 *States.*

17 *(10) Any agreement within the Preparatory*
18 *Commission on a definition of the Crime of Aggres-*
19 *sion that usurps the prerogative of the United Nations*
20 *Security Council under Article 39 of the charter of the*
21 *United Nations to “determine the existence of any*
22 *. . . act of aggression” would contravene the charter*
23 *of the United Nations and undermine deterrence.*

24 *(11) It is a fundamental principle of inter-*
25 *national law that a treaty is binding upon its parties*

1 *only and that it does not create obligations for non-*
2 *parties without their consent to be bound. The United*
3 *States is not a party to the Rome Statute and will*
4 *not be bound by any of its terms. The United States*
5 *will not recognize the jurisdiction of the International*
6 *Criminal Court over United States nationals.*

7 **SEC. 9003. WAIVER AND TERMINATION OF PROHIBITIONS**
8 **OF THIS TITLE.**

9 *(a) AUTHORITY TO WAIVE SECTIONS 9004 AND 9005*
10 *WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF*
11 *A NAMED INDIVIDUAL.—The President is authorized to*
12 *waive the prohibitions and requirements of sections 9004*
13 *and 9005 to the degree such prohibitions and requirements*
14 *would prevent United States cooperation with an investiga-*
15 *tion or prosecution of a named individual by the Inter-*
16 *national Criminal Court. A waiver under this subsection*
17 *may be issued only if the President at least 15 days in ad-*
18 *vance of exercising such authority—*

19 *(1) notifies the appropriate congressional com-*
20 *mittees of the intention to exercise such authority;*
21 *and*

22 *(2) determines and reports to the appropriate*
23 *congressional committees that—*

24 *(A) there is reason to believe that the named*
25 *individual committed the crime or crimes that*

1 are the subject of the International Criminal
2 Court's investigation or prosecution;

3 (B) it is in the national interest of the
4 United States for the International Criminal
5 Court's investigation or prosecution of the named
6 individual to proceed; and

7 (C) in investigating events related to ac-
8 tions by the named individual, none of the fol-
9 lowing persons will be investigated, arrested, de-
10 tained, prosecuted, or imprisoned by or on behalf
11 of the International Criminal Court with respect
12 to actions undertaken by them in an official ca-
13 pacity:

14 (i) Covered United States persons.

15 (ii) Covered allied persons.

16 (iii) Individuals who were covered
17 United States persons or covered allied per-
18 sons.

19 (b) *TERMINATION OF PROHIBITIONS OF THIS*
20 *TITLE.*—*The prohibitions and requirements of sections*
21 *9004 and 9005 shall cease to apply, and the authority of*
22 *section 9006 shall terminate, if the United States becomes*
23 *a party to the International Criminal Court pursuant to*
24 *a treaty made under article II, section 2, clause 2 of the*
25 *Constitution of the United States.*

1 **SEC. 9004. PROHIBITION ON COOPERATION WITH THE**
2 **INTERNATIONAL CRIMINAL COURT.**

3 (a) *APPLICATION.—The provisions of this section—*

4 (1) *apply only to cooperation with the Inter-*
5 *national Criminal Court and shall not apply to co-*
6 *operation with an ad hoc international criminal tri-*
7 *bunal established by the United Nations Security*
8 *Council before or after the date of the enactment of*
9 *this Act to investigate and prosecute war crimes com-*
10 *mitted in a specific country or during a specific con-*
11 *flict; and*

12 (2) *shall not prohibit—*

13 (A) *any action permitted under section*
14 *9006; or*

15 (B) *communication by the United States of*
16 *its policy with respect to a matter.*

17 (b) **PROHIBITION ON RESPONDING TO REQUESTS FOR**
18 **COOPERATION.—***Notwithstanding section 1782 of title 28,*
19 *United States Code, or any other provision of law, no*
20 *United States Court, and no agency or entity of any State*
21 *or local government, including any court, may cooperate*
22 *with the International Criminal Court in response to a re-*
23 *quest for cooperation submitted by the International Crimi-*
24 *nal Court pursuant to the Rome Statute.*

25 (c) **PROHIBITION ON TRANSMITTAL OF LETTERS ROG-**
26 **ATORY FROM THE INTERNATIONAL CRIMINAL COURT.—**

1 *Notwithstanding section 1781 of title 28, United States*
2 *Code, or any other provision of law, no agency of the United*
3 *States Government may transmit for execution any letter*
4 *rogatory issued, or other request for cooperation made, by*
5 *the International Criminal Court to the tribunal, officer,*
6 *or agency in the United States to whom it is addressed.*

7 (d) *PROHIBITION ON EXTRADITION TO THE INTER-*
8 *NATIONAL CRIMINAL COURT.—Notwithstanding any other*
9 *provision of law, no agency or entity of the United States*
10 *Government or of any State or local government may extra-*
11 *dite any person from the United States to the International*
12 *Criminal Court, nor support the transfer of any United*
13 *States citizen or permanent resident alien to the Inter-*
14 *national Criminal Court.*

15 (e) *PROHIBITION ON PROVISION OF SUPPORT TO THE*
16 *INTERNATIONAL CRIMINAL COURT.—Notwithstanding any*
17 *other provision of law, no agency or entity of the United*
18 *States Government or of any State or local government, in-*
19 *cluding any court, may provide support to the Inter-*
20 *national Criminal Court.*

21 (f) *PROHIBITION ON USE OF APPROPRIATED FUNDS*
22 *TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Not-*
23 *withstanding any other provision of law, no funds appro-*
24 *priated under any provision of law may be used for the*
25 *purpose of assisting the investigation, arrest, detention, ex-*

1 *tradition, or prosecution of any United States citizen or*
2 *permanent resident alien by the International Criminal*
3 *Court.*

4 (g) *RESTRICTION ON ASSISTANCE PURSUANT TO MU-*
5 *TUAL LEGAL ASSISTANCE TREATIES.—The United States*
6 *shall exercise its rights to limit the use of assistance pro-*
7 *vided under all treaties and executive agreements for mu-*
8 *tual legal assistance in criminal matters, multilateral con-*
9 *ventions with legal assistance provisions, and extradition*
10 *treaties, to which the United States is a party, and in con-*
11 *nection with the execution or issuance of any letter roga-*
12 *tory, to prevent the transfer to, or other use by, the Inter-*
13 *national Criminal Court of any assistance provided by the*
14 *United States under such treaties and letters rogatory.*

15 (h) *PROHIBITION ON INVESTIGATIVE ACTIVITIES OF*
16 *AGENTS.—No agent of the International Criminal Court*
17 *may conduct, in the United States or any territory subject*
18 *to the jurisdiction of the United States, any investigative*
19 *activity relating to a preliminary inquiry, investigation,*
20 *prosecution, or other proceeding at the International Crimi-*
21 *nal Court.*

1 **SEC. 9005. PROHIBITION ON DIRECT OR INDIRECT TRANS-**
2 **FER OF CLASSIFIED NATIONAL SECURITY IN-**
3 **FORMATION AND LAW ENFORCEMENT INFOR-**
4 **MATION TO THE INTERNATIONAL CRIMINAL**
5 **COURT.**

6 (a) *IN GENERAL.*—Not later than the date on which
7 the Rome Statute enters into force, the President shall en-
8 sure that appropriate procedures are in place to prevent
9 the transfer of classified national security information and
10 law enforcement information to the International Criminal
11 Court for the purpose of facilitating an investigation, ap-
12 prehension, or prosecution.

13 (b) *INDIRECT TRANSFER.*—The procedures adopted
14 pursuant to subsection (a) shall be designed to prevent the
15 transfer to the United Nations and to the government of
16 any country that is party to the International Criminal
17 Court of classified national security information and law
18 enforcement information that specifically relates to matters
19 known to be under investigation or prosecution by the Inter-
20 national Criminal Court, except to the degree that satisfac-
21 tory assurances are received from the United Nations or
22 that government, as the case may be, that such information
23 will not be made available to the International Criminal
24 Court for the purpose of facilitating an investigation, ap-
25 prehension, or prosecution.

1 (c) *CONSTRUCTION.*—*The provisions of this section*
2 *shall not be construed to prohibit any action permitted*
3 *under section 9006.*

4 **SEC. 9006. AUTHORITY TO FREE MEMBERS OF THE ARMED**
5 **FORCES OF THE UNITED STATES AND CER-**
6 **TAIN OTHER PERSONS DETAINED OR IMPRIS-**
7 **ONED BY OR ON BEHALF OF THE INTER-**
8 **NATIONAL CRIMINAL COURT.**

9 (a) *AUTHORITY.*—*The President is authorized to use*
10 *all means necessary and appropriate to bring about the re-*
11 *lease of any person described in subsection (b) who is being*
12 *detained or imprisoned by, on behalf of, or at the request*
13 *of the International Criminal Court.*

14 (b) *PERSONS AUTHORIZED TO BE FREED.*—*The au-*
15 *thority of subsection (a) shall extend to the following per-*
16 *sons:*

17 (1) *Covered United States persons.*

18 (2) *Covered allied persons.*

19 (3) *Individuals detained or imprisoned for offi-*
20 *cial actions taken while the individual was a covered*
21 *United States person or a covered allied person, and*
22 *in the case of a covered allied person, upon the re-*
23 *quest of such government.*

24 (c) *AUTHORIZATION OF LEGAL ASSISTANCE.*—*When*
25 *any person described in subsection (b) is arrested, detained,*

1 *investigated, prosecuted, or imprisoned by, on behalf of, or*
2 *at the request of the International Criminal Court, the*
3 *President is authorized to direct any agency of the United*
4 *States Government to provide—*

5 (1) *legal representation and other legal assist-*
6 *ance to that person (including, in the case of a person*
7 *entitled to assistance under section 1037 of title 10,*
8 *United States Code, representation and other assist-*
9 *ance in the manner provided in that section);*

10 (2) *exculpatory evidence on behalf of that person;*
11 *and*

12 (3) *defense of the interests of the United States*
13 *through appearance before the International Criminal*
14 *Court pursuant to Article 18 or 19 of the Rome Stat-*
15 *ute, or before the courts or tribunals of any country.*

16 (d) *BRIBES AND OTHER INDUCEMENTS NOT AUTHOR-*
17 *IZED.—This section does not authorize the payment of*
18 *bribes or the provision of other such incentives to induce*
19 *the release of a person described in subsection (b).*

20 **SEC. 9007. ALLIANCE COMMAND ARRANGEMENTS.**

21 (a) *REPORT ON ALLIANCE COMMAND ARRANGE-*
22 *MENTS.—Not later than 6 months after the date of the en-*
23 *actment of this Act, the President should transmit to the*
24 *appropriate congressional committees a report with respect*

1 to each military alliance to which the United States is
2 party—

3 (1) describing the degree to which members of the
4 Armed Forces of the United States may, in the con-
5 text of military operations undertaken by or pursuant
6 to that alliance, be placed under the command or
7 operational control of foreign military officers subject
8 to the jurisdiction of the International Criminal
9 Court because they are nationals of a party to the
10 International Criminal Court; and

11 (2) evaluating the degree to which members of
12 the Armed Forces of the United States engaged in
13 military operations undertaken by or pursuant to
14 that alliance may be exposed to greater risks as a re-
15 sult of being placed under the command or oper-
16 ational control of foreign military officers subject to
17 the jurisdiction of the International Criminal Court.

18 (b) *DESCRIPTION OF MEASURES TO ACHIEVE EN-*
19 *HANCED PROTECTION FOR MEMBERS OF THE ARMED*
20 *FORCES OF THE UNITED STATES.*—Not later than one year
21 after the date of the enactment of this Act, the President
22 should transmit to the appropriate congressional commit-
23 tees a description of modifications to command and oper-
24 ational control arrangements within military alliances to
25 which the United States is a party that could be made in

1 *order to reduce any risks to members of the Armed Forces*
2 *of the United States identified pursuant to subsection*
3 *(a)(2).*

4 *(c) SUBMISSION IN CLASSIFIED FORM.—The report*
5 *under subsection (a), and the description of measures under*
6 *subsection (b), or appropriate parts thereof, may be sub-*
7 *mitted in classified form.*

8 **SEC. 9008. WITHHOLDINGS.**

9 *Funds withheld from the United States share of assess-*
10 *ments to the United Nations or any other international or-*
11 *ganization during any fiscal year pursuant to section 705*
12 *of the Admiral James W. Nance and Meg Donovan Foreign*
13 *Relations Authorization Act, Fiscal Years 2000 and 2001*
14 *(as enacted by section 1000(a)(7) of Public Law 106–113;*
15 *113 Stat. 1501A–460), are authorized to be transferred to*
16 *the Embassy Security, Construction and Maintenance Ac-*
17 *count of the Department of State.*

18 **SEC. 9009. APPLICATION OF SECTIONS 9004 AND 9005 TO EX-**

19 **ERCISE OF CONSTITUTIONAL AUTHORITIES.**

20 *(a) IN GENERAL.—Sections 9004 and 9005 shall not*
21 *apply to any action or actions with respect to a specific*
22 *matter involving the International Criminal Court taken*
23 *or directed by the President on a case-by-case basis in the*
24 *exercise of the President’s authority as Commander in Chief*
25 *of the Armed Forces of the United States under article II,*

1 *section 2 of the United States Constitution or in the exercise*
2 *of the executive power under article II, section 1 of the*
3 *United States Constitution.*

4 *(b) NOTIFICATION TO CONGRESS.—*

5 *(1) IN GENERAL.—Subject to paragraph (2), not*
6 *later than 15 days after the President takes or directs*
7 *an action or actions described in subsection (a) that*
8 *would otherwise be prohibited under section 9004 or*
9 *9005, the President shall submit a notification of such*
10 *action to the appropriate congressional committees. A*
11 *notification under this paragraph shall include a de-*
12 *scription of the action, a determination that the ac-*
13 *tion is in the national interest of the United States,*
14 *and a justification for the action.*

15 *(2) EXCEPTION.—If the President determines*
16 *that a full notification under paragraph (1) could*
17 *jeopardize the national security of the United States*
18 *or compromise a United States law enforcement ac-*
19 *tivity, not later than 15 days after the President takes*
20 *or directs an action or actions referred to in para-*
21 *graph (1) the President shall notify the appropriate*
22 *congressional committees that an action has been*
23 *taken and a determination has been made pursuant*
24 *to this paragraph. The President shall provide a full*
25 *notification under paragraph (1) not later than 15*

1 *days after the reasons for the determination under*
2 *this paragraph no longer apply.*

3 (c) *CONSTRUCTION.*—*Nothing in this section shall be*
4 *construed as a grant of statutory authority to the President*
5 *to take any action.*

6 **SEC. 9010. NONDELEGATION.**

7 *The authorities vested in the President by sections*
8 *9003 and 9009(a) may not be delegated by the President*
9 *pursuant to section 301 of title 3, United States Code, or*
10 *any other provision of law.*

11 **SEC. 9011. DEFINITIONS.**

12 *As used in this title and in section 706 of the Admiral*
13 *James W. Nance and Meg Donovan Foreign Relations Au-*
14 *thorization Act, Fiscal Years 2000 and 2001:*

15 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
16 *TEES.*—*The term “appropriate congressional commit-*
17 *tees” means the Committee on International Relations*
18 *of the House of Representatives and the Committee on*
19 *Foreign Relations of the Senate.*

20 (2) *CLASSIFIED NATIONAL SECURITY INFORMA-*
21 *TION.*—*The term “classified national security infor-*
22 *mation” means information that is classified or clas-*
23 *sifiable under Executive Order 12958 or a successor*
24 *Executive order.*

1 (3) *COVERED ALLIED PERSONS.*—*The term “cov-*
2 *ered allied persons” means military personnel, elected*
3 *or appointed officials, and other persons employed by*
4 *or working on behalf of the government of a NATO*
5 *member country, a major non-NATO ally (including*
6 *Australia, Egypt, Israel, Japan, Jordan, Argentina,*
7 *the Republic of Korea, and New Zealand), or Taiwan,*
8 *for so long as that government is not a party to the*
9 *International Criminal Court and wishes its officials*
10 *and other persons working on its behalf to be exempt-*
11 *ed from the jurisdiction of the International Criminal*
12 *Court.*

13 (4) *COVERED UNITED STATES PERSONS.*—*The*
14 *term “covered United States persons” means members*
15 *of the Armed Forces of the United States, elected or*
16 *appointed officials of the United States Government,*
17 *and other persons employed by or working on behalf*
18 *of the United States Government, for so long as the*
19 *United States is not a party to the International*
20 *Criminal Court.*

21 (5) *EXTRADITION.*—*The terms “extradition” and*
22 *“extradite” mean the extradition of a person in ac-*
23 *cordance with the provisions of chapter 209 of title*
24 *18, United States Code, (including section 3181(b) of*
25 *such title) and such terms include both extradition*

1 *and surrender as those terms are defined in Article*
2 *102 of the Rome Statute.*

3 (6) *INTERNATIONAL CRIMINAL COURT.*—*The term*
4 *“International Criminal Court” means the court es-*
5 *tablished by the Rome Statute.*

6 (7) *MAJOR NON-NATO ALLY.*—*The term “major*
7 *non-NATO ally” means a country that has been so*
8 *designated in accordance with section 517 of the For-*
9 *eign Assistance Act of 1961.*

10 (8) *PARTICIPATE IN ANY PEACEKEEPING OPER-*
11 *ATION UNDER CHAPTER VI OF THE CHARTER OF THE*
12 *UNITED NATIONS OR PEACE ENFORCEMENT OPER-*
13 *ATION UNDER CHAPTER VII OF THE CHARTER OF THE*
14 *UNITED NATIONS.*—*The term “participate in any*
15 *peacekeeping operation under chapter VI of the char-*
16 *ter of the United Nations or peace enforcement oper-*
17 *ation under chapter VII of the charter of the United*
18 *Nations” means to assign members of the Armed*
19 *Forces of the United States to a United Nations mili-*
20 *tary command structure as part of a peacekeeping op-*
21 *eration under chapter VI of the charter of the United*
22 *Nations or peace enforcement operation under chapter*
23 *VII of the charter of the United Nations in which*
24 *those members of the Armed Forces of the United*
25 *States are subject to the command or operational con-*

1 *trol of one or more foreign military officers not ap-*
2 *pointed in conformity with article II, section 2,*
3 *clause 2 of the Constitution of the United States.*

4 (9) *PARTY TO THE INTERNATIONAL CRIMINAL*
5 *COURT.—The term “party to the International Crimi-*
6 *nal Court” means a government that has deposited an*
7 *instrument of ratification, acceptance, approval, or*
8 *accession to the Rome Statute, and has not with-*
9 *drawn from the Rome Statute pursuant to Article 127*
10 *thereof.*

11 (10) *PEACEKEEPING OPERATION UNDER CHAP-*
12 *TER VI OF THE CHARTER OF THE UNITED NATIONS*
13 *OR PEACE ENFORCEMENT OPERATION UNDER CHAP-*
14 *TER VII OF THE CHARTER OF THE UNITED NA-*
15 *TIONS.—The term “peacekeeping operation under*
16 *chapter VI of the charter of the United Nations or*
17 *peace enforcement operation under chapter VII of the*
18 *charter of the United Nations” means any military*
19 *operation to maintain or restore international peace*
20 *and security that—*

21 (A) *is authorized by the United Nations Se-*
22 *curity Council under chapter VI or VII of the*
23 *charter of the United Nations; and*

24 (B) *is paid for from assessed contributions*
25 *of United Nations members that are made avail-*

1 *able for peacekeeping or peace enforcement ac-*
2 *tivities.*

3 (11) *ROME STATUTE.*—*The term “Rome Statute”*
4 *means the Rome Statute of the International Crimi-*
5 *nal Court, adopted by the United Nations Diplomatic*
6 *Conference of Plenipotentiaries on the Establishment*
7 *of an International Criminal Court on July 17, 1998.*

8 (12) *SUPPORT.*—*The term “support” means as-*
9 *stance of any kind, including financial support,*
10 *transfer of property or other material support, serv-*
11 *ices, intelligence sharing, law enforcement coopera-*
12 *tion, the training or detail of personnel, and the ar-*
13 *rest or detention of individuals.*

14 (13) *UNITED STATES MILITARY ASSISTANCE.*—
15 *The term “United States military assistance”*
16 *means—*

17 (A) *assistance provided under chapter 2 or*
18 5 *of part II of the Foreign Assistance Act of*
19 1961 (22 U.S.C. 2151 *et seq.*); *or*

20 (B) *defense articles or defense services fur-*
21 nished with the financial assistance of the
22 United States Government, including through
23 loans and guarantees, under section 23 of the
24 Arms Export Control Act (22 U.S.C. 2763).

1 **SEC. 9012. PERIOD OF EFFECTIVENESS OF THE TITLE.**

2 *Except as otherwise provided in this title, the provi-*
3 *sions of this title shall take effect on the date of enactment*
4 *of this Act and remain in effect without regard to the expi-*
5 *ration of fiscal year 2002.*

6 *This division may be cited as the “Department of De-*
7 *fense Appropriations Act, 2002”.*

8 **DIVISION B—TRANSFERS FROM THE EMER-**
9 **GENCY RESPONSE FUND PURSUANT TO PUB-**
10 **LIC LAW 107–38**

11 *The funds appropriated in Public Law 107–38 subject*
12 *to subsequent enactment and previously designated as an*
13 *emergency by the President and Congress under the Bal-*
14 *anced Budget and Emergency Deficit Control Act of 1985,*
15 *are transferred to the following chapters and accounts as*
16 *follows:*

17 **CHAPTER 1**

18 **DEPARTMENT OF AGRICULTURE**

19 **OFFICE OF THE SECRETARY**

20 *For emergency expenses to respond to the September*
21 *11, 2001, terrorist attacks on the United States, for “Office*
22 *of the Secretary”, \$80,919,000, to remain available until*
23 *expended, to be obligated from amounts made available in*
24 *Public Law 107–38.*

1 *AGRICULTURAL RESEARCH SERVICE*2 *SALARIES AND EXPENSES*

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, for “Sala-*
5 *ries and Expenses”, \$70,000,000, to remain available until*
6 *expended, to be obligated from amounts made available in*
7 *Public Law 107–38.*

8 *BUILDINGS AND FACILITIES*

9 *For emergency expenses to respond to the September*
10 *11, 2001, terrorist attacks on the United States, for “Build-*
11 *ings and Facilities”, \$73,000,000, to remain available until*
12 *expended, to be obligated from amounts made available in*
13 *Public Law 107–38.*

14 *COOPERATIVE STATE RESEARCH, EDUCATION, AND*15 *EXTENSION SERVICE*16 *RESEARCH AND EDUCATION*

17 *For emergency expenses to respond to the September*
18 *11, 2001, terrorist attacks on the United States, for “Re-*
19 *search and Education”, \$50,000,000, to remain available*
20 *until expended, to be obligated from amounts made avail-*
21 *able in Public Law 107–38.*

22 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*23 *SALARIES AND EXPENSES*24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For emergency expenses to respond to the September*
26 *11, 2001, terrorist attacks on the United States, for “Sala-*

1 *ries and Expenses*”, \$95,000,000, to remain available until
2 *expended, to be obligated from amounts made available in*
3 *Public Law 107–38, of which \$50,000,000 may be trans-*
4 *ferred and merged with the Agriculture Quarantine Inspec-*
5 *tion User Fee Account.*

6 *BUILDINGS AND FACILITIES*

7 *For emergency expenses to respond to the September*
8 *11, 2001, terrorist attacks on the United States, for “Build-*
9 *ings and Facilities*”, \$14,081,000, to remain available until
10 *expended, to be obligated from amounts made available in*
11 *Public Law 107–38.*

12 *FOOD SAFETY AND INSPECTION SERVICE*

13 *For emergency expenses to respond to the September*
14 *11, 2001, terrorist attacks on the United States, for “Food*
15 *Safety and Inspection Service*”, \$15,000,000, to remain
16 *available until expended, to be obligated from amounts*
17 *made available in Public Law 107–38.*

18 *FOOD AND NUTRITION SERVICE*

19 *SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR*
20 *WOMEN, INFANTS, AND CHILDREN (WIC)*

21 *For emergency expenses to respond to the September*
22 *11, 2001, terrorist attacks on the United States, for “Spe-*
23 *cial Supplemental Nutrition Program for Women, Infants,*
24 *and Children (WIC)*”, \$39,000,000, to remain available
25 *until September 30, 2003, to be obligated from amounts*
26 *made available in Public Law 107–38: Provided, That of*

1 *the amounts provided in this Act and any amounts avail-*
2 *able for reallocation in fiscal year 2002, the Secretary shall*
3 *reallocate funds under section 17(g)(2) of the Child Nutri-*
4 *tion Act of 1966, as amended, in the manner and under*
5 *the formula the Secretary deems necessary to respond to the*
6 *effects of unemployment and other conditions caused by the*
7 *recession, and starting no later than March 1, 2002, such*
8 *reallocation shall occur no less frequently than every other*
9 *month throughout the fiscal year.*

10 *DEPARTMENT OF HEALTH AND HUMAN*

11 *SERVICES*

12 *FOOD AND DRUG ADMINISTRATION*

13 *SALARIES AND EXPENSES*

14 *For emergency expenses to respond to the September*
15 *11, 2001, terrorist attacks on the United States, for “Sala-*
16 *ries and Expenses”, \$127,000,000, to remain available until*
17 *expended, to be obligated from amounts made available in*
18 *Public Law 107–38.*

19 *RELATED AGENCY*

20 *COMMODITY FUTURES TRADING COMMISSION*

21 *For emergency expenses to respond to the September*
22 *11, 2001, terrorist attacks on the United States, for “Com-*
23 *modity Futures Trading Commission”, \$10,000,000, to re-*
24 *main available until expended, to be obligated from*
25 *amounts made available in Public Law 107–38.*

1 *ministrative Review and Appeals*”, \$3,500,000, to remain
2 *available until expended, to be obligated from amounts*
3 *made available in Public Law 107–38.*

4 *LEGAL ACTIVITIES*

5 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

6 *For emergency expenses to respond to the September*
7 *11, 2001, terrorist attacks on the United States, for “Sala-*
8 *ries and Expenses, General Legal Activities”, \$21,250,000,*
9 *to remain available until expended, to be obligated from*
10 *amounts made available in Public Law 107–38, of which*
11 *\$15,000,000 shall be for a cyber security initiative.*

12 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

13 *For emergency expenses to respond to the September*
14 *11, 2001, terrorist attacks on the United States, for “Sala-*
15 *ries and Expenses, United States Attorneys”, \$74,600,000,*
16 *to remain available until expended, to be obligated from*
17 *amounts made available in Public Law 107–38.*

18 *SALARIES AND EXPENSES, UNITED STATES MARSHALS*

19 *SERVICE*

20 *For emergency expenses to respond to the September*
21 *11, 2001, terrorist attacks on the United States, for “Sala-*
22 *ries and Expenses, United States Marshals Service”,*
23 *\$26,100,000, to remain available until expended, to be obli-*
24 *gated from amounts made available in Public Law 107–*
25 *38, of which \$9,125,000 shall be for courthouse security*
26 *equipment.*

CONSTRUCTION

1
2 *For emergency expenses to respond to the September*
3 *11, 2001, terrorist attacks on the United States, for “Con-*
4 *struction”, \$35,000,000, to remain available until ex-*
5 *pended, to be obligated from amounts made available in*
6 *Public Law 107–38.*

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

7
8
9 *For emergency expenses to respond to the September*
10 *11, 2001, terrorist attacks on the United States, for “Sala-*
11 *ries and Expenses”, \$654,500,000, to remain available until*
12 *expended, to be obligated from amounts made available in*
13 *Public Law 107–38, of which \$10,283,000 is for the refur-*
14 *bishing of the Engineering and Research Facility and*
15 *\$14,135,000 is for the decommissioning and renovation of*
16 *former laboratory space in the Hoover building, of which*
17 *\$66,000,000 shall be for a cyber security initiative at the*
18 *National Infrastructure Protection Center.*

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

19
20
21 *For emergency expenses to respond to the September*
22 *11, 2001, terrorist attacks on the United States and for all*
23 *costs associated with the reorganization of the Immigration*
24 *and Naturalization Service, for “Salaries and Expenses”,*
25 *\$449,800,000, to remain available until expended, to be ob-*

1 *ligated from amounts made available in Public Law 107–*
2 *38, of which \$10,000,000 shall be for additional border pa-*
3 *trols along the Southwest border, of which \$55,800,000 shall*
4 *be for additional inspectors and support staff on the north-*
5 *ern border, and of which \$23,900,000 shall be for transfer*
6 *of and additional border patrols and support staff on the*
7 *northern border.*

8 *CONSTRUCTION*

9 *For emergency expenses to respond to the September*
10 *11, 2001, terrorist attacks on the United States, for “Con-*
11 *struction”, \$99,600,000, to remain available until ex-*
12 *pendent, to be obligated from amounts made available in*
13 *Public Law 107–38.*

14 *OFFICE OF JUSTICE PROGRAMS*

15 *JUSTICE ASSISTANCE*

16 *For emergency expenses to respond to the September*
17 *11, 2001, terrorist attacks on the United States, for “Justice*
18 *Assistance”, \$400,000,000, to remain available until ex-*
19 *pendent, for grants, cooperative agreements, and other assist-*
20 *ance authorized by sections 819 and 821 of the*
21 *Antiterrorism and Effective Death Penalty Act of 1996 and*
22 *section 1014 of the USA PATRIOT ACT (Public Law 107–*
23 *56) and for other counter terrorism programs, to be obli-*
24 *gated from amounts made available in Public Law 107–*
25 *38, of which \$9,800,000 is for an aircraft for*

1 *counterterrorism and other required activities for the City*
2 *of New York.*

3 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

4 *For emergency expenses to respond to the September*
5 *11, 2001, terrorist attacks on the United States,*
6 *\$245,900,000 shall be for discretionary grants under the*
7 *Edward Byrne Memorial State and Local Law Enforce-*
8 *ment Assistance Program, of which \$81,700,000 shall be for*
9 *Northern Virginia, of which \$81,700,000 shall be for New*
10 *Jersey, of which \$56,500,000 shall be for Maryland, of*
11 *which \$17,000,000 shall be for a grant for the Utah Olym-*
12 *pic Public Safety Command for security equipment and in-*
13 *frastructure related to the 2002 Winter Olympics, including*
14 *the Paralympics and related events, and of which*
15 *\$9,000,000 shall be made available for discretionary grants*
16 *to State and local law enforcement agencies to establish or*
17 *enhance cybercrime units aimed at investigating and pros-*
18 *ecuting cybersecurity offenses, to remain available until ex-*
19 *pendent, and to be obligated from amounts made available*
20 *in Public Law 107–38.*

21 *CRIME VICTIMS FUND*

22 *For emergency expenses to respond to the September*
23 *11, 2001, terrorist attacks on the United States, for “Crime*
24 *Victims Fund”, \$68,100,000, to remain available until ex-*
25 *pendent, to be obligated from amounts made available in*
26 *Public Law 107–38.*

1 *DEPARTMENT OF COMMERCE*
2 *INTERNATIONAL TRADE ADMINISTRATION*
3 *OPERATIONS AND ADMINISTRATION*

4 *For emergency expenses to respond to the September*
5 *11, 2001, terrorist attacks on the United States, for “Oper-*
6 *ations and Administration”, \$1,500,000, to remain avail-*
7 *able until expended, to be obligated from amounts made*
8 *available in Public Law 107–38.*

9 *EXPORT ADMINISTRATION*
10 *OPERATIONS AND ADMINISTRATION*

11 *For emergency expenses to respond to the September*
12 *11, 2001, terrorist attacks on the United States, for “Oper-*
13 *ations and Administration”, \$1,756,000, to remain avail-*
14 *able until expended, to be obligated from amounts made*
15 *available in Public Law 107–38.*

16 *ECONOMIC DEVELOPMENT ADMINISTRATION*
17 *SALARIES AND EXPENSES*

18 *For emergency expenses to respond to the September*
19 *11, 2001, terrorist attacks on the United States, for “Sala-*
20 *ries and Expenses”, \$335,000, to remain available until ex-*
21 *pended, to be obligated from amounts made available in*
22 *Public Law 107–38.*

1 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*
2 *ADMINISTRATION*

3 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*
4 *CONSTRUCTION*

5 *For emergency grants authorized by section 392 of the*
6 *Communications Act of 1934, as amended, to respond to*
7 *the September 11, 2001, terrorist attacks on the United*
8 *States, \$8,250,000, to remain available until expended, to*
9 *be obligated from amounts made available in Public Law*
10 *107–38.*

11 *UNITED STATES PATENT AND TRADEMARK OFFICE*
12 *SALARIES AND EXPENSES*

13 *For emergency expenses to respond to the September*
14 *11, 2001, terrorist attacks on the United States, for “Sala-*
15 *ries and Expenses”, \$3,360,000, to remain available until*
16 *expended, to be obligated from amounts made available in*
17 *Public Law 107–38.*

18 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
19 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

20 *For emergency expenses to respond to the September*
21 *11, 2001, terrorist attacks on the United States, for “Sci-*
22 *entific and Technical Research and Services”, \$10,400,000,*
23 *to remain available until expended, to be obligated from*
24 *amounts made available in Public Law 107–38, of which*
25 *\$10,000,000 shall be for a cyber security initiative.*

1 *CONSTRUCTION OF RESEARCH FACILITIES*

2 *For emergency expenses to respond to the September*
3 *11, 2001, terrorist attacks on the United States, for “Con-*
4 *struction of Research Facilities”, \$1,225,000, to remain*
5 *available until expended, to be obligated from amounts*
6 *made available in Public Law 107–38.*

7 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
8 *OPERATIONS, RESEARCH AND FACILITIES*

9 *For emergency expenses to respond to the September*
10 *11, 2001, terrorist attacks on the United States, for “Oper-*
11 *ations, Research and Facilities”, \$2,750,000, to remain*
12 *available until expended, to be obligated from amounts*
13 *made available in Public Law 107–38.*

14 *DEPARTMENTAL MANAGEMENT*15 *SALARIES AND EXPENSES*

16 *For emergency expenses to respond to the September*
17 *11, 2001, terrorist attacks on the United States, for “Sala-*
18 *ries and Expenses”, \$881,000, to remain available until ex-*
19 *pended, to be obligated from amounts made available in*
20 *Public Law 107–38.*

21 *THE JUDICIARY*22 *SUPREME COURT OF THE UNITED STATES*23 *CARE OF THE BUILDINGS AND GROUNDS*

24 *For emergency expenses to respond to the September*
25 *11, 2001, terrorist attacks on the United States, for “Care*

1 *of the Buildings and Grounds*”, \$30,000,000, to remain
2 *available until expended for security enhancements, to be*
3 *obligated from amounts made available in Public Law 107–*
4 *38.*

5 *COURT OF APPEALS, DISTRICT COURTS, AND OTHER*

6 *JUDICIAL SERVICES*

7 *SALARIES AND EXPENSES*

8 *For emergency expenses to respond to the September*
9 *11, 2001, terrorist attacks on the United States, for “Sala-*
10 *ries and Expenses*”, \$5,000,000, *is for Emergency Commu-*
11 *nications Equipment, to remain available until expended,*
12 *to be obligated from amounts made available in Public Law*
13 *107–38.*

14 *COURT SECURITY*

15 *For emergency expenses to respond to the September*
16 *11, 2001, terrorist attacks on the United States, for “Court*
17 *Security*”, \$57,521,000, *to remain available until expended,*
18 *to be obligated from amounts made available in Public Law*
19 *107–38, for security of the Federal judiciary, of which not*
20 *less than \$4,000,000 shall be available to reimburse the*
21 *United States Marshals Service for a Supervisory Deputy*
22 *Marshal responsible for coordinating security in each judi-*
23 *cial district and circuit: Provided, That the funds may be*
24 *expended directly or transferred to the United States Mar-*
25 *shals Service.*

1 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*2 *COURTS*3 *SALARIES AND EXPENSES*

4 *For emergency expenses to respond to the September*
5 *11, 2001, terrorist attacks on the United States, for “Sala-*
6 *ries and Expenses”, \$2,879,000, to remain available until*
7 *expended, to enhance security at the Thurgood Marshall*
8 *Federal Judiciary Building, to be obligated from amounts*
9 *made available in Public Law 107–38.*

10 *RELATED AGENCIES*11 *DEPARTMENT OF TRANSPORTATION*12 *MARITIME ADMINISTRATION*13 *OPERATIONS AND TRAINING*

14 *For emergency expenses to respond to the September*
15 *11, 2001, terrorist attacks on the United States, for “Oper-*
16 *ations and Training”, \$11,000,000, for a port security pro-*
17 *gram, to remain available until expended, to be obligated*
18 *from amounts made available in Public Law 107–38.*

19 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*20 *ACCOUNT*

21 *For emergency expenses to respond to the September*
22 *11, 2001, terrorist attacks on the United States, for the cost*
23 *of guaranteed loans, as authorized by the Merchant Marine*
24 *Act, 1936, \$12,000,000, to remain available until expended,*
25 *to be obligated from amounts made available in Public Law*
26 *107–38: Provided, That such costs, including the cost of*

1 *modifying such loans, shall be as defined in section 502 of*
2 *the Congressional Budget Act of 1974, as amended.*

3 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For emergency expenses to respond to the September*
6 *11, 2001, terrorist attacks on the United States, for “Sala-*
7 *ries and Expenses”, \$1,301,000, to remain available until*
8 *expended, to be obligated from amounts made available in*
9 *Public Law 107–38.*

10 *SECURITIES AND EXCHANGE COMMISSION*

11 *SALARIES AND EXPENSES*

12 *For emergency expenses to respond to the September*
13 *11, 2001, terrorist attacks on the United States, for “Sala-*
14 *ries and Expenses”, \$20,705,000, to remain available until*
15 *expended, to be obligated from amounts made available in*
16 *Public Law 107–38.*

17 *SMALL BUSINESS ADMINISTRATION*

18 *BUSINESS LOANS PROGRAM ACCOUNT*

19 *For emergency expenses for disaster recovery activities*
20 *and assistance related to the terrorist acts in New York,*
21 *Virginia and Pennsylvania on September 11, 2001, for*
22 *“Business Loans Program Account”, \$75,000,000, for the*
23 *cost of loan subsidies and for loan modifications as author-*
24 *ized by section 202 of this Act, to remain available until*

1 *expended, to be obligated from amounts made available in*
2 *Public Law 107–38.*

3 *DISASTER LOANS PROGRAM ACCOUNT*

4 *For emergency expenses for disaster recovery activities*
5 *and assistance related to the terrorist acts in New York,*
6 *Virginia and Pennsylvania on September 11, 2001, for*
7 *“Disaster Loans Program Account”, \$75,000,000, for the*
8 *cost of loan subsidies and for loan modifications as author-*
9 *ized by section 201 of this Act, to remain available until*
10 *expended, to be obligated from amounts made available in*
11 *Public Law 107–38.*

12 *GENERAL PROVISIONS, THIS CHAPTER*

13 *SEC. 201. For purposes of assistance available under*
14 *section 7(b)(2) and (4) of the Small Business Act (15 U.S.C.*
15 *636(b)(2) and (4)) to small business concerns located in dis-*
16 *aster areas declared as a result of the September 11, 2001,*
17 *terrorist attacks—*

18 *(i) the term “small business concern” shall in-*
19 *clude not-for-profit institutions and small business*
20 *concerns described in United States Industry Codes*
21 *522320, 522390, 523210, 523920, 523991, 524113,*
22 *524114, 524126, 524128, 524210, 524291, 524292,*
23 *and 524298 of the North American Industry Classi-*
24 *fication System (as described in 13 C.F.R. 121.201,*
25 *as in effect on January 2, 2001);*

1 (ii) the Administrator may apply such size
2 standards as may be promulgated under such section
3 121.201 after the date of enactment of this provision,
4 but no later than one year following the date of enact-
5 ment of this Act; and

6 (iii) payments of interest and principal shall be
7 deferred, and no interest shall accrue during the two-
8 year period following the issuance of such disaster
9 loan.

10 SEC. 202. Notwithstanding any other provision of law,
11 the limitation on the total amount of loans under section
12 7(b) of the Small Business Act (15 U.S.C. 636(b)) out-
13 standing and committed to a borrower in the disaster areas
14 declared in response to the September 11, 2001, terrorist
15 attacks shall be increased to \$10,000,000 and the Adminis-
16 trator shall, in lieu of the fee collected under section
17 7(a)(23)(A) of the Small Business Act (15 U.S.C.
18 636(a)(23)(A)), collect an annual fee of 0.25 percent of the
19 outstanding balance of deferred participation loans made
20 under section 7(a) to small businesses adversely affected by
21 the September 11, 2001, terrorist attacks and their after-
22 math, for a period of one year following the date of enact-
23 ment and to the extent the costs of such reduced fees are
24 offset by appropriations provided by this Act.

1 *SEC. 203. Not later than April 1, 2002, the Secretary*
2 *of State shall submit to the Committees on Appropriations,*
3 *in both classified and unclassified form, a report on the*
4 *United States-People's Republic of China Science and Tech-*
5 *nology Agreement of 1979, including all protocols. The re-*
6 *port is intended to provide a comprehensive evaluation of*
7 *the benefits of the agreement to the Chinese economy, mili-*
8 *tary, and defense industrial base. The report shall include*
9 *the following elements:*

10 (1) *an accounting of all activities conducted*
11 *under the Agreement for the past five years, and a*
12 *projection of activities to be undertaken through 2010;*

13 (2) *an estimate of the annual cost to the United*
14 *States to administer the Agreement;*

15 (3) *an assessment of how the Agreement has in-*
16 *fluenced the policies of the People's Republic of China*
17 *toward scientific and technological cooperation with*
18 *the United States;*

19 (4) *an analysis of the involvement of Chinese nu-*
20 *clear weapons and military missile specialists in the*
21 *activities of the Joint Commission;*

22 (5) *a determination of the extent to which the ac-*
23 *tivities conducted under the Agreement have enhanced*
24 *the military and industrial base of the People's Re-*
25 *public of China, and an assessment of the impact of*

1 *projected activities through 2010, including transfers*
2 *of technology, on China's economic and military ca-*
3 *pabilities; and*

4 *(6) recommendations on improving the moni-*
5 *toring of the activities of the Commission by the Sec-*
6 *retaries of Defense and State.*

7 *The report shall be developed in consultation with the*
8 *Secretaries of Commerce, Defense, and Energy, the Direc-*
9 *tors of the National Science Foundation and the Federal*
10 *Bureau of Investigation, and the intelligence community.*

11 *SEC. 204. From within funds available to the State*
12 *of Alaska or the Alaska Region of the National Marine Fish-*
13 *eries Service, an additional \$500,000 may be made avail-*
14 *able for the cost of guaranteeing the reduction loan author-*
15 *ized under section 144(d)(4)(A) of title I, division B of Pub-*
16 *lic Law 106-554 (114 Stat. 2763A-242) and that subpara-*
17 *graph is amended to read as follows: "(4)(A) The fishing*
18 *capacity reduction program required under this subsection*
19 *is authorized to be financed through a reduction loan of*
20 *\$100,000,000 under sections 1111 and 1112 of title XI of*
21 *the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and*
22 *1279g)."*

1 *SMALL BUSINESS ADMINISTRATION*2 *DISASTER LOAN PROGRAM ACCOUNT*

3 *SEC. 205. Of the amount made available under this*
4 *heading in the Departments of Commerce, Justice, and*
5 *State, the Judiciary, and Related Agencies Appropriations*
6 *Act, 2002 (Public Law 107-77), for administrative expenses*
7 *to carry out the direct loan program, \$5,000,000 shall be*
8 *made available for necessary expenses of the HUBZone pro-*
9 *gram as authorized by section 31 of the Small Business Act,*
10 *as amended (15 U.S.C. 657a), of which, not more than*
11 *\$500,000 may be used for the maintenance and operation*
12 *of the Procurement Marketing and Access Network (PRO-*
13 *Net). The Administrator of the Small Business Administra-*
14 *tion shall make quarterly reports to the Committees on Ap-*
15 *propriations of the Senate and the House of Representa-*
16 *tives, the Committee on Small Business and Entrepreneur-*
17 *ship of the Senate, and the Committee on Small Business*
18 *of the House of Representatives regarding all actions taken*
19 *by the Small Business Administration to address the defi-*
20 *ciencies in the HUBZone program, as identified by the*
21 *General Accounting Office in report number GAO-02-57*
22 *of October 26, 2001.*

CHAPTER 3

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

1
2
3
4
5 *For emergency expenses to respond to the September*
6 *11, 2001 terrorist attacks on the United States, for “Defense*
7 *Emergency Response Fund”, \$1,525,000,000, to remain*
8 *available until expended, to be obligated from amounts*
9 *made available by Public Law 107–38: Provided, That*
10 *\$20,000,000 shall be made available for the National Infra-*
11 *structure Simulation and Analysis Center (NISAC): Pro-*
12 *vided further, That \$500,000 shall be made available only*
13 *for the White House Commission on the National Moment*
14 *of Remembrance: Provided further, That—*

15 (1) *\$35,000,000 shall be available for the pro-*
16 *urement of the Advance Identification Friend-or-Foe*
17 *system for integration into F–16 aircraft of the Air*
18 *National Guard that are being used in continuous air*
19 *patrols over Washington, District of Columbia, and*
20 *New York, New York; and*

21 (2) *\$20,000,000 shall be available for the pro-*
22 *urement of the Transportation Multi-Platform Gate-*
23 *way for integration into the AWACS aircraft that are*
24 *being used to perform early warning surveillance over*
25 *the United States.*

1 *GENERAL PROVISIONS, THIS CHAPTER*

2 *SEC. 301. Amounts available in the “Defense Emer-*
3 *gency Response Fund” shall be available for the purposes*
4 *set forth in the 2001 Emergency Supplemental Appropria-*
5 *tions Act for Recovery from and Response to Terrorist At-*
6 *tacks on the United States (Public Law 107–38): Provided,*
7 *That the Fund may be used to reimburse other appropria-*
8 *tions or funds of the Department of Defense only for costs*
9 *incurred for such purposes between September 11 and De-*
10 *cember 31, 2001: Provided further, That such Fund may*
11 *be used to liquidate obligations incurred by the Department*
12 *under the authorities in 41 U.S.C. 11 for any costs incurred*
13 *for such purposes between September 11 and September 30,*
14 *2001: Provided further, That the Secretary of Defense may*
15 *transfer funds from the Fund to the appropriation, “Sup-*
16 *port for International Sporting Competitions, Defense”, to*
17 *be merged with, and available for the same time period and*
18 *for the same purposes as that appropriation: Provided fur-*
19 *ther, That the transfer authority provided by this section*
20 *is in addition to any other transfer authority available to*
21 *the Secretary of Defense: Provided further, That the Sec-*
22 *retary of Defense shall report to the Congress quarterly all*
23 *transfers made pursuant to this authority.*

24 *SEC. 302. Amounts in the “Support for International*
25 *Sporting Competitions, Defense”, may be used to support*

1 *essential security and safety for the 2002 Winter Olympic*
2 *Games in Salt Lake City, Utah, without the certification*
3 *required under subsection 10 U.S.C. 2564(a). Further, the*
4 *term “active duty”, in section 5802 of Public Law 104–*
5 *208 shall include State active duty and full-time National*
6 *Guard duty performed by members of the Army National*
7 *Guard and Air National Guard in connection with pro-*
8 *viding essential security and safety support to the 2002*
9 *Winter Olympic Games and logistical and security support*
10 *to the 2002 Paralympic Games.*

11 *SEC. 303. Funds appropriated by this Act, or made*
12 *available by the transfer of funds in this Act, for intelligence*
13 *activities are deemed to be specifically authorized by the*
14 *Congress for purposes of section 504 of the National Secu-*
15 *rity Act of 1947 (50 U.S.C. 414).*

16 *CHAPTER 4*

17 *DISTRICT OF COLUMBIA*

18 *FEDERAL FUNDS*

19 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
20 *PROTECTIVE CLOTHING AND BREATHING APPARATUS*

21 *For a Federal payment to the District of Columbia*
22 *for protective clothing and breathing apparatus, to be obli-*
23 *gated from amounts made available in Public Law 107–*
24 *38 and to remain available until September 30, 2003,*
25 *\$7,144,000, of which \$922,000 is for the Fire and Emer-*

1 *gency Medical Services Department, \$4,269,000 is for the*
2 *Metropolitan Police Department, \$1,500,000 is for the De-*
3 *partment of Health, and \$453,000 is for the Department*
4 *of Public Works.*

5 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
6 *SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT*

7 *For a Federal payment to the District of Columbia*
8 *for specialized hazardous materials equipment, to be obli-*
9 *gated from amounts made available in Public Law 107-*
10 *38 and to remain available until September 30, 2003,*
11 *\$1,032,000, for the Fire and Emergency Medical Services*
12 *Department.*

13 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
14 *CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS*

15 *For a Federal payment to the District of Columbia*
16 *for chemical and biological weapons preparedness, to be ob-*
17 *ligated from amounts made available in Public Law 107-*
18 *38 and to remain available until September 30, 2003,*
19 *\$10,355,000, of which \$205,000 is for the Fire and Emer-*
20 *gency Medical Services Department, \$258,000 is for the*
21 *Metropolitan Police Department, and \$9,892,000 is for the*
22 *Department of Health.*

1 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
2 *PHARMACEUTICALS FOR RESPONDERS*

3 *For a Federal payment to the District of Columbia*
4 *for pharmaceuticals for responders, to be obligated from*
5 *amounts made available in Public Law 107–38 and to re-*
6 *main available until September 30, 2003, \$2,100,000, for*
7 *the Department of Health.*

8 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
9 *RESPONSE AND COMMUNICATIONS CAPABILITY*

10 *For a Federal payment to the District of Columbia*
11 *for response and communications capability, to be obligated*
12 *from amounts made available in Public Law 107–38 and*
13 *to remain available until September 30, 2003, \$14,960,000,*
14 *of which \$7,755,000 is for the Fire and Emergency Medical*
15 *Services Department, \$5,855,000 is for the Metropolitan*
16 *Police Department, \$113,000 is for the Department of Pub-*
17 *lic Works Division of Transportation, \$58,000 is for the Of-*
18 *fice of Property Management, \$60,000 is for the Depart-*
19 *ment of Public Works, \$750,000 is for the Department of*
20 *Health, \$309,000 is for the Department of Human Services,*
21 *and \$60,000 is for the Department of Parks and Recreation.*

1 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
2 *SEARCH, RESCUE AND OTHER EMERGENCY EQUIP-*
3 *MENT AND SUPPORT*

4 *For a Federal payment to the District of Columbia,*
5 *to be obligated from amounts made available in Public Law*
6 *107–38 and to remain available until September 30, 2003,*
7 *for search, rescue and other emergency equipment and sup-*
8 *port, \$8,850,000, of which \$5,442,000 is for the Metropoli-*
9 *tan Police Department, \$208,000 is for the Fire and Emer-*
10 *gency Medical Services Department, \$398,500 is for the De-*
11 *partment of Consumer and Regulatory Affairs, \$1,178,500*
12 *is for the Department of Public Works, \$542,000 is for the*
13 *Department of Human Services, and \$1,081,000 is for the*
14 *Department of Mental Health.*

15 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
16 *EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OF-*
17 *FICE OF THE CHIEF MEDICAL EXAMINER*

18 *For a Federal payment to the District of Columbia,*
19 *to be obligated from amounts made available in Public Law*
20 *107–38 and to remain available until September 30, 2003,*
21 *for equipment, supplies and vehicles for the Office of the*
22 *Chief Medical Examiner, \$1,780,000.*

1 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
2 *HOSPITAL CONTAINMENT FACILITIES FOR THE DE-*
3 *PARTMENT OF HEALTH*

4 *For a Federal payment to the District of Columbia,*
5 *to be obligated from amounts made available in Public Law*
6 *107–38 and to remain available until September 30, 2003,*
7 *for hospital containment facilities for the Department of*
8 *Health, \$8,000,000.*

9 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
10 *THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER*

11 *For a Federal payment to the District of Columbia,*
12 *to be obligated from amounts made available in Public Law*
13 *107–38 and to remain available until September 30, 2003,*
14 *for the Office of the Chief Technology Officer, \$43,994,000,*
15 *for a first response land-line and wireless interoperability*
16 *project, of which \$1,000,000 shall be used to initiate a com-*
17 *prehensive review, by a non-vendor contractor, of the Dis-*
18 *trict’s current technology-based systems and to develop a*
19 *plan for integrating the communications systems of the Dis-*
20 *trict of Columbia Metropolitan Police and Fire and Emer-*
21 *gency Medical Services Departments with the systems of re-*
22 *gional and federal law enforcement agencies, including but*
23 *not limited to the United States Capitol Police, United*
24 *States Park Police, United States Secret Service, Federal*
25 *Bureau of Investigation, Federal Protective Service, and the*

1 *Washington Metropolitan Area Transit Authority Police:*
2 *Provided, That such plan shall be submitted to the Commit-*
3 *tees on Appropriations of the Senate and the House of Rep-*
4 *resentatives no later than June 15, 2002.*

5 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
6 *EMERGENCY TRAFFIC MANAGEMENT*

7 *For a Federal payment to the District of Columbia,*
8 *to be obligated from amounts made available in Public Law*
9 *107–38 and to remain available until September 30, 2003,*
10 *for emergency traffic management, \$20,700,000, for the De-*
11 *partment of Public Works Division of Transportation, of*
12 *which \$14,000,000 is to upgrade traffic light controllers,*
13 *\$4,700,000 is to establish a video traffic monitoring system,*
14 *and \$2,000,000 is to disseminate traffic information.*

15 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
16 *TRAINING AND PLANNING*

17 *For a Federal payment to the District of Columbia,*
18 *to be obligated from amounts made available in Public Law*
19 *107–38 and to remain available until September 30, 2003,*
20 *for training and planning, \$11,449,000, of which*
21 *\$4,400,000 is for the Fire and Emergency Medical Services*
22 *Department, \$990,000 is for the Metropolitan Police De-*
23 *partment, \$1,200,000 is for the Department of Health,*
24 *\$200,000 is for the Office of the Chief Medical Examiner,*
25 *\$1,500,000 is for the Emergency Management Agency,*

1 \$500,000 is for the Office of Property Management,
2 \$500,000 is for the Department of Mental Health, \$469,000
3 is for the Department of Consumer and Regulatory Affairs,
4 \$240,000 is for the Department of Public Works, \$600,000
5 is for the Department of Human Services, \$100,000 is for
6 the Department of Parks and Recreation, \$750,000 is for
7 the Division of Transportation.

8 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR*
9 *INCREASED SECURITY*

10 *For a Federal payment to the District of Columbia,*
11 *to be obligated from amounts made available in Public Law*
12 *107–38 and to remain available until September 30, 2003,*
13 *for increased facility security, \$25,536,000, of which*
14 *\$3,900,000 is for the Emergency Management Agency,*
15 *\$14,575,000 for the public schools, and \$7,061,000 for the*
16 *Office of Property Management.*

17 *FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN*
18 *AREA TRANSIT AUTHORITY*

19 *For a Federal payment to the Washington Metropoli-*
20 *tan Area Transit Authority to meet region-wide security*
21 *requirements, a contribution of \$39,100,000, to be obligated*
22 *from amounts made available in Public Law 107–38 and*
23 *to remain available until September 30, 2003, of which*
24 *\$5,000,000 shall be used for protective clothing and breath-*
25 *ing apparatus, \$17,200,000 shall be for completion of the*

1 *fiber optic network project and an automatic vehicle locator*
2 *system, and \$16,900,000 shall be for increased employee*
3 *and facility security.*

4 *FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON*
5 *COUNCIL OF GOVERNMENTS*

6 *For a Federal payment to the Metropolitan Wash-*
7 *ington Council of Governments to enhance regional emer-*
8 *gency preparedness, coordination and response, \$5,000,000,*
9 *to be obligated from amounts made available in Public Law*
10 *107–38 and to remain available until September 30, 2003,*
11 *of which \$1,500,000 shall be used to contribute to the devel-*
12 *opment of a comprehensive regional emergency prepared-*
13 *ness, coordination and response plan, \$500,000 shall be*
14 *used to develop a critical infrastructure threat assessment*
15 *model, \$500,000 shall be used to develop and implement a*
16 *regional communications plan, and \$2,500,000 shall be*
17 *used to develop protocols and procedures for training and*
18 *outreach exercises.*

19 *GENERAL PROVISIONS, THIS CHAPTER*

20 *SEC. 401. Notwithstanding any other provision of law,*
21 *the Chief Financial Officer of the District of Columbia may*
22 *transfer up to 5 percent of the funds appropriated to the*
23 *District of Columbia in this chapter between these accounts:*
24 *Provided, That no such transfer shall take place unless the*
25 *Chief Financial Officer of the District of Columbia notifies*

1 *in writing the Committees on Appropriations of the Senate*
 2 *and the House of Representatives 30 days in advance of*
 3 *such transfer.*

4 *SEC. 402. The Chief Financial Officer of the District*
 5 *of Columbia and the Chief Financial Officer of the Wash-*
 6 *ington Metropolitan Area Transit Authority shall provide*
 7 *quarterly reports to the President and the Committees on*
 8 *Appropriations of the Senate and the House of Representa-*
 9 *tives on the use of the funds under this chapter beginning*
 10 *no later than March 15, 2002.*

11 *CHAPTER 5*

12 *DEPARTMENT OF DEFENSE—CIVIL*

13 *DEPARTMENT OF THE ARMY*

14 *CORPS OF ENGINEERS—CIVIL*

15 *OPERATION AND MAINTENANCE, GENERAL*

16 *For emergency expenses to respond to the September*
 17 *11, 2001, terrorist attacks on the United States, for “Oper-*
 18 *ation and Maintenance, General”, \$139,000,000, to remain*
 19 *available until expended, to be obligated from amounts*
 20 *made available in Public Law 107–38.*

21 *DEPARTMENT OF THE INTERIOR*

22 *BUREAU OF RECLAMATION*

23 *WATER AND RELATED RESOURCES*

24 *For emergency expenses to respond to the September*
 25 *11, 2001, terrorist attacks on the United States, for “Water*

1 *and Related Resources*”, \$30,259,000, to remain available
2 *until expended, to be obligated from amounts made avail-*
3 *able in Public Law 107–38.*

4 *DEPARTMENT OF ENERGY*

5 *ATOMIC ENERGY DEFENSE ACTIVITIES*

6 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

7 *WEAPONS ACTIVITIES*

8 *For emergency expenses to respond to the September*
9 *11, 2001, terrorist attacks on the United States, and for*
10 *other expenses to increase the security of the Nation’s nu-*
11 *clear weapons complex, for “Weapons Activities”,*
12 *\$131,000,000, to remain available until expended, to be ob-*
13 *ligated from amounts made available in Public Law 107–*
14 *38.*

15 *DEFENSE NUCLEAR NONPROLIFERATION*

16 *For emergency expenses to respond to the September*
17 *11, 2001, terrorist attacks on the United States, and for*
18 *other expenses to improve nuclear nonproliferation and*
19 *verification research and development (including research*
20 *and development with respect to radiological dispersion de-*
21 *vices, also know as “dirty bombs”), for “Defense Nuclear*
22 *Nonproliferation”, \$226,000,000, to remain available until*
23 *expended, to be obligated from amounts made available in*
24 *Public Law 107–38.*

1 *OTHER DEFENSE RELATED ACTIVITIES*2 *OTHER DEFENSE ACTIVITIES*

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, and for*
5 *other expenses necessary to support activities related to*
6 *countering potential biological threats to civilian popu-*
7 *lations, for “Other Defense Activities”, \$3,500,000, to re-*
8 *main available until expended, to be obligated from*
9 *amounts made available in Public Law 107–38.*

10 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*11 *MANAGEMENT*

12 *For emergency expenses to respond to the September*
13 *11, 2001, terrorist attacks on the United States, for “De-*
14 *fense Environmental Restoration and Waste Management”,*
15 *\$8,200,000, to remain available until expended, to be obli-*
16 *gated from amounts made available in Public Law 107–*
17 *38.*

18 *INDEPENDENT AGENCY*19 *NUCLEAR REGULATORY COMMISSION*20 *SALARIES AND EXPENSES*

21 *For emergency expenses to respond to the September*
22 *11, 2001, terrorist attacks on the United States, and for*
23 *other expenses to increase the security of the Nation’s nu-*
24 *clear power plants, for “Salaries and Expenses”,*
25 *\$36,000,000, to remain available until expended, to be obli-*
26 *gated from amounts made available in Public Law 107–*

1 38: *Provided, That the funds appropriated herein shall be*
2 *excluded from license fee revenues, notwithstanding 42*
3 *U.S.C. 2214.*

4 *GENERAL PROVISIONS, THIS CHAPTER*

5 *SEC. 501. Of the funds provided in this or any other*
6 *Act for “Defense Environmental Restoration and Waste*
7 *Management” at the Department of Energy, up to \$500,000*
8 *may be available to the Secretary of Energy for safety im-*
9 *provements to roads along the shipping route to the Waste*
10 *Isolation Pilot Plant site.*

11 *SEC. 502. NUTWOOD LEVEE, ILLINOIS. The Energy*
12 *and Water Development Appropriations Act, 2002 (Public*
13 *Law 107–66) is amended under the heading “Title I, De-*
14 *partment of Defense-Civil, Department of the Army, Corps*
15 *of Engineers-Civil, Construction, General” by inserting*
16 *after “\$3,500,000” but before the “.” “: Provided further,*
17 *That using \$400,000 of the funds appropriated herein, the*
18 *Secretary of the Army, acting through the Chief of Engi-*
19 *neers, may initiate construction on the Nutwood Levee, Illi-*
20 *nois project”.*

21 *SEC. 503. Title III of the Energy and Water Develop-*
22 *ment Appropriations Act, 2002 (Public Law 107–66) is*
23 *amended by adding at the end the following new section:*

24 *“SEC. 313. (a) INCREASE IN AMOUNT AVAILABLE FOR*
25 *ELECTRIC ENERGY SYSTEMS AND STORAGE PROGRAM.—*

1 *The amount appropriated by this title under the heading*
2 *‘DEPARTMENT OF ENERGY’ under the heading ‘EN-*
3 *ERGY PROGRAMS’ under the paragraph ‘ENERGY SUP-*
4 *PLY’ is hereby increased by \$14,000,000, with the amount*
5 *of the increase to be available under that paragraph for the*
6 *electric energy systems and storage program.*

7 “(b) *DECREASE IN AMOUNT AVAILABLE FOR DEPART-*
8 *MENT OF ENERGY GENERALLY.—The amount appropriated*
9 *by this title under the heading ‘DEPARTMENT OF EN-*
10 *ERGY’ (other than under the heading ‘NATIONAL NUCLEAR*
11 *SECURITY ADMINISTRATION’ or under the heading ‘EN-*
12 *ERGY PROGRAMS’ under the paragraph ‘ENERGY SUP-*
13 *PLY’) is hereby decreased by \$14,000,000, with the amount*
14 *of the decrease to be distributed among amounts available*
15 *under the heading ‘DEPARTMENT OF ENERGY’ in a*
16 *manner determined by the Secretary of Energy and ap-*
17 *proved by the Committees on Appropriations.”.*

18 *SEC. 504. The Reclamation Safety of Dams Act of*
19 *1978 (43 U.S.C. 509) is amended as follows:*

20 (1) *by inserting in Section 4(c) after “2000,”*
21 *and before “costs” the following: “and the additional*
22 *\$32,000,000 further authorized to be appropriated by*
23 *amendments to the Act in 2001,”; and*

24 (2) *by inserting in Section 5 after “levels),” and*
25 *before “plus” the following: “and, effective October 1,*

1 2001, not to exceed an additional \$32,000,000 (Octo-
2 ber 1, 2001, price levels),”.

3 CHAPTER 6

4 DEPARTMENT OF THE INTERIOR

5 NATIONAL PARK SERVICE

6 OPERATION OF THE NATIONAL PARK SYSTEM

7 For emergency expenses to respond to the September
8 11, 2001, terrorist attacks on the United States, for “Oper-
9 ation of the National Park System”, \$10,098,000, to remain
10 available until expended, to be obligated from amounts
11 made available in Public Law 107–38.

12 UNITED STATES PARK POLICE

13 For emergency expenses to respond to the September
14 11, 2001, terrorist attacks on the United States, for “United
15 States Park Police”, \$25,295,000, to remain available until
16 expended, to be obligated from amounts made available in
17 Public Law 107–38.

18 CONSTRUCTION

19 For emergency expenses to respond to the September
20 11, 2001, terrorist attacks on the United States, for “Con-
21 struction”, \$21,624,000, to remain available until ex-
22 pended, to be obligated from amounts made available in
23 Public Law 107–38.

1 *DEPARTMENTAL OFFICES*2 *DEPARTMENTAL MANAGEMENT*3 *SALARIES AND EXPENSES*

4 *For emergency expenses to respond to the September*
5 *11, 2001, terrorist attacks on the United States, for “Sala-*
6 *ries and Expenses”, \$2,205,000, to remain available until*
7 *expended, to be obligated from amounts made available in*
8 *Public Law 107–38, for the working capital fund of the De-*
9 *partment of the Interior.*

10 *RELATED AGENCIES*11 *SMITHSONIAN INSTITUTION*12 *SALARIES AND EXPENSES*

13 *For emergency expenses to respond to the September*
14 *11, 2001, terrorist attacks on the United States, for “Sala-*
15 *ries and Expenses”, \$21,707,000, to remain available until*
16 *expended, to be obligated from amounts made available in*
17 *Public Law 107–38.*

18 *NATIONAL GALLERY OF ART*19 *SALARIES AND EXPENSES*

20 *For emergency expenses to respond to the September*
21 *11, 2001, terrorist attacks on the United States, for “Sala-*
22 *ries and Expenses”, \$2,148,000, to remain available until*
23 *expended, to be obligated from amounts made available in*
24 *Public Law 107–38.*

1 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*
2 *OPERATIONS AND MAINTENANCE*

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, for “Oper-*
5 *ations and Maintenance”, \$4,310,000, to remain available*
6 *until expended, to be obligated from amounts made avail-*
7 *able in Public Law 107–38.*

8 *NATIONAL CAPITAL PLANNING COMMISSION*
9 *SALARIES AND EXPENSES*

10 *For emergency expenses to respond to the September*
11 *11, 2001, terrorist attacks on the United States, for “Sala-*
12 *ries and Expenses”, \$758,000, to remain available until ex-*
13 *pended, to be obligated from amounts made available in*
14 *Public Law 107–38.*

15 *GENERAL PROVISIONS, THIS CHAPTER*

16 *SEC. 601. (a) IN GENERAL.—The Secretary of the*
17 *Smithsonian Institution may collect and preserve in the*
18 *National Museum of American History artifacts relating*
19 *to the September 11th attacks on the World Trade Center*
20 *and the Pentagon.*

21 *(b) TYPES OF ARTIFACTS.—In carrying out subsection*
22 *(a), the Secretary of the Smithsonian Institution shall con-*
23 *sider collecting and preserving—*

24 *(1) pieces of the World Trade Center and the*
25 *Pentagon;*

1 (2) *still and video images made by private indi-*
2 *viduals and the media;*

3 (3) *personal narratives of survivors, rescuers,*
4 *and government officials; and*

5 (4) *other artifacts, recordings, and testimonials*
6 *that the Secretary of the Smithsonian Institution de-*
7 *termines have lasting historical significance.*

8 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
9 *authorized to be appropriated to the Smithsonian Institu-*
10 *tion \$5,000,000 to carry out this section.*

11 *Sec. 602. Section 29 of Public Law 92–203, as enacted*
12 *under section 4 of Public Law 94–204 (43 U.S.C. 1626),*
13 *is amended by adding at the end of subsection (e) the fol-*
14 *lowing:*

15 “(4)(A) *Congress confirms that Federal procure-*
16 *ment programs for tribes and Alaska Native Corpora-*
17 *tions are enacted pursuant to its authority under Ar-*
18 *ticle I, Section 8 of the United States Constitution.*

19 “(B) *Contracting with an entity defined in sub-*
20 *section (e)(2) of this section or section 3(c) of Public*
21 *Law 93–262 shall be credited towards the satisfaction*
22 *of a contractor’s obligations under section 7 of Public*
23 *Law 87–305.*

24 “(C) *Any entity that satisfies subsection (e)(2) of*
25 *this section that has been certified under section 8 of*

1 *Public Law 85-536 is a Disadvantaged Business En-*
2 *terprise for the purposes of Public Law 105-178.”.*

3 *SEC. 603. (a) GENERAL TRUSTEES.—*

4 *(1) IN GENERAL.—Subsection (a) of section 2 of*
5 *the John F. Kennedy Center Act (20 U.S.C. 76h) is*
6 *amended in its last clause by striking out the word*
7 *“thirty” and inserting in lieu thereof the word “thir-*
8 *ty-six”.*

9 *(2) TERMS OF OFFICE FOR NEW GENERAL*
10 *TRUSTEES.—*

11 *(A) INITIAL TERMS OF OFFICE.—*

12 *(i) COMMENCEMENTS OF INITIAL*
13 *TERM.—The initial terms of office for all*
14 *new general trustees offices created by this*
15 *section shall commence upon appointment*
16 *by the President.*

17 *(ii) EXPIRATIONS OF INITIAL TERM.—*
18 *The initial terms of office for all new gen-*
19 *eral trustee offices created by this section*
20 *shall continue until September 1, 2007.*

21 *(iii) VACANCIES AND SERVICE UNTIL*
22 *THE APPOINTMENT OF A SUCCESSOR.—For*
23 *all new general trustee offices created by*
24 *this section, subsections (b)(1) and (b)(2) of*

1 *section 2 of the John F. Kennedy Center Act*
2 *(20 U.S.C. 76h) shall apply.*

3 *(B) SUCCEEDING TERMS OF OFFICE.—Upon*
4 *the expirations of the initial terms of office pur-*
5 *suant to subparagraph (A) the terms of office for*
6 *all new general trustee offices created by this sec-*
7 *tion shall be governed by subsection (b) of section*
8 *2 of the John F. Kennedy Center Act (20 U.S.C.*
9 *76h).*

10 *(b) EX OFFICIO TRUSTEES.—Subsection (a) of section*
11 *2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is*
12 *further amended by inserting in the second sentence “the*
13 *Majority and Minority Leaders of the Senate, the Speaker*
14 *of the House of Representatives, the Minority Leader of the*
15 *House of Representatives,” after “the Secretary of the*
16 *Smithsonian Institution,”.*

17 *(c) HOUSEKEEPING AMENDMENT.—To conform with*
18 *the previous abolition of the United States Information*
19 *Agency and the transfer of all functions of the Director of*
20 *the United States Information Agency to the Secretary of*
21 *State (sections 1311 and 1312 of Public Law 105–277, 112*
22 *Stat. 2681–776), subsection (a) of section 2 of the John F.*
23 *Kennedy Center Act (20 U.S.C. 76h) is further amended*
24 *by striking in the second sentence “the Director of the*

1 *United States Information Agency,” and inserting in lieu*
2 *thereof “the Secretary of State,”.*

3 *CHAPTER 7*

4 *DEPARTMENT OF LABOR*

5 *EMPLOYMENT AND TRAINING ADMINISTRATION*

6 *TRAINING AND EMPLOYMENT SERVICES*

7 *For emergency expenses to respond to the September*
8 *11, 2001, terrorist attacks on the United States for “Train-*
9 *ing and employment services”, \$32,500,000, to remain*
10 *available until expended, to be obligated from amounts*
11 *made available in Public Law 107–38: Provided, That such*
12 *amount shall be provided to the Consortium for Worker*
13 *Education, established by the New York City Central Labor*
14 *Council and the New York City Partnership, for an Emer-*
15 *gency Employment Clearinghouse.*

16 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

17 *SERVICE OPERATIONS*

18 *For emergency expenses to respond to the September*
19 *11, 2001, terrorist attacks on the United States, for “State*
20 *Unemployment Insurance and Employment Service Oper-*
21 *ations”, \$4,100,000, to remain available until expended, to*
22 *be obligated from amounts made available in Public Law*
23 *107–38.*

24 *WORKERS COMPENSATION PROGRAMS*

25 *For emergency expenses to respond to the September*
26 *11, 2001, terrorist attacks on the United States, for “Work-*

1 *ers Compensation Programs*”, \$175,000,000, to remain
2 *available until expended, to be obligated from amounts*
3 *made available in Public Law 107–38: Provided, That, of*
4 *such amount, \$125,000,000 shall be for payment to the New*
5 *York State Workers Compensation Review Board, for the*
6 *processing of claims related to the terrorist attacks: Pro-*
7 *vided further, That, of such amount, \$25,000,000 shall be*
8 *for payment to the New York State Uninsured Employers*
9 *Fund, for reimbursement of claims related to the terrorist*
10 *attacks: Provided further, That, of such amount,*
11 *\$25,000,000 shall be for payment to the New York State*
12 *Uninsured Employers Fund, for reimbursement of claims*
13 *related to the first response emergency services personnel*
14 *who were injured, were disabled, or died due to the terrorist*
15 *attacks.*

16 *PENSION AND WELFARE BENEFITS ADMINISTRATION*

17 *SALARIES AND EXPENSES*

18 *For emergency expenses to respond to the September*
19 *11, 2001, terrorist attacks on the United States, for “Sala-*
20 *ries and Expenses”, \$1,600,000, to remain available until*
21 *expended, to be obligated from amounts made available in*
22 *Public Law 107–38.*

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, for “Sala-*
5 *ries and Expenses”, \$1,000,000, to remain available until*
6 *expended, to be obligated from amounts made available in*
7 *Public Law 107–38.*

8 DEPARTMENTAL MANAGEMENT
9 SALARIES AND EXPENSES

10 *For emergency expenses to respond to the September*
11 *11, 2001, terrorist attacks on the United States, for “Sala-*
12 *ries and Expenses”, \$5,880,000, to remain available until*
13 *expended, to be obligated from amounts made available in*
14 *Public Law 107–38.*

15 DEPARTMENT OF HEALTH AND HUMAN
16 SERVICES

17 CENTERS FOR DISEASE CONTROL AND PREVENTION
18 DISEASE CONTROL, RESEARCH, AND TRAINING

19 *For emergency expenses to respond to the September*
20 *11, 2001, terrorist attacks on the United States for “Disease*
21 *control, research, and training” for baseline safety screen-*
22 *ing for the emergency services personnel and rescue and re-*
23 *covery personnel, \$12,000,000, to remain available until ex-*
24 *pendent, to be obligated from amounts made available in*
25 *Public Law 107–38.*

1 *NATIONAL INSTITUTES OF HEALTH*
2 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*
3 *SCIENCES*

4 *For emergency expenses to respond to the September*
5 *11, 2001, terrorist attacks on the United States for “Na-*
6 *tional Institute of Environmental Health Sciences” for car-*
7 *rying out activities set forth in section 311(a) of the Com-*
8 *prehensive Environmental Response, Compensation, and*
9 *Liability Act of 1980, \$10,500,000, to remain available*
10 *until expended, to be obligated from amounts made avail-*
11 *able in Public Law 107–38.*

12 *OFFICE OF THE SECRETARY*
13 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*
14 *For emergency expenses to respond to the September*
15 *11, 2001, terrorist attacks on the United States, to provide*
16 *grants to public entities, not-for-profit entities, and Medi-*
17 *care and Medicaid enrolled suppliers and institutional pro-*
18 *viders to reimburse for health care related expenses or lost*
19 *revenues directly attributable to the public health emergency*
20 *resulting from the September 11, 2001, terrorist acts, for*
21 *“Public Health and Social Services Emergency Fund”,*
22 *\$140,000,000, to remain available until expended, to be ob-*
23 *ligated from amounts made available in Public Law 107–*
24 *38: Provided, That none of the costs have been reimbursed*
25 *or are eligible for reimbursement from other sources.*

1 *For emergency expenses necessary to support activities*
2 *related to countering potential biological, disease, and*
3 *chemical threats to civilian populations, for “Public Health*
4 *and Social Services Emergency Fund”, \$2,575,000,000, to*
5 *remain available until expended, to be obligated from*
6 *amounts made available in Public Law 107–38. Of this*
7 *amount, \$1,000,000,000 shall be for the Centers for Disease*
8 *Control and Prevention for improving State and local ca-*
9 *capacity; \$100,000,000 shall be for grants to hospitals, in col-*
10 *laboration with local governments, to improve capacity to*
11 *respond to bioterrorism; \$165,000,000 shall be for upgrad-*
12 *ing capacity at the Centers for Disease Control and Preven-*
13 *tion, including research; \$10,000,000 shall be for the estab-*
14 *lishment and operation of a national system to track bio-*
15 *logical pathogens; \$99,000,000 shall be for the National In-*
16 *stitute of Allergy and Infectious Diseases for bioterrorism-*
17 *related research and development and other related needs;*
18 *\$71,000,000 shall be for the National Institute of Allergy*
19 *and Infectious Diseases for the construction of biosafety lab-*
20 *oratories and related infrastructure costs; \$593,000,000*
21 *shall be for the National Pharmaceutical Stockpile;*
22 *\$512,000,000 shall be for the purchase, deployment and re-*
23 *lated costs of the smallpox vaccine, and \$25,000,000 shall*
24 *be for improving laboratory security at the National Insti-*
25 *tutes of Health and the Centers for Disease Control and Pre-*

1 *vention. At the discretion of the Secretary, these amounts*
2 *may be transferred between categories subject to normal re-*
3 *programming procedures.*

4 *DEPARTMENT OF EDUCATION*

5 *OFFICE OF ELEMENTARY AND SECONDARY EDUCATION*

6 *SCHOOL IMPROVEMENT PROGRAMS*

7 *For emergency expenses to respond to the September*
8 *11, 2001, terrorist attacks on the United States, for “School*
9 *Improvement Programs”, for the Project School Emergency*
10 *Response to Violence program, \$10,000,000, to be obligated*
11 *from amounts made available in Public Law 107–38.*

12 *RELATED AGENCIES*

13 *SOCIAL SECURITY ADMINISTRATION*

14 *LIMITATION ON ADMINISTRATIVE EXPENSES*

15 *For emergency expenses to respond to the September*
16 *11, 2001, terrorist attacks on the United States, for “Limi-*
17 *tation on Administrative Expenses”, \$7,500,000, to remain*
18 *available until expended, to be obligated from amounts*
19 *made available in Public Law 107–38.*

20 *NATIONAL LABOR RELATIONS BOARD*

21 *SALARIES AND EXPENSES*

22 *For emergency expenses to respond to the September*
23 *11, 2001, terrorist attacks on the United States, for “Sala-*
24 *ries and Expenses”, \$180,000, to remain available until ex-*

1 *pending, to be obligated from amounts made available in*
2 *Public Law 107–38.*

3 *CHAPTER 8*

4 *LEGISLATIVE BRANCH*

5 *JOINT ITEMS*

6 *LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For emergency expenses to respond to the terrorist at-*
9 *tacks on the United States, \$256,081,000, to remain avail-*
10 *able until expended, to be obligated from amounts made*
11 *available in Public Law 107–38: Provided, That*
12 *\$34,500,000 shall be transferred to the “SENATE”, “Ser-*
13 *geant at Arms and Doorkeeper of the Senate” and shall be*
14 *obligated with the prior approval of the Senate Committee*
15 *on Appropriations: Provided further, That \$40,712,000*
16 *shall be transferred to “HOUSE OF REPRESENTA-*
17 *TIVES”, “Salaries and Expenses” and shall be obligated*
18 *with the prior approval of the House Committee on Appro-*
19 *priations: Provided further, That the remaining balance of*
20 *\$180,869,000 shall be transferred to the Capitol Police*
21 *Board, which shall transfer to the affected entities in the*
22 *Legislative Branch such amounts as are approved by the*
23 *House and Senate Committees on Appropriations: Provided*
24 *further, That any Legislative Branch entity receiving funds*
25 *pursuant to the Emergency Response Fund established by*
26 *Public Law 107–38 (without regard to whether the funds*

1 *are provided under this chapter or pursuant to any other*
2 *provision of law) may transfer any funds provided to the*
3 *entity to any other Legislative Branch entity receiving*
4 *funds under Public Law 107–38 in an amount equal to*
5 *that required to provide support for security enhancements,*
6 *subject to the approval of the Committees on Appropriations*
7 *of the House of Representatives and Senate.*

8 *SENATE*

9 *ADMINISTRATIVE PROVISIONS*

10 *SEC. 801. (a) ACQUISITION OF BUILDINGS AND FA-*
11 *CILITIES.—Notwithstanding any other provision of law, in*
12 *order to respond to an emergency situation, the Sergeant*
13 *at Arms of the Senate may acquire buildings and facilities,*
14 *subject to the availability of appropriations, for the use of*
15 *the Senate, as appropriate, by lease, purchase, or such other*
16 *arrangement as the Sergeant at Arms of the Senate con-*
17 *siders appropriate (including a memorandum of under-*
18 *standing with the head of an Executive Agency, as defined*
19 *in section 105 of title 5, United States Code, in the case*
20 *of a building or facility under the control of such Agency).*
21 *Actions taken by the Sergeant at Arms of the Senate must*
22 *be approved by the Committees on Appropriations and*
23 *Rules and Administration.*

24 *(b) AGREEMENTS.—Notwithstanding any other provi-*
25 *sion of law, for purposes of carrying out subsection (a), the*

1 *Sergeant at Arms of the Senate may carry out such activi-*
2 *ties and enter into such agreements related to the use of*
3 *any building or facility acquired pursuant to such sub-*
4 *section as the Sergeant at Arms of the Senate considers ap-*
5 *propriate, including—*

6 (1) *agreements with the United States Capitol*
7 *Police or any other entity relating to the policing of*
8 *such building or facility; and*

9 (2) *agreements with the Architect of the Capitol*
10 *or any other entity relating to the care and mainte-*
11 *nance of such building or facility.*

12 (c) *AUTHORITY OF CAPITOL POLICE AND ARCHI-*
13 *TECT.—*

14 (1) *ARCHITECT OF THE CAPITOL.—Notwith-*
15 *standing any other provision of law, the Architect of*
16 *the Capitol may take any action necessary to carry*
17 *out an agreement entered into with the Sergeant at*
18 *Arms of the Senate pursuant to subsection (b).*

19 (2) *CAPITOL POLICE.—Section 9 of the Act of*
20 *July 31, 1946 (40 U.S.C. 212a) is amended—*

21 (A) *by striking “The Capitol Police” and*
22 *inserting “(a) The Capitol Police”; and*

23 (B) *by adding at the end the following new*
24 *subsection:*

1 “(b) For purposes of this section, ‘the United States
2 Capitol Buildings and Grounds’ shall include any building
3 or facility acquired by the Sergeant at Arms of the Senate
4 for the use of the Senate for which the Sergeant at Arms
5 of the Senate has entered into an agreement with the United
6 States Capitol Police for the policing of the building or fa-
7 cility.”.

8 (d) *TRANSFER OF CERTAIN FUNDS.*—Subject to the
9 approval of the Committee on Appropriations of the Senate,
10 the Architect of the Capitol may transfer to the Sergeant
11 at Arms of the Senate amounts made available to the Archi-
12 tect for necessary expenses for the maintenance, care and
13 operation of the Senate office buildings during a fiscal year
14 in order to cover any portion of the costs incurred by the
15 Sergeant at Arms of the Senate during the year in acquir-
16 ing a building or facility pursuant to subsection (a).

17 (e) *EFFECTIVE DATE.*—This section and the amend-
18 ments made by this section shall apply with respect to fiscal
19 year 2002 and each succeeding fiscal year.

20 SEC. 802. (a) Notwithstanding any other provision of
21 law—

22 (1) subject to subsection (b), the Sergeant at
23 Arms of the Senate and the head of an Executive
24 Agency (as defined in section 105 of title 5, United
25 States Code) may enter into a memorandum of un-

1 *derstanding under which the Agency may provide fa-*
2 *cilities, equipment, supplies, personnel, and other*
3 *support services for the use of the Senate during an*
4 *emergency situation; and*

5 *(2) the Sergeant at Arms of the Senate and the*
6 *head of the Agency may take any action necessary to*
7 *carry out the terms of the memorandum of under-*
8 *standing.*

9 *(b) The Sergeant at Arms of the Senate may enter into*
10 *a memorandum of understanding described in subsection*
11 *(a)(1) consistent with the Senate Procurement Regulations.*

12 *(c) This section shall apply with respect to fiscal year*
13 *2002 and each succeeding fiscal year.*

14 *OTHER LEGISLATIVE BRANCH*

15 *ADMINISTRATIVE PROVISIONS*

16 *SEC. 803. (a) Section 1(c) of Public Law 96–152 (40*
17 *U.S.C. 206–1) is amended by striking “but not to exceed”*
18 *and all that follows and inserting the following: “but not*
19 *to exceed \$2,500 less than the lesser of the annual salary*
20 *for the Sergeant at Arms of the House of Representatives*
21 *or the annual salary for the Sergeant at Arms and Door-*
22 *keeper of the Senate.”.*

23 *(b) The Assistant Chief of the Capitol Police shall re-*
24 *ceive compensation at a rate determined by the Capitol Po-*

1 *lice Board, but not to exceed \$1,000 less than the annual*
2 *salary for the chief of the United States Capitol Police.*

3 *(c) This section and the amendment made by this sec-*
4 *tion shall apply with respect to pay periods beginning on*
5 *or after the date of the enactment of this Act.*

6 *SEC. 804. (a) ASSISTANCE FOR CAPITOL POLICE FROM*
7 *EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwith-*
8 *standing any other provision of law, Executive departments*
9 *and Executive agencies may assist the United States Cap-*
10 *itol Police in the same manner and to the same extent as*
11 *such departments and agencies assist the United States Se-*
12 *cret Service under section 6 of the Presidential Protection*
13 *Assistance Act of 1976 (18 U.S.C. 3056 note), except as may*
14 *otherwise be provided in this section.*

15 *(b) TERMS OF ASSISTANCE.—Assistance under this*
16 *section shall be provided—*

17 *(1) consistent with the authority of the Capitol*
18 *Police under sections 9 and 9A of the Act of July 31,*
19 *1946 (40 U.S.C. 212a and 212a-2);*

20 *(2) upon the advance written request of—*

21 *(A) the Chairman of the Capitol Police*
22 *Board, or*

23 *(B) in the absence of the Chairman of the*
24 *Capitol Police Board—*

1 (i) *the Sergeant at Arms and Door-*
2 *keeper of the Senate, in the case of any mat-*
3 *ter relating to the Senate; or*

4 (ii) *the Sergeant at Arms of the House*
5 *of Representatives, in the case of any matter*
6 *relating to the House; and*

7 (3) *either—*

8 (A) *on a temporary and non-reimbursable*
9 *basis,*

10 (B) *on a temporary and reimbursable basis,*

11 *or*

12 (C) *on a permanent reimbursable basis*
13 *upon advance written request of the Chairman of*
14 *the Capitol Police Board.*

15 (c) *REPORTS ON EXPENDITURES FOR ASSISTANCE.—*

16 (1) *REPORTS.—With respect to any fiscal year*
17 *in which an Executive department or Executive agen-*
18 *cy provides assistance under this section, the head of*
19 *that department or agency shall submit a report not*
20 *later than 30 days after the end of the fiscal year to*
21 *the Chairman of the Capitol Police Board.*

22 (2) *CONTENTS.—The report submitted under*
23 *paragraph (1) shall contain a detailed account of all*
24 *expenditures made by the Executive department or*

1 *Executive agency in providing assistance under this*
2 *section during the applicable fiscal year.*

3 (3) *SUMMARY OF REPORTS.*—*After receipt of all*
4 *reports under paragraph (2) with respect to any fis-*
5 *cal year, the Chairman of the Capitol Police Board*
6 *shall submit a summary of such reports to the Com-*
7 *mittees on Appropriations of the Senate and the*
8 *House of Representatives.*

9 (d) *EFFECTIVE DATE.*—*This section shall apply with*
10 *respect to fiscal year 2002 and each succeeding fiscal year.*

11 *SEC. 805. (a) The Chief of the Capitol Police may,*
12 *upon any emergency as determined by the Capitol Police*
13 *Board, deputize members of the National Guard (while in*
14 *the performance of Federal or State service), members of*
15 *components of the Armed Forces other than the National*
16 *Guard, and Federal, State or local law enforcement officers*
17 *as may be necessary to address that emergency. Any person*
18 *deputized under this section shall possess all the powers and*
19 *privileges and may perform all duties of a member or officer*
20 *of the Capitol Police.*

21 (b) *The Capitol Police Board may promulgate regula-*
22 *tions, as determined necessary, to carry out provisions of*
23 *this section.*

24 (c) *This section shall apply to fiscal year 2002 and*
25 *each fiscal year thereafter.*

1 *made available to the Department of Defense from funds*
2 *appropriated in Public Law 107–38 and this Act may be*
3 *used to carry out military construction projects, not other-*
4 *wise authorized by law, that the Secretary of Defense deter-*
5 *mines are necessary to respond to or protect against acts*
6 *or threatened acts of terrorism.*

7 **(b) NOTICE TO CONGRESS.**—*Not later than 15 days*
8 *before obligating amounts available under subsection (a) for*
9 *military construction projects referred to in that subsection*
10 *the Secretary shall notify the appropriate committees of*
11 *Congress the following:*

12 **(1)** *The determination to use such amounts for*
13 *the project.*

14 **(2)** *The estimated cost of the project.*

15 **(c) APPROPRIATE COMMITTEES OF CONGRESS DE-**
16 *FINED.*—*In this section the term “appropriate committees*
17 *of Congress” has the meaning given that term in section*
18 *2801 (4) of title 10, United States Code.*

19 **SEC. 902.** *If in exercising the authority in section 2808*
20 *of title 10, United States Code, to carry out military con-*
21 *struction projects not authorized by law, the Secretary of*
22 *Defense utilizes, whether in whole or in part, funds appro-*
23 *priated but not yet obligated for a military construction*
24 *project previously authorized by law, the Secretary may*
25 *carry out such military construction project previously au-*

1 *thorized by law using amounts appropriated by the 2001*
2 *Emergency Supplemental Appropriations Act for Recovery*
3 *from and Response to Terrorist Attacks on the United*
4 *States (Public Law 107–38; 115 Stat. 220), or any other*
5 *appropriations Act to provide funds for the recovery from*
6 *and response to the terrorist attacks on the United States*
7 *that is enacted after the date of the enactment of this Act,*
8 *and available for obligation.*

9 *CHAPTER 10*

10 *DEPARTMENT OF TRANSPORTATION*

11 *OFFICE OF THE SECRETARY*

12 *SALARIES AND EXPENSES*

13 *For emergency expenses to respond to the September*
14 *11, 2001, terrorist attacks on the United States, for “Sala-*
15 *ries and Expenses”, for the Office of Intelligence and Secu-*
16 *rity, \$1,500,000, to remain available until expended, to be*
17 *obligated from amounts made available in Public Law 107–*
18 *38.*

19 *PAYMENTS TO AIR CARRIERS*

20 *(AIRPORT AND AIRWAY TRUST FUND)*

21 *For emergency expenses to respond to the September*
22 *11, 2001, terrorist attacks on the United States, in addition*
23 *to funds made available from any other source to carry out*
24 *the essential air service program under 49 U.S.C. 41731*
25 *through 41742, to be derived from the Airport and Airway*

1 *Trust Fund, \$57,000,000, to remain available until ex-*
2 *pendent, to be obligated from amounts made available in*
3 *Public Law 107–38: Provided, That it is the sense of the*
4 *Senate that funds provided under this paragraph shall be*
5 *used to provide subsidized service at a rate of not less than*
6 *three flights per day for eligible communities with signifi-*
7 *cant enplanement levels that enjoyed said rate of service,*
8 *with or without subsidy, prior to September 11, 2001.*

9 *COAST GUARD*

10 *OPERATING EXPENSES*

11 *For emergency expenses to respond to the September*
12 *11, 2001, terrorist attacks on the United States, for “Oper-*
13 *ating Expenses”, \$285,350,000, to remain available until*
14 *September 30, 2003, to be obligated from amounts made*
15 *available in Public Law 107–38.*

16 *FEDERAL AVIATION ADMINISTRATION*

17 *OPERATIONS*

18 *(AIRPORT AND AIRWAY TRUST FUND)*

19 *For emergency expenses to respond to the September*
20 *11, 2001, terrorist attacks on the United States, for “Oper-*
21 *ations”, \$251,000,000, to be derived from the Airport and*
22 *Airway Trust Fund and to remain available until Sep-*
23 *tember 30, 2003, to be obligated from amounts made avail-*
24 *able in Public Law 107–38.*

1 *RESEARCH, ENGINEERING, AND DEVELOPMENT*2 *(AIRPORT AND AIRWAY TRUST FUND)*

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, for “Re-*
5 *search, Engineering, and Development”, \$50,000,000, to be*
6 *derived from the Airport and Airway Trust Fund, to be*
7 *obligated from amounts made available in Public Law 107–*
8 *38.*

9 *GRANTS-IN-AID FOR AIRPORTS*10 *(AIRPORT AND AIRWAY TRUST FUND)*

11 *For emergency expenses to respond to the September*
12 *11, 2001, terrorist attacks on the United States, notwith-*
13 *standing any other provision of law, for “Grants-in-aid for*
14 *airports”, to enable the Federal Aviation Administrator to*
15 *compensate airports for a portion of the direct costs associ-*
16 *ated with new, additional or revised security requirements*
17 *imposed on airport operators by the Administrator on or*
18 *after September 11, 2001, \$200,000,000, to be derived from*
19 *the Airport and Airway Trust Fund, to remain available*
20 *until expended, to be obligated from amounts made avail-*
21 *able in Public Law 107–38*

22 *FEDERAL HIGHWAY ADMINISTRATION*23 *MISCELLANEOUS APPROPRIATIONS*

24 *For emergency expenses to respond to the September*
25 *11, 2001, terrorist attacks on the United States, for “Mis-*
26 *cellaneous Appropriations”, including the operation and*

1 *construction of ferrys and ferry facilities, \$110,000,000, to*
2 *remain available until expended, to be obligated from*
3 *amounts made available in Public Law 107–38.*

4 *FEDERAL-AID HIGHWAYS*

5 *EMERGENCY RELIEF PROGRAM*

6 *(HIGHWAY TRUST FUND)*

7 *For emergency expenses to respond to the September*
8 *11, 2001, terrorist attacks on the United States, for “Emer-*
9 *gency Relief Program”, as authorized by section 125 of title*
10 *23, United States Code, \$75,000,000, to be derived from the*
11 *Highway Trust Fund and to remain available until ex-*
12 *pended, to be obligated from amounts made available in*
13 *Public Law 107–38.*

14 *FEDERAL RAILROAD ADMINISTRATION*

15 *SAFETY AND OPERATIONS*

16 *For emergency expenses to respond to the September*
17 *11, 2001, terrorist attacks on the United States, for “Safety*
18 *and Operations”, \$6,000,000, to remain available until ex-*
19 *pended, to be obligated from amounts made available in*
20 *Public Law 107–38.*

21 *CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER*

22 *CORPORATION*

23 *For emergency expenses to respond to the September*
24 *11, 2001, terrorist attacks on the United States, for nec-*
25 *essary expenses of capital improvements of the National*
26 *Railroad Passenger Corporation as authorized by 49 U.S.C.*

1 24104(a), \$100,000,000, to remain available until ex-
2 pended, and to be obligated from amounts made available
3 in Public Law 107–38.

4 *FEDERAL TRANSIT ADMINISTRATION*

5 *FORMULA GRANTS*

6 *For emergency expenses to respond to the September*
7 *11, 2001, terrorist attacks on the United States, for “For-*
8 *mula Grants”, \$23,500,000, to remain available until ex-*
9 *pended, to be obligated from amounts made available in*
10 *Public Law 107–38.*

11 *CAPITAL INVESTMENT GRANTS*

12 *For emergency expenses to respond to the September*
13 *11, 2001, terrorist attacks on the United States, for “Cap-*
14 *ital Investment Grants”, \$100,000,000, to be obligated from*
15 *amounts made available in Public Law 107–38: Provided,*
16 *That in administering funds made available under this*
17 *paragraph, the Federal Transit Administrator shall direct*
18 *funds to those transit agencies most severely impacted by*
19 *the terrorist attacks of September 11, 2001, excluding any*
20 *transit agency receiving a Federal payment elsewhere in*
21 *this Act: Provided further, That the provisions of 49 U.S.C.*
22 *5309(h) shall not apply to funds made available under this*
23 *paragraph.*

1 *RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION*2 *RESEARCH AND SPECIAL PROGRAMS*

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, for “Re-*
5 *search and Special Programs”, \$6,000,000, to remain*
6 *available until expended, to be obligated from amounts*
7 *made available in Public Law 107–38.*

8 *OFFICE OF INSPECTOR GENERAL*9 *SALARIES AND EXPENSES*

10 *For emergency expenses to respond to the September*
11 *11, 2001, terrorist attacks on the United States and for*
12 *other safety and security related audit and monitoring re-*
13 *sponsibilities, for “Salaries and Expenses”, \$2,000,000, to*
14 *remain available until expended, to be obligated from*
15 *amounts made available in Public Law 107–38.*

16 *RELATED AGENCY*17 *NATIONAL TRANSPORTATION SAFETY BOARD*18 *SALARIES AND EXPENSES*

19 *For emergency expenses to respond to the September*
20 *11, 2001, terrorist attacks on the United States, for “Sala-*
21 *ries and Expenses”, \$836,000, to remain available until ex-*
22 *pended, to be obligated from amounts made available in*
23 *Public Law 107–38.*

1 *GENERAL PROVISIONS, THIS CHAPTER*

2 *SEC. 1001. Section 5117(b)(3) of the Transportation*
3 *Equity Act for the 21st Century (Public Law 105–178; 112*
4 *Stat. 449; 23 U.S.C. 502 note) is amended —*

5 (1) *by redesignating subparagraphs (C), (D),*
6 *and (E) as subparagraphs (D), (F), and (G), respec-*
7 *tively;*

8 (2) *by inserting after subparagraph (B) the fol-*
9 *lowing new subparagraph (C):*

10 “(C) *FOLLOW-ON DEPLOYMENT.—(i) After*
11 *an intelligent transportation infrastructure sys-*
12 *tem deployed in an initial deployment area pur-*
13 *suant to a contract entered into under the pro-*
14 *gram under this paragraph has received system*
15 *acceptance, the Department of Transportation*
16 *has the authority to extend the original contract*
17 *that was competitively awarded for the deploy-*
18 *ment of the system in the follow-on deployment*
19 *areas under the contract, using the same asset*
20 *ownership, maintenance, fixed price contract,*
21 *and revenue sharing model, and the same com-*
22 *petitively selected consortium leader, as were*
23 *used for the deployment in that initial deploy-*
24 *ment area under the program.*

1 “(ii) If any one of the follow-on deployment
2 areas does not commit, by July 1, 2002, to par-
3 ticipate in the deployment of the system under
4 the contract, then, upon application by any of
5 the other follow-on deployment areas that have
6 committed by that date to participate in the de-
7 ployment of the system, the Secretary shall sup-
8 plement the funds made available for any of the
9 follow-on deployment areas submitting the appli-
10 cations by using for that purpose the funds not
11 used for deployment of the system in the non-
12 participating area. Costs paid out of funds pro-
13 vided in such a supplementation shall not be
14 counted for the purpose of the limitation on
15 maximum cost set forth in subparagraph (B).”;

16 (4) by inserting after subparagraph (D), as re-
17 designated by paragraph (1), the following new sub-
18 paragraph (E):

19 “(E) DEFINITIONS.—In this paragraph:

20 “(i) The term ‘initial deployment area’
21 means a metropolitan area referred to in
22 the second sentence of subparagraph (A).

23 “(ii) The term ‘follow-on deployment
24 areas’ means the metropolitan areas of Bal-
25 timore, Birmingham, Boston, Chicago,

1 *Cleveland, Dallas/Ft. Worth, Denver, De-*
2 *troit, Houston, Indianapolis, Las Vegas,*
3 *Los Angeles, Miami, New York/Northern*
4 *New Jersey, Northern Kentucky/Cincinnati,*
5 *Oklahoma City, Orlando, Philadelphia,*
6 *Phoenix, Pittsburgh, Portland, Providence,*
7 *Salt Lake, San Diego, San Francisco, St.*
8 *Louis, Seattle, Tampa, and Washington,*
9 *District of Columbia.”; and*

10 *(5) in subparagraph (D), as redesignated by*
11 *paragraph (1), by striking “subparagraph (D)” and*
12 *inserting “subparagraph (F)”.*

13 *SEC. 1002. No appropriated funds or revenues gen-*
14 *erated by the National Railroad Passenger Corporation*
15 *may be used to implement section 204(c)(2) of Public Law*
16 *105–134 until the Congress has enacted an Amtrak reau-*
17 *thorization Act.*

18 *CHAPTER 11*

19 *DEPARTMENT OF THE TREASURY*

20 *INSPECTOR GENERAL FOR TAX ADMINISTRATION*

21 *SALARIES AND EXPENSES*

22 *For emergency expenses to respond to the September*
23 *11, 2001, terrorist attacks on the United States, for “Sala-*
24 *ries and Expenses”, \$2,032,000, to remain available until*

1 *expended, to be obligated from amounts made available by*
2 *Public Law 107–38.*

3 *FINANCIAL CRIMES ENFORCEMENT NETWORK*

4 *SALARIES AND EXPENSES*

5 *For emergency expenses to respond to the September*
6 *11, 2001, terrorist attacks on the United States, for “Sala-*
7 *ries and Expenses”, \$1,700,000, to remain available until*
8 *expended, to be obligated from amounts made available in*
9 *Public Law 107–38.*

10 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

11 *SALARIES AND EXPENSES*

12 *For emergency expenses to respond to the September*
13 *11, 2001, terrorist attacks on the United States, for “Sala-*
14 *ries and Expenses”, \$22,846,000, to remain available until*
15 *expended, to be obligated from amounts made available in*
16 *Public Law 107–38.*

17 *FINANCIAL MANAGEMENT SERVICE*

18 *SALARIES AND EXPENSES*

19 *For emergency expenses to respond to the September*
20 *11, 2001, terrorist attacks on the United States, for “Sala-*
21 *ries and Expenses”, \$600,000, to remain available until ex-*
22 *pended, to be obligated from amounts made available in*
23 *Public Law 107–38.*

1 *BUREAU OF ALCOHOL, TOBACCO AND FIREARMS*2 *SALARIES AND EXPENSES*

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, for “Sala-*
5 *ries and Expenses”, \$31,431,000, to remain available until*
6 *expended, to be obligated from amounts made available in*
7 *Public Law 107–38.*

8 *UNITED STATES CUSTOMS SERVICE*9 *SALARIES AND EXPENSES*

10 *For emergency expenses to respond to the September*
11 *11, 2001, terrorist attacks on the United States, for “Sala-*
12 *ries and Expenses”, \$292,603,000, to remain available until*
13 *expended, to be obligated from amounts made available in*
14 *Public Law 107–38; of this amount, not less than*
15 *\$140,000,000 shall be available for increased staffing to*
16 *combat terrorism along the Nation’s borders, of which*
17 *\$10,000,000 shall be available for hiring inspectors along*
18 *the Southwest border; not less than \$15,000,000 shall be*
19 *available for seaport security; and not less than \$30,000,000*
20 *shall be available for the procurement and deployment of*
21 *non-intrusive and counterterrorism inspection technology,*
22 *equipment and infrastructure improvements to combat ter-*
23 *rorism at the land and sea border ports of entry.*

1 *OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND*
2 *MARINE INTERDICTION PROGRAMS*

3 *For emergency expenses to respond to the September*
4 *11, 2001, terrorist attacks on the United States, for “Oper-*
5 *ation, Maintenance and Procurement, Air and Marine*
6 *Interdiction Programs”, \$6,700,000, to remain available*
7 *until expended, to be obligated from amounts made avail-*
8 *able in Public Law 107–38.*

9 *INTERNAL REVENUE SERVICE*
10 *PROCESSING, ASSISTANCE AND MANAGEMENT*

11 *For emergency expenses to respond to the September*
12 *11, 2001, terrorist attacks on the United States, for “Proc-*
13 *essing, Assistance and Management”, \$16,658,000, to re-*
14 *main available until expended, to be obligated from*
15 *amounts made available by Public Law 107–38.*

16 *TAX LAW ENFORCEMENT*

17 *For emergency expenses to respond to the September*
18 *11, 2001, terrorist attacks on the United States, for “Tax*
19 *Law Enforcement”, \$4,544,000, to remain available until*
20 *expended, to be obligated from amounts made available by*
21 *Public Law 107–38.*

22 *INFORMATION SYSTEMS*

23 *For emergency expenses to respond to the September*
24 *11, 2001, terrorist attacks on the United States, for “Infor-*
25 *mation Systems”, \$15,991,000, to remain available until*

1 *expended, to be obligated from amounts made available by*
2 *Public Law 107–38.*

3 *UNITED STATES SECRET SERVICE*

4 *SALARIES AND EXPENSES*

5 *For emergency expenses to respond to the September*
6 *11, 2001, terrorist attacks on the United States, for “Sala-*
7 *ries and Expenses”, \$104,769,000, to remain available until*
8 *expended, to be obligated from amounts made available in*
9 *Public Law 107–38.*

10 *EXECUTIVE OFFICE OF THE PRESIDENT*

11 *OFFICE OF ADMINISTRATION*

12 *SALARIES AND EXPENSES*

13 *For emergency expenses to respond to the September*
14 *11, 2001, terrorist attacks on the United States, for “Sala-*
15 *ries and Expenses”, \$50,040,000, to remain available until*
16 *expended, to be obligated from amounts made available in*
17 *Public Law 107–38.*

18 *POSTAL SERVICE*

19 *PAYMENT TO THE POSTAL SERVICE FUND*

20 *For emergency expenses to the Postal Service Fund to*
21 *enable the Postal Service to build and establish a system*
22 *for sanitizing and screening mail matter, to protect postal*
23 *employees and postal customers from exposure to biohaz-*
24 *ardous material, and to replace or repair Postal Service*
25 *facilities destroyed or damaged in New York City as a result*

1 of the September 11, 2001, terrorist attacks, \$600,000,000,
2 to remain available until expended, to be obligated from
3 amounts made available in Public Law 107–38: Provided,
4 That the Postal Service is authorized to review rates for
5 product delivery and minimum qualifications for eligible
6 service providers under section 5402 of title 39, and to rec-
7 ommend new rates and qualifications to reduce expendi-
8 tures without reducing service levels.

9 *INDEPENDENT AGENCIES*

10 *GENERAL SERVICES ADMINISTRATION*

11 *REAL PROPERTY ACTIVITIES*

12 *FEDERAL BUILDING FUND*

13 *For emergency expenses to respond to the September*
14 *11, 2001, terrorist attacks on the United States, for “Fed-*
15 *eral Buildings Fund”, \$126,500,000, to remain available*
16 *until expended, to be obligated from amounts made avail-*
17 *able in Public Law 107–38.*

18 *NATIONAL ARCHIVES AND RECORDS ADMINISTRATION*

19 *OPERATING EXPENSES*

20 *For emergency expenses to respond to the September*
21 *11, 2001, terrorist attacks on the United States, for “Oper-*
22 *ating Expenses”, \$4,818,000, to remain available until ex-*
23 *pended, to be obligated from amounts made available in*
24 *Public Law 107–38.*

1 *struction, Major Projects”, \$2,000,000, to remain available*
2 *until expended, to be obligated from amounts made avail-*
3 *able in Public Law 107–38.*

4 *DEPARTMENT OF HOUSING AND URBAN*

5 *DEVELOPMENT*

6 *COMMUNITY PLANNING AND DEVELOPMENT*

7 *COMMUNITY DEVELOPMENT FUND*

8 *For emergency expenses to respond to the September*
9 *11, 2001, terrorist attacks on the United States, for “Com-*
10 *munity development fund”, \$2,000,000,000, to remain*
11 *available until expended, to be obligated from amounts*
12 *made available in Public Law 107–38: Provided, That such*
13 *funds shall be subject to the first through sixth provisos in*
14 *section 434 of Public Law 107–73: Provided further, That*
15 *within 45 days of enactment, the State of New York, in*
16 *conjunction with the City of New York, shall establish a*
17 *corporation for the obligation of the funds provided under*
18 *this heading, issue the initial criteria and requirements*
19 *necessary to accept applications from individuals, non-*
20 *profits and small businesses for economic losses from the*
21 *September 11, 2001, terrorist attacks, and begin processing*
22 *such applications: Provided further, That the corporation*
23 *shall respond to any application from an individual, non-*
24 *profit or small business for economic losses under this head-*
25 *ing within 45 days of the submission of an application for*

1 *funding: Provided further, That individuals, nonprofits or*
2 *small businesses shall be eligible for compensation only if*
3 *located in New York City in the area located on or south*
4 *of Canal Street, on or south of East Broadway (east of its*
5 *intersection with Canal Street), or on or south of Grand*
6 *Street (east of its intersection with East Broadway): Pro-*
7 *vided further, That, of the amount made available under*
8 *this heading, no less than \$500,000,000 shall be made avail-*
9 *able for individuals, nonprofits or small businesses de-*
10 *scribed in the prior three provisos with a limit of \$500,000*
11 *per small business for economic losses.*

12 *MANAGEMENT AND ADMINISTRATION*

13 *OFFICE OF INSPECTOR GENERAL*

14 *For emergency expenses to respond to the September*
15 *11, 2001, terrorist attacks on the United States, for “Office*
16 *of Inspector General”, \$1,000,000, to remain available until*
17 *expended, to be obligated from amounts made available in*
18 *Public Law 107–38.*

19 *INDEPENDENT AGENCIES*

20 *ENVIRONMENTAL PROTECTION AGENCY*

21 *SCIENCE AND TECHNOLOGY*

22 *For emergency expenses to respond to the September*
23 *11, 2001, terrorist attacks on the United States, and to sup-*
24 *port activities related to countering terrorism, for “Science*
25 *and Technology”, \$41,514,000, to remain available until*

1 *expended, to be obligated from amounts made available in*
2 *Public Law 107–38.*

3 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

4 *For emergency expenses to respond to the September*
5 *11, 2001, terrorist attacks on the United States, and to sup-*
6 *port activities related to countering terrorism, for “Envi-*
7 *ronmental Programs and Management”, \$38,194,000, to re-*
8 *main available until expended, to be obligated from*
9 *amounts made available in Public Law 107–38.*

10 *HAZARDOUS SUBSTANCE SUPERFUND*

11 *For emergency expenses to respond to the September*
12 *11, 2001, terrorist attacks on the United States, and to sup-*
13 *port activities related to countering terrorism, for “Haz-*
14 *ardous Substance Superfund”, \$41,292,000, to remain*
15 *available until expended, to be obligated from amounts*
16 *made available in Public Law 107–38.*

17 *STATE AND TRIBAL ASSISTANCE GRANTS*

18 *For making grants for emergency expenses to respond*
19 *to the September 11, 2001, terrorist attacks on the United*
20 *States, and to support activities related to countering po-*
21 *tential biological and chemical threats to populations, for*
22 *“State and Tribal Assistance Grants”, \$5,000,000, to re-*
23 *main available until expended, to be obligated from*
24 *amounts made available in Public Law 107–38.*

1 *FEDERAL EMERGENCY MANAGEMENT AGENCY*2 *DISASTER RELIEF*

3 *For disaster recovery activities and assistance related*
4 *to the terrorist attacks in New York, Virginia, and Pennsyl-*
5 *vania on September 11, 2001, for “Disaster Relief”,*
6 *\$5,824,344,000, to remain available until expended, to be*
7 *obligated from amounts made available in Public Law 107-*
8 *38.*

9 *SALARIES AND EXPENSES*

10 *For emergency expenses to respond to the September*
11 *11, 2001, terrorist attacks on the United States, for “Sala-*
12 *ries and Expenses”, \$20,000,000, to remain available until*
13 *expended, for the Office of National Preparedness, to be obli-*
14 *gated from amounts made available in Public Law 107-*
15 *38.*

16 *EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE*17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For emergency expenses to respond to the September*
19 *11, 2001, terrorist attacks on the United States and to sup-*
20 *port activities related to countering terrorism, for “Emer-*
21 *gency Management Planning and Assistance”,*
22 *\$290,000,000, to remain available until September 30,*
23 *2003, for programs as authorized by section 33 of the Fed-*
24 *eral Fire Prevention and Control Act of 1974, as amended*
25 *(15 U.S.C. 2201 et seq.), to be obligated from amounts made*
26 *available in Public Law 107-38: Provided, That up to 5*

1 *percent of this amount shall be transferred to “Salaries and*
2 *expenses” for program administration.*

3 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*

4 *HUMAN SPACE FLIGHT*

5 *For emergency expenses to respond to the September*
6 *11, 2001, terrorist attacks on the United States, for*
7 *“Human Space Flight”, \$64,500,000, to remain available*
8 *until expended, to be obligated from amounts made avail-*
9 *able in Public Law 107–38.*

10 *SCIENCE, AERONAUTICS AND TECHNOLOGY*

11 *For emergency expenses to respond to the September*
12 *11, 2001, terrorist attacks on the United States, for*
13 *“Science, Aeronautics and Technology”, \$28,600,000, to re-*
14 *main available until expended, to be obligated from*
15 *amounts made available in Public Law 107–38.*

16 *NATIONAL SCIENCE FOUNDATION*

17 *RESEARCH AND RELATED ACTIVITIES*

18 *For emergency expenses to respond to the September*
19 *11, 2001, terrorist attacks on the United States, for “Re-*
20 *search and Related Activities”, \$300,000, to remain avail-*
21 *able until expended, to be obligated from amounts made*
22 *available in Public Law 107–38.*

23 *GENERAL PROVISIONS, THIS CHAPTER*

24 *SEC. 1201. UNITY IN THE SPIRIT OF AMERICA. (a)*
25 *SHORT TITLE.—This section may be cited as the “Unity*
26 *in the Spirit of America Act” or the “USA Act”.*

1 (b) *PROJECTS HONORING VICTIMS OF TERRORIST AT-*
 2 *TACKS.*—*The National and Community Service Act of 1990*
 3 *(42 U.S.C. 12501 et seq.) is amended by inserting before*
 4 *title V the following:*

5 **“TITLE IV—PROJECTS HON-**
 6 **ORING VICTIMS OF TER-**
 7 **RORIST ATTACKS**

8 **“SEC. 401. PROJECTS.**

9 “(a) *DEFINITION.*—*In this section, the term ‘Founda-*
 10 *tion’ means the Points of Light Foundation funded under*
 11 *section 301, or another nonprofit private organization, that*
 12 *enters into an agreement with the Corporation to carry out*
 13 *this section.*

14 “(b) *IDENTIFICATION OF PROJECTS.*—

15 “(1) *ESTIMATED NUMBER.*—*Not later than De-*
 16 *cember 1, 2001, the Foundation, after obtaining the*
 17 *guidance of the heads of appropriate Federal agencies,*
 18 *such as the Director of the Office of Homeland Secu-*
 19 *rity and the Attorney General, shall—*

20 “(A) *make an estimate of the number of vic-*
 21 *tims killed as a result of the terrorist attacks on*
 22 *September 11, 2001 (referred to in this section as*
 23 *the ‘estimated number’); and*

24 “(B) *compile a list that specifies, for each*
 25 *individual that the Foundation determines to be*

1 *such a victim, the name of the victim and the*
2 *State in which the victim resided.*

3 “(2) *IDENTIFIED PROJECTS.*—*The Foundation*
4 *may identify approximately the estimated number of*
5 *community-based national and community service*
6 *projects that meet the requirements of subsection (d).*
7 *The Foundation shall name each identified project in*
8 *honor of a victim described in subsection (b)(1)(A),*
9 *after obtaining the permission of an appropriate*
10 *member of the victim’s family and the entity carrying*
11 *out the project.*

12 “(c) *ELIGIBLE ENTITIES.*—*To be eligible to have a*
13 *project named under this section, the entity carrying out*
14 *the project shall be a political subdivision of a State, a busi-*
15 *ness, a nonprofit organization (which may be a religious*
16 *organization, such as a Christian, Jewish, or Muslim orga-*
17 *nization), an Indian tribe, or an institution of higher edu-*
18 *cation.*

19 “(d) *PROJECTS.*—*The Foundation shall name, under*
20 *this section, projects—*

21 “(1) *that advance the goals of unity, and im-*
22 *proving the quality of life in communities; and*

23 “(2) *that will be planned, or for which imple-*
24 *mentation will begin, within a reasonable period after*

1 *This division may be cited as the “Emergency Supple-*
2 *mental Act, 2002”.*

3 *DIVISION C—SPENDING LIMITS AND BUDGETARY*
4 *ALLOCATIONS FOR FISCAL YEAR 2002*

5 *SEC. 101. (a) DISCRETIONARY SPENDING LIMITS.—*
6 *Section 251(c)(6) of the Balanced Budget and Emergency*
7 *Deficit Control Act of 1985 is amended by striking subpara-*
8 *graph (A) and inserting the following:*

9 *“(A) for the discretionary category:*
10 *\$681,441,000,000 in new budget authority and*
11 *\$670,447,000,000 in outlays;”.*

12 *(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon*
13 *the enactment of this section, the chairman of the Com-*
14 *mittee on the Budget of the House of Representatives and*
15 *the chairman of the Committee on the Budget of the Senate*
16 *shall each—*

17 *(1) revise the aggregate levels of new budget au-*
18 *thority and outlays for fiscal year 2002 set in sections*
19 *101(2) and 101(3) of the concurrent resolution on the*
20 *budget for fiscal year 2002 (H. Con. Res. 83, 107th*
21 *Congress), to the extent necessary to reflect the revised*
22 *limits on discretionary budget authority and outlays*
23 *for fiscal year 2002 provided in subsection (a);*

24 *(2) revise allocations under section 302(a) of the*
25 *Congressional Budget Act of 1974 to the Committee*

1 *on Appropriations of their respective House as ini-*
2 *tially set forth in the joint explanatory statement of*
3 *managers accompanying the conference report on that*
4 *concurrent resolution, to the extent necessary to reflect*
5 *the revised limits on discretionary budget authority*
6 *and outlays for fiscal year 2002 provided in sub-*
7 *section (a); and*

8 *(3) publish those revised aggregates and alloca-*
9 *tions in the Congressional Record.*

10 *(c) REPEAL OF SECTION 203 OF BUDGET RESOLUTION*
11 *FOR FISCAL YEAR 2002.—Section 203 of the concurrent res-*
12 *olution on the budget for fiscal year 2002 (H. Con. Res.*
13 *83, 107th Congress) is repealed.*

14 *(d) ADJUSTMENTS.—If, for fiscal year 2002, the*
15 *amount of new budget authority provided in appropriation*
16 *Acts exceeds the discretionary spending limit on new budget*
17 *authority for any category due to technical estimates made*
18 *by the Director of the Office of Management and Budget,*
19 *the Director shall make an adjustment equal to the amount*
20 *of the excess, but not to exceed an amount equal to 0.2 per-*
21 *cent of the sum of the adjusted discretionary limits on new*
22 *budget authority for all categories for fiscal year 2002.*

23 *SEC. 102. PAY-AS-YOU-GO ADJUSTMENT.—In pre-*
24 *paring the final sequestration report for fiscal year 2002*
25 *required by section 254(f)(3) of the Balanced Budget and*

1 *Emergency Deficit Control Act of 1985, the Director of the*
2 *Office of Management and Budget shall change any balance*
3 *of direct spending and receipts legislation for fiscal years*
4 *2001 and 2002 under section 252 of that Act to zero.*

5 *DIVISION D—TECHNICAL CORRECTIONS*

6 *SEC. 101. Title VI of the Agriculture, Rural Develop-*
7 *ment, Food and Drug Administration, and Related Agen-*
8 *cies Appropriations Act, 2002 (Public Law 107–76) is*
9 *amended under the heading “Food and Drug Administra-*
10 *tion, Salaries and Expenses” by striking “\$13,207,000”*
11 *and inserting “\$13,357,000”.*

12 *SEC. 102. Title IV of the Departments of Commerce,*
13 *Justice, and State, the Judiciary and Related Agencies Ap-*
14 *propriations Act, 2002 (Public Law 107–77) is amended*
15 *in the third proviso of the first undesignated paragraph*
16 *under the heading “Diplomatic and Consular Programs”*
17 *by striking “this heading” and inserting “the appropria-*
18 *tions accounts within the Administration of Foreign Af-*
19 *airs”.*

20 *SEC. 103. Title V of the Departments of Commerce,*
21 *Justice, and State, the Judiciary and Related Agencies Ap-*
22 *propriations Act, 2002 (Public Law 107–77) is amended*
23 *in the proviso under the heading “Commission on Ocean*
24 *Policy” by striking “appointment” and inserting “the first*
25 *meeting of the Commission”.*

1 *SEC. 104. Section 612 of Public Law 107–77 is amend-*
2 *ed by striking “June 30, 2002” and inserting “April 1,*
3 *2002”.*

4 *SEC. 105. Section 626(c) of the Departments of Com-*
5 *merce, Justice, and State, the Judiciary and Related Agen-*
6 *cies Appropriations Act, 2002 (Public Law 107–77) is*
7 *amended by striking “1:00CV03110(ESG)” and inserting*
8 *“1:00CV03110(EGS)”.*

9 *SEC. 106. JICARILLA, NEW MEXICO, MUNICIPAL*
10 *WATER SYSTEM. Public Law 107–66 is amended—*

11 *(1) under the heading of “Title I, Department of*
12 *Defense—Civil, Department of the Army, Corps of*
13 *Engineers—Civil, Construction, General”—*

14 *(A) by striking “Provided further, That*
15 *using \$2,500,000 of the funds provided herein,*
16 *the Secretary of the Army, acting through the*
17 *Chief of Engineers, is directed to proceed with a*
18 *final design and initiate construction for the re-*
19 *pair and replacement of the Jicarilla Municipal*
20 *Water System in the town of Dulce, New Mex-*
21 *ico.”; and*

22 *(B) insert at the end before the period the*
23 *following: “: Provided further, That using funds*
24 *provided herein, the Secretary of the Army, act-*
25 *ing through the Chief of Engineers, is directed to*

1 *transfer \$2,500,000 to the Secretary of the Inte-*
2 *rior for the Bureau of Reclamation to proceed*
3 *with the Jicarilla Municipal Water System in*
4 *the town of Dulce, New Mexico’; and*

5 (2) *under the heading of “Title II, Department*
6 *of the Interior, Bureau of Reclamation, Water and*
7 *Related Resources, (Including the Transfer of*
8 *Funds)”—*

9 (A) *insert at the end before the period the*
10 *following: “: Provided further, That using*
11 *\$2,500,000 of the funds provided herein, the Sec-*
12 *retary of the Interior is directed to proceed with*
13 *a final design and initiate construction for the*
14 *repair and replacement of the Jicarilla Munic-*
15 *ipal Water System in the town of Dulce, New*
16 *Mexico”.*

17 SEC. 107. (a) *Public Law 107–68 is amended by add-*
18 *ing at the end the following:*

19 “*This Act may be cited as the ‘Legislative Branch Ap-*
20 *propriations Act, 2002’.*”

21 (b) *The amendment made by subsection (a) shall take*
22 *effect as if included in the enactment of Public Law 107–*
23 *68.*

24 SEC. 108. *Section 102 of the Legislative Branch Ap-*
25 *propriations Act, 2002 (Public Law 107–68) is amended—*

1 (1) in subsection (a), by striking paragraph (1)
2 and redesignating paragraphs (2) through (6) as
3 paragraphs (1) through (5), respectively;

4 (2) in subsection (g)(1)—

5 (A) in subparagraph (A), by striking “sub-
6 section (i)(1)(A)” and inserting “subsection
7 (h)(1)(A)”; and

8 (B) in subparagraph (B), by striking “sub-
9 section (i)(1)(B)” and inserting “subsection
10 (h)(1)(B)”.

11 SEC. 109. (a) Section 209 of the Legislative Branch
12 Appropriations Act, 2002 (Public Law 107–68) is amended
13 in the matter amending Public Law 106–173 by striking
14 the quotation marks and period at the end of the new sub-
15 section (g) and inserting the following: “Any reimbursement
16 under this subsection shall be credited to the appropriation,
17 fund, or account used for paying the amounts reimbursed.

18 “(h) EMPLOYMENT BENEFITS.—

19 “(1) IN GENERAL.—The Commission shall fix
20 employment benefits for the Director and for addi-
21 tional personnel appointed under section 6(a), in ac-
22 cordance with paragraphs (2) and (3).

23 “(2) EMPLOYMENT BENEFITS FOR THE DIREC-
24 TOR.—

1 “(A) *IN GENERAL.*—*The Commission shall*
2 *determine whether or not to treat the Director as*
3 *a Federal employee for purposes of employment*
4 *benefits. If the Commission determines that the*
5 *Director is to be treated as a Federal employee,*
6 *then he or she is deemed to be an employee as*
7 *that term is defined by section 2105 of title 5,*
8 *United States Code, for purposes of chapters 63,*
9 *83, 84, 87, 89, and 90 of that title, and is*
10 *deemed to be an employee for purposes of chapter*
11 *81 of that title. If the Commission determines*
12 *that the Director is not to be treated as a Fed-*
13 *eral employee for purposes of employment bene-*
14 *fits, then the Commission or its administrative*
15 *support service provider shall establish appro-*
16 *priate alternative employment benefits for the*
17 *Director. The Commission’s determination shall*
18 *be irrevocable with respect to each individual ap-*
19 *pointed as Director, and the Commission shall*
20 *notify the Office of Personnel Management and*
21 *the Department of Labor of its determination.*
22 *Notwithstanding the Commission’s determina-*
23 *tion, the Director’s service is deemed to be Fed-*
24 *eral service for purposes of section 8501 of title*
25 *5, United States Code.*

1 “(B) *DETAILEE SERVING AS DIRECTOR.*—
2 *Subparagraph (A) shall not apply to a detailee*
3 *who is serving as Director.*

4 “(3) *EMPLOYMENT BENEFITS FOR ADDITIONAL*
5 *PERSONNEL.*—*A person appointed to the Commission*
6 *staff under subsection (b)(2) is deemed to be an em-*
7 *ployee as that term is defined by section 2105 of title*
8 *5, United States Code, for purposes of chapters 63,*
9 *83, 84, 87, 89, and 90 of that title, and is deemed to*
10 *be an employee for purposes of chapter 81 of that*
11 *title.”.*

12 *(b) The amendments made by this section shall take*
13 *effect as if included in the enactment of the Legislative*
14 *Branch Appropriations Act, 2002 (Public Law 107–68).*

15 *SEC. 110. (a) Section 133(a) of the Legislative Branch*
16 *Appropriations Act, 2001 (Public Law 107–68) is*
17 *amended—*

18 *(1) by striking “90-day” in paragraph (1) and*
19 *inserting “180-day”, and*

20 *(2) by striking “90 days” in paragraph (2)(C)*
21 *and inserting “180 days”.*

22 *(b) The amendments made by subsection (a) shall take*
23 *effect as if included in the enactment of the Legislative*
24 *Branch Appropriations Act, 2001 (Public Law 107–68).*

1 *SEC. 111. (a) Notwithstanding any other provision of*
2 *law, of the funds authorized under section 110 of title 23,*
3 *United States Code, for fiscal year 2002, \$29,542,304 shall*
4 *be set aside for the project as authorized under title IV of*
5 *the National Highway System Designation Act of 1995, as*
6 *amended: Provided, That, if funds authorized under these*
7 *provisions have been distributed then the amount so speci-*
8 *fied shall be recalled proportionally from those funds dis-*
9 *tributed to the States under section 110(b)(4)(A) and (B)*
10 *of title 23, United States Code.*

11 *(b) Notwithstanding any other provision of law, for*
12 *fiscal year 2002, funds available for environmental stream-*
13 *lining activities under section 104(a)(1)(A) of title 23,*
14 *United States Code, may include making grants to, or en-*
15 *tering into contracts, cooperative agreements, and other*
16 *transactions, with a Federal agency, State agency, local*
17 *agency, authority, association nonprofit or for-profit cor-*
18 *poration, or institution of higher education.*

19 *(c) Notwithstanding any other provision of law, of the*
20 *funds authorized under section 110 of title 23, United*
21 *States Code, for fiscal year 2002, and made available for*
22 *the National motor carrier safety program, \$5,896,000 shall*
23 *be for State commercial driver's license program improve-*
24 *ments.*

1 (d) Notwithstanding any other provision of law, of the
2 funds authorized under section 110 of title 23, United
3 States Code, for fiscal year 2002, and made available for
4 border infrastructure improvements, up to \$2,300,000 shall
5 be made available to carry out section 1119(d) of the Trans-
6 portation Equity Act for the 21st Century, as amended.

7 SEC. 112. Notwithstanding any other provision of law,
8 of the amounts appropriated for in fiscal year 2002 for the
9 Research and Special Programs Administration,
10 \$3,170,000 of funds provided for research and special pro-
11 grams shall remain available until September 30, 2004;
12 and \$22,786,000 of funds provided for the pipeline safety
13 program derived from the pipeline safety fund shall remain
14 available until September 30, 2004.

15 SEC. 113. Item 1497 in the table contained in section
16 1602 of the Transportation Equity Act for the 21st Century
17 (112 Stat. 312), relating to Alaska, is amended by inserting
18 “and construct capital improvements to intermodal marine
19 freight and passenger facilities and access thereto” before
20 “in Anchorage”.

21 SEC. 114. Of the funds made available in H.R. 2299,
22 the Fiscal Year 2002 Department of Transportation and
23 Related Agencies Appropriations Act, of funds made avail-
24 able for the Transportation and Community and System
25 Preservation Program, \$300,000 shall be for the US-61

1 *Woodville widening project in Mississippi and, of funds*
2 *made available for the Interstate Maintenance program,*
3 *\$5,000,000 shall be for the City of Renton/Port Quendall,*
4 *WA project.*

5 *SEC. 115. Section 652(c)(1) of Public Law 107-67 is*
6 *amended by striking “Section 414(c)” and inserting “Sec-*
7 *tion 416(c)”.*

8 *DEPARTMENT OF HOUSING AND URBAN*

9 *DEVELOPMENT*

10 *PUBLIC AND INDIAN HOUSING*

11 *HOUSING CERTIFICATE FUND*

12 *SEC. 116. Of the amounts made available under both*
13 *this heading and the heading “Salaries and Expenses” in*
14 *title II of Public Law 107-73, not to exceed \$20,000,000*
15 *shall be for the recordation and liquidation of obligations*
16 *and deficiencies incurred in prior years in connection with*
17 *the provision of technical assistance authorized under sec-*
18 *tion 514 of the Multifamily Assisted Housing Reform and*
19 *Affordability Act of 1997 (“section 514”), and for new obli-*
20 *gations for such technical assistance: Provided, That of the*
21 *total amount provided under this heading, not less than*
22 *\$2,000,000 shall be made available from salaries and ex-*
23 *penses allocated to the Office of General Counsel and the*
24 *Office of Multifamily Housing Assistance Restructuring in*
25 *the Department of Housing and Urban Development: Pro-*
26 *vided further, That of the total amount provided under this*

1 heading, no more than \$10,000,000 shall be made available
2 for new obligations for technical assistance under section
3 514: Provided further, That from amounts made available
4 under this heading, the Inspector General of the Depart-
5 ment of Housing and Urban Development (“HUD Inspector
6 General”) shall audit each provision of technical assistance
7 obligated under the requirements of section 514 over the last
8 4 years: Provided further, That, to the extent the HUD In-
9 spector General determines that the use of any funding for
10 technical assistance does not meet the requirements of sec-
11 tion 514, the Secretary of Housing and Urban Development
12 (“Secretary”) shall recapture any such funds: Provided fur-
13 ther, That no funds appropriated under title II of Public
14 Law 107–73 and subsequent appropriations acts for the De-
15 partment of Housing and Urban Development shall be
16 made available for four years to any entity (or any subse-
17 quent entity comprised of significantly the same officers)
18 that has been identified as having violated the requirements
19 of section 514 by the HUD Inspector General: Provided fur-
20 ther, That, notwithstanding any other provision of law, no
21 funding for technical assistance under section 514 shall be
22 available for carryover from any previous year: Provided
23 further, That the Secretary shall implement the provisions
24 under this heading in a manner that does not accelerate
25 outlays.

1 *DIVISION E—MISCELLANEOUS PROVISIONS*2 *TITLE I—HOMESTAKE MINE CONVEYANCE*3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the “Homestake Mine Con-*
5 *veyance Act of 2001”.*

6 **SEC. 102. FINDINGS.**

7 *Congress finds that—*

8 *(1) the United States is among the leading na-*
9 *tions in the world in conducting basic scientific re-*
10 *search;*

11 *(2) that leadership position strengthens the econ-*
12 *omy and national defense of the United States and*
13 *provides other important benefits;*

14 *(3) the Homestake Mine in Lead, South Dakota,*
15 *owned by the Homestake Mining Company of Cali-*
16 *ifornia, is approximately 8,000 feet deep and is situ-*
17 *ated in a unique physical setting that is ideal for car-*
18 *rying out certain types of particle physics and other*
19 *research;*

20 *(4) the Mine has been selected by the National*
21 *Underground Science Laboratory Committee, an*
22 *independent panel of distinguished scientists, as the*
23 *preferred site for the construction of the National Un-*
24 *derground Science Laboratory;*

1 (5) *such a laboratory would be used to conduct*
2 *scientific research that would be funded and recog-*
3 *nized as significant by the United States;*

4 (6) *the establishment of the laboratory is in the*
5 *national interest, and would substantially improve*
6 *the capability of the United States to conduct impor-*
7 *tant scientific research;*

8 (7) *for economic reasons, Homestake intends to*
9 *cease operations at the Mine in 2001;*

10 (8) *on cessation of operations of the Mine,*
11 *Homestake intends to implement reclamation actions*
12 *that would preclude the establishment of a laboratory*
13 *at the Mine;*

14 (9) *Homestake has advised the State that, after*
15 *cessation of operations at the Mine, instead of closing*
16 *the entire Mine, Homestake is willing to donate the*
17 *underground portion of the Mine and certain other*
18 *real and personal property of substantial value at the*
19 *Mine for use as the National Underground Science*
20 *Laboratory;*

21 (10) *use of the Mine as the site for the labora-*
22 *tory, instead of other locations under consideration,*
23 *would result in a savings of millions of dollars for the*
24 *Federal Government;*

1 (11) *if the Mine is selected as the site for the lab-*
2 *oratory, it is essential that closure of the Mine not*
3 *preclude the location of the laboratory at the Mine;*

4 (12) *Homestake is unwilling to donate, and the*
5 *State is unwilling to accept, the property at the Mine*
6 *for the laboratory if Homestake and the State would*
7 *continue to have potential liability with respect to the*
8 *transferred property; and*

9 (13) *to secure the use of the Mine as the location*
10 *for the laboratory, and to realize the benefits of the*
11 *proposed laboratory, it is necessary for the United*
12 *States to—*

13 (A) *assume a portion of any potential fu-*
14 *ture liability of Homestake concerning the Mine;*
15 *and*

16 (B) *address potential liability associated*
17 *with the operation of the laboratory.*

18 **SEC. 103. DEFINITIONS.**

19 *In this title:*

20 (1) *ADMINISTRATOR.—The term “Adminis-*
21 *trator” means the Administrator of the Environ-*
22 *mental Protection Agency.*

23 (2) *AFFILIATE.—*

24 (A) *IN GENERAL.—The term “affiliate”*
25 *means any corporation or other person that con-*

1 *trols, is controlled by, or is under common con-*
2 *trol with Homestake.*

3 (B) *INCLUSIONS.*—*The term “affiliate” in-*
4 *cludes a director, officer, or employee of an affil-*
5 *iate.*

6 (3) *CONVEYANCE.*—*The term “conveyance”*
7 *means the conveyance of the Mine to the State under*
8 *section 104(a).*

9 (4) *FUND.*—*The term “Fund” means the Envi-*
10 *ronment and Project Trust Fund established under*
11 *section 108.*

12 (5) *HOMESTAKE.*—

13 (A) *IN GENERAL.*—*The term “Homestake”*
14 *means the Homestake Mining Company of Cali-*
15 *fornia, a California corporation.*

16 (B) *INCLUSION.*—*The term “Homestake”*
17 *includes—*

18 (i) *a director, officer, or employee of*
19 *Homestake;*

20 (ii) *an affiliate of Homestake; and*

21 (iii) *any successor of Homestake or*
22 *successor to the interest of Homestake in the*
23 *Mine.*

24 (6) *INDEPENDENT ENTITY.*—*The term “inde-*
25 *pendent entity” means an independent entity selected*

1 *jointly by Homestake, the South Dakota Department*
2 *of Environment and Natural Resources, and the*
3 *Administrator—*

4 *(A) to conduct a due diligence inspection*
5 *under section 104(b)(2)(A); and*

6 *(B) to determine the fair value of the Mine*
7 *under section 105(a).*

8 *(7) INDIAN TRIBE.—The term “Indian tribe” has*
9 *the meaning given the term in section 4 of the Indian*
10 *Self-Determination and Education Assistance Act (25*
11 *U.S.C. 450b).*

12 *(8) LABORATORY.—*

13 *(A) IN GENERAL.—The term “laboratory”*
14 *means the national underground science labora-*
15 *tory proposed to be established at the Mine after*
16 *the conveyance.*

17 *(B) INCLUSION.—The term “laboratory” in-*
18 *cludes operating and support facilities of the lab-*
19 *oratory.*

20 *(9) MINE.—*

21 *(A) IN GENERAL.—The term “Mine” means*
22 *the portion of the Homestake Mine in Lawrence*
23 *County, South Dakota, proposed to be conveyed*
24 *to the State for the establishment and operation*
25 *of the laboratory.*

1 (B) *INCLUSIONS.*—*The term “Mine”*
2 *includes—*

3 (i) *real property, mineral and oil and*
4 *gas rights, shafts, tunnels, structures, back-*
5 *fill, broken rock, fixtures, facilities, and per-*
6 *sonal property to be conveyed for establish-*
7 *ment and operation of the laboratory, as*
8 *agreed upon by Homestake and the State;*
9 *and*

10 (ii) *any water that flows into the Mine*
11 *from any source.*

12 (C) *EXCLUSIONS.*—*The term “Mine” does*
13 *not include—*

14 (i) *the feature known as the “Open*
15 *Cut”;*

16 (ii) *any tailings or tailings storage fa-*
17 *ility (other than backfill in the portion of*
18 *the Mine described in subparagraph (A)); or*

19 (iii) *any waste rock or any site used*
20 *for the dumping of waste rock (other than*
21 *broken rock in the portion of the Mine de-*
22 *scribed in subparagraph (A)).*

23 (10) *PERSON.*—*The term “person” means—*

24 (A) *an individual;*

1 (B) a trust, firm, joint stock company, cor-
2 poration (including a government corporation),
3 partnership, association, limited liability com-
4 pany, or any other type of business entity;

5 (C) a State or political subdivision of a
6 State;

7 (D) a foreign governmental entity;

8 (E) an Indian tribe; and

9 (F) any department, agency, or instrumen-
10 tality of the United States.

11 (11) *PROJECT SPONSOR*.—The term “project
12 sponsor” means an entity that manages or pays the
13 costs of 1 or more projects that are carried out or pro-
14 posed to be carried out at the laboratory.

15 (12) *SCIENTIFIC ADVISORY BOARD*.—The term
16 “Scientific Advisory Board” means the entity des-
17 ignated in the management plan of the laboratory to
18 provide scientific oversight for the operation of the
19 laboratory.

20 (13) *STATE*.—

21 (A) *IN GENERAL*.—The term “State” means
22 the State of South Dakota.

23 (B) *INCLUSIONS*.—The term “State” in-
24 cludes an institution, agency, officer, or em-
25 ployee of the State.

1 **SEC. 104. CONVEYANCE OF REAL PROPERTY.**

2 (a) *IN GENERAL.*—

3 (1) *DELIVERY OF DOCUMENTS.*—*Subject to para-*
4 *graph (2) and subsection (b) and notwithstanding*
5 *any other provision of law, on the execution and de-*
6 *livery by Homestake of 1 or more quit-claim deeds or*
7 *bills of sale conveying to the State all right, title, and*
8 *interest of Homestake in and to the Mine, title to the*
9 *Mine shall pass from Homestake to the State.*

10 (2) *CONDITION OF MINE ON CONVEYANCE.*—*The*
11 *Mine shall be conveyed as is, with no representations*
12 *as to the condition of the property.*

13 (b) *REQUIREMENTS FOR CONVEYANCE.*—

14 (1) *IN GENERAL.*—*As a condition precedent of*
15 *conveyance and of the assumption of liability by the*
16 *United States in accordance with this title, the Ad-*
17 *ministrator shall accept the final report of the inde-*
18 *pendent entity under paragraph (3).*

19 (2) *DUE DILIGENCE INSPECTION.*—

20 (A) *IN GENERAL.*—*As a condition precedent*
21 *of conveyance and of Federal participation de-*
22 *scribed in this title, Homestake shall permit an*
23 *independent entity to conduct a due diligence in-*
24 *spection of the Mine to determine whether any*
25 *condition of the Mine may present an imminent*

1 *and substantial endangerment to public health*
2 *or the environment.*

3 (B) *CONSULTATION.*—*As a condition prece-*
4 *dent of the conduct of a due diligence inspection,*
5 *Homestake, the South Dakota Department of En-*
6 *vironment and Natural Resources, the Adminis-*
7 *trator, and the independent entity shall consult*
8 *and agree upon the methodology and standards*
9 *to be used, and other factors to be considered, by*
10 *the independent entity in—*

11 (i) *the conduct of the due diligence in-*
12 *spection;*

13 (ii) *the scope of the due diligence in-*
14 *spection; and*

15 (iii) *the time and duration of the due*
16 *diligence inspection.*

17 (3) *REPORT TO THE ADMINISTRATOR.*—

18 (A) *IN GENERAL.*—*The independent entity*
19 *shall submit to the Administrator a report*
20 *that—*

21 (i) *describes the results of the due dili-*
22 *gence inspection under paragraph (2); and*

23 (ii) *identifies any condition of or in*
24 *the Mine that may present an imminent*

1 *and substantial endangerment to public*
2 *health or the environment.*

3 *(B) PROCEDURE.—*

4 *(i) DRAFT REPORT.—Before finalizing*
5 *the report under this paragraph, the inde-*
6 *pendent entity shall—*

7 *(I) issue a draft report;*

8 *(II) submit to the Administrator,*
9 *Homestake, and the State a copy of the*
10 *draft report;*

11 *(III) issue a public notice request-*
12 *ing comments on the draft report that*
13 *requires all such comments to be filed*
14 *not later than 45 days after issuance of*
15 *the public notice; and*

16 *(IV) during that 45-day public*
17 *comment period, conduct at least 1*
18 *public hearing in Lead, South Dakota,*
19 *to receive comments on the draft re-*
20 *port.*

21 *(ii) FINAL REPORT.—In the final re-*
22 *port submitted to the Administrator under*
23 *this paragraph, the independent entity shall*
24 *respond to, and incorporate necessary*

1 *changes suggested by, the comments received*
2 *on the draft report.*

3 (4) *REVIEW AND APPROVAL BY ADMINIS-*
4 *TRATOR.—*

5 (A) *IN GENERAL.—Not later than 60 days*
6 *after receiving the final report under paragraph*
7 *(3), the Administrator shall—*

8 (i) *review the report; and*

9 (ii) *notify the State in writing of ac-*
10 *ceptance or rejection of the final report.*

11 (B) *CONDITIONS FOR REJECTION.—The Ad-*
12 *ministrator may reject the final report only if*
13 *the Administrator identifies 1 or more conditions*
14 *of the Mine that—*

15 (i) *may present an imminent and sub-*
16 *stantial endangerment to the public health*
17 *or the environment, as determined by the*
18 *Administrator; and*

19 (ii) *require response action to correct*
20 *each condition that may present an immi-*
21 *nent and substantial endangerment to the*
22 *public health or the environment identified*
23 *under clause (i) before conveyance and as-*
24 *sumption by the Federal Government of li-*
25 *ability concerning the Mine under this title.*

1 (C) *RESPONSE ACTIONS AND CERTIFI-*
2 *CATION.—*

3 (i) *RESPONSE ACTIONS.—*

4 (I) *IN GENERAL.—If the Adminis-*
5 *trator rejects the final report,*
6 *Homestake may carry out or bear the*
7 *cost of, or permit the State or another*
8 *person to carry out or bear the cost of,*
9 *such response actions as are necessary*
10 *to correct any condition identified by*
11 *the Administrator under subparagraph*
12 *(B)(i) that may present an imminent*
13 *and substantial endangerment to pub-*
14 *lic health or the environment.*

15 (II) *LONG-TERM RESPONSE AC-*
16 *TIONS.—*

17 (aa) *IN GENERAL.—In a case*
18 *in which the Administrator deter-*
19 *mines that a condition identified*
20 *by the Administrator under sub-*
21 *paragraph (B)(i) requires con-*
22 *tinuing response action, or re-*
23 *sponse action that can be com-*
24 *pleted only as part of the final*
25 *closure of the laboratory, it shall*

1 *be a condition of conveyance that*
2 *Homestake, the State, or another*
3 *person deposit into the Fund such*
4 *amount as is estimated by the*
5 *independent entity, on a net*
6 *present value basis and after tak-*
7 *ing into account estimated inter-*
8 *est on that basis, to be sufficient*
9 *to pay the costs of the long-term*
10 *response action or the response ac-*
11 *tion that will be completed as*
12 *part of the final closure of the lab-*
13 *oratory.*

14 *(bb) LIMITATION ON USE OF*
15 *FUNDS.—None of the funds depos-*
16 *ited into the Fund under item*
17 *(aa) shall be expended for any*
18 *purpose other than to pay the*
19 *costs of the long-term response ac-*
20 *tion, or the response action that*
21 *will be completed as part of the*
22 *final closure of the Mine, identi-*
23 *fied under that item.*

24 *(ii) CONTRIBUTION BY HOMESTAKE.—*
25 *The total amount that Homestake may ex-*

1 *pend, pay, or deposit into the Fund under*
2 *subclauses (I) and (II) of clause (i) shall*
3 *not exceed—*

4 *(I) \$75,000,000; less*

5 *(II) the fair value of the Mine as*
6 *determined under section 105(a).*

7 *(iii) CERTIFICATION.—*

8 *(I) IN GENERAL.—After any re-*
9 *sponse actions described in clause*
10 *(i)(I) are carried out and any required*
11 *funds are deposited under clause*
12 *(i)(II), the independent entity may*
13 *certify to the Administrator that the*
14 *conditions for rejection identified by*
15 *the Administrator under subparagraph*
16 *(B) have been corrected.*

17 *(II) ACCEPTANCE OR REJECTION*
18 *OF CERTIFICATION.—Not later than 60*
19 *days after an independent entity*
20 *makes a certification under subclause*
21 *(I), the Administrator shall accept or*
22 *reject the certification.*

23 *(c) REVIEW OF CONVEYANCE.—For the purposes of the*
24 *conveyance, the requirements of this section shall be consid-*

1 *ered to be sufficient to meet any requirement of the National*
2 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

3 **SEC. 105. ASSESSMENT OF PROPERTY.**

4 *(a) VALUATION OF PROPERTY.—The independent enti-*
5 *ty shall assess the fair value of the Mine.*

6 *(b) FAIR VALUE.—For the purposes of this section, the*
7 *fair value of the Mine shall include the estimated cost, as*
8 *determined by the independent entity under subsection (a),*
9 *of replacing the shafts, winzes, hoists, tunnels, ventilation*
10 *system, and other equipment and improvements at the Mine*
11 *that are expected to be used at, or that will be useful to,*
12 *the laboratory.*

13 *(c) REPORT.—Not later than the date on which each*
14 *report developed in accordance with section 104(b)(3) is*
15 *submitted to the Administrator, the independent entity de-*
16 *scribed in subsection (a) shall submit to the State a report*
17 *that identifies the fair value assessed under subsection (a).*

18 **SEC. 106. LIABILITY.**

19 *(a) ASSUMPTION OF LIABILITY.—*

20 *(1) ASSUMPTION.—Subject to paragraph (2),*
21 *notwithstanding any other provision of law, on com-*
22 *pletion of the conveyance in accordance with this*
23 *title, the United States shall assume any and all li-*
24 *ability relating to the Mine and laboratory, including*
25 *liability for—*

1 (A) damages;

2 (B) reclamation;

3 (C) the costs of response to any hazardous
4 substance (as defined in section 101 of the Com-
5 prehensive Environmental Response, Compensa-
6 tion, and Liability Act of 1980 (42 U.S.C.
7 9601)), contaminant, or other material on,
8 under, or relating to the Mine and laboratory;
9 and

10 (D) closure of the Mine and laboratory.

11 (2) CLAIMS AGAINST UNITED STATES.—In the
12 case of any claim brought against the United States,
13 the United States shall be liable for—

14 (A) damages under paragraph (1)(A), only
15 to the extent that an award of damages is made
16 in a civil action brought under chapter 171 of
17 title 28, United States Code; and

18 (B) response costs under paragraph (1)(C),
19 only to the extent that an award of response
20 costs is made in a civil action brought under—

21 (i) the Federal Water Pollution Control
22 Act (33 U.S.C. 1251 et seq.);

23 (ii) the Solid Waste Disposal Act (42
24 U.S.C. 6901 et seq.);

1 (iii) the Comprehensive Environmental
2 Response, Compensation, and Liability Act
3 of 1980 (42 U.S.C. 9601 et seq.); or

4 (iv) any other applicable Federal envi-
5 ronmental law, as determined by the Ad-
6 ministrator.

7 (b) *LIABILITY PROTECTION.*—On completion of the
8 conveyance, neither Homestake nor the State shall be liable
9 to any person or the United States for injuries, costs, in-
10 junctive relief, reclamation, damages (including damages to
11 natural resources or the environment), or expenses, or liable
12 under any other claim (including claims for indemnifica-
13 tion or contribution, claims by third parties for death, per-
14 sonal injury, illness, or loss of or damage to property, or
15 claims for economic loss), under any law (including a regu-
16 lation) for any claim arising out of or in connection with
17 contamination, pollution, or other condition, use, or closure
18 of the Mine and laboratory, regardless of when a condition
19 giving rise to the liability originated or was discovered.

20 (c) *INDEMNIFICATION.*—Notwithstanding any other
21 provision of law, on completion of the conveyance in accord-
22 ance with this title, the United States shall indemnify, de-
23 fend, and hold harmless Homestake and the State from and
24 against—

1 (1) *any and all liabilities and claims described*
2 *in subsection (a), without regard to any limitation*
3 *under subsection (a)(2); and*

4 (2) *any and all liabilities and claims described*
5 *in subsection (b).*

6 (d) *WAIVER OF SOVEREIGN IMMUNITY.—For purposes*
7 *of this Act, the United States waives any claim to sovereign*
8 *immunity.*

9 (e) *TIMING FOR ASSUMPTION OF LIABILITY.—If the*
10 *conveyance is effectuated by more than 1 legal transaction,*
11 *the assumption of liability, liability protection, indem-*
12 *nification, and waiver of sovereign immunity provided for*
13 *under this section shall apply to each legal transaction, as*
14 *of the date on which the transaction is completed and with*
15 *respect to such portion of the Mine as is conveyed under*
16 *that transaction.*

17 (f) *EXCEPTIONS FOR HOMESTAKE CLAIMS.—Nothing*
18 *in this section constitutes an assumption of liability by the*
19 *United States, or relief of liability of Homestake, for—*

20 (1) *any unemployment, worker’s compensation,*
21 *or other employment-related claim or cause of action*
22 *of an employee of Homestake that arose before the*
23 *date of conveyance;*

1 (2) *any claim or cause of action that arose before*
 2 *the date of conveyance, other than an environmental*
 3 *claim or a claim concerning natural resources;*

4 (3) *any violation of any provision of criminal*
 5 *law; or*

6 (4) *any claim, injury, damage, liability, or rec-*
 7 *lamation or cleanup obligation with respect to any*
 8 *property or asset that is not conveyed under this title,*
 9 *except to the extent that any such claim, injury, dam-*
 10 *age, liability, or reclamation or cleanup obligation*
 11 *arises out of the continued existence or use of the*
 12 *Mine subsequent to the date of conveyance.*

13 **SEC. 107. INSURANCE COVERAGE.**

14 (a) *PROPERTY AND LIABILITY INSURANCE.*—

15 (1) *IN GENERAL.*—*To the extent property and li-*
 16 *ability insurance is available and subject to the re-*
 17 *quirements described in paragraph (2), the State shall*
 18 *purchase property and liability insurance for the*
 19 *Mine and the operation of the laboratory to provide*
 20 *coverage against the liability described in subsections*
 21 *(a) and (b) of section 106.*

22 (2) *REQUIREMENTS.*—*The requirements referred*
 23 *to in paragraph (1) are the following:*

24 (A) *TERMS OF INSURANCE.*—*In deter-*
 25 *mining the type, extent of coverage, and policy*

1 *limits of insurance purchased under this sub-*
2 *section, the State shall—*

3 *(i) periodically consult with the Ad-*
4 *ministrator and the Scientific Advisory*
5 *Board; and*

6 *(ii) consider certain factors,*
7 *including—*

8 *(I) the nature of the projects and*
9 *experiments being conducted in the*
10 *laboratory;*

11 *(II) the availability and cost of*
12 *commercial insurance; and*

13 *(III) the amount of funding avail-*
14 *able to purchase commercial insurance.*

15 *(B) ADDITIONAL TERMS.—The insurance*
16 *purchased by the State under this subsection*
17 *may provide coverage that is—*

18 *(i) secondary to the insurance pur-*
19 *chased by project sponsors; and*

20 *(ii) in excess of amounts available in*
21 *the Fund to pay any claim.*

22 *(3) FINANCING OF INSURANCE PURCHASE.—*

23 *(A) IN GENERAL.—Subject to section 108,*
24 *the State may finance the purchase of insurance*
25 *required under this subsection by using—*

1 (i) funds made available from the
2 Fund; and

3 (ii) such other funds as are received by
4 the State for the purchase of insurance for
5 the Mine and laboratory.

6 (B) NO REQUIREMENT TO USE STATE
7 FUNDS.—Nothing in this title requires the State
8 to use State funds to purchase insurance re-
9 quired under this subsection.

10 (4) ADDITIONAL INSURED.—Any insurance pur-
11 chased by the State under this subsection shall—

12 (A) name the United States as an addi-
13 tional insured; or

14 (B) otherwise provide that the United States
15 is a beneficiary of the insurance policy having
16 the primary right to enforce all rights of the
17 United States under the policy.

18 (5) TERMINATION OF OBLIGATION TO PURCHASE
19 INSURANCE.—The obligation of the State to purchase
20 insurance under this subsection shall terminate on the
21 date on which—

22 (A) the Mine ceases to be used as a labora-
23 tory; or

1 (B) sufficient funding ceases to be available
2 for the operation and maintenance of the Mine
3 or laboratory.

4 (b) *PROJECT INSURANCE.*—

5 (1) *IN GENERAL.*—The State, in consultation
6 with the Administrator and the Scientific Advisory
7 Board, may require, as a condition of approval of a
8 project for the laboratory, that a project sponsor pro-
9 vide property and liability insurance or other appli-
10 cable coverage for potential liability associated with
11 the project described in subsections (a) and (b) of sec-
12 tion 106.

13 (2) *ADDITIONAL INSURED.*—Any insurance ob-
14 tained by the project sponsor under this section
15 shall—

16 (A) name the State and the United States
17 as additional insureds; or

18 (B) otherwise provide that the State and the
19 United States are beneficiaries of the insurance
20 policy having the primary right to enforce all
21 rights under the policy.

22 (c) *STATE INSURANCE.*—

23 (1) *IN GENERAL.*—To the extent required by
24 State law, the State shall purchase, with respect to
25 the operation of the Mine and the laboratory—

1 (A) unemployment compensation insurance;

2 and

3 (B) worker's compensation insurance.

4 (2) PROHIBITION ON USE OF FUNDS FROM
5 FUND.—A State shall not use funds from the Fund to
6 carry out paragraph (1).

7 **SEC. 108. ENVIRONMENT AND PROJECT TRUST FUND.**

8 (a) ESTABLISHMENT.—On completion of the convey-
9 ance, the State shall establish, in an interest-bearing ac-
10 count at an accredited financial institution located within
11 the State, the Environment and Project Trust Fund.

12 (b) AMOUNTS.—The Fund shall consist of—

13 (1) an annual deposit from the operation and
14 maintenance funding provided for the laboratory in
15 an amount to be determined—

16 (A) by the State, in consultation with the
17 Administrator and the Scientific Advisory
18 Board; and

19 (B) after taking into consideration—

20 (i) the nature of the projects and ex-
21 periments being conducted at the labora-
22 tory;

23 (ii) available amounts in the Fund;

1 (iii) any pending costs or claims that
2 may be required to be paid out of the Fund;
3 and

4 (iv) the amount of funding required for
5 future actions associated with the closure of
6 the facility;

7 (2) an amount determined by the State, in con-
8 sultation with the Administrator and the Scientific
9 Advisory Board, and to be paid by the appropriate
10 project sponsor, for each project to be conducted,
11 which amount—

12 (A) shall be used to pay—

13 (i) costs incurred in removing from the
14 Mine or laboratory equipment or other ma-
15 terials related to the project;

16 (ii) claims arising out of or in connec-
17 tion with the project; and

18 (iii) if any portion of the amount re-
19 mains after paying the expenses described
20 in clauses (i) and (ii), other costs described
21 in subsection (c); and

22 (B) may, at the discretion of the State, be
23 assessed—

24 (i) annually; or

1 (ii) in a lump sum as a prerequisite to
2 the approval of the project;

3 (3) interest earned on amounts in the Fund,
4 which amount of interest shall be used only for a pur-
5 pose described in subsection (c); and

6 (4) all other funds received and designated by the
7 State for deposit in the Fund.

8 (c) *EXPENDITURES FROM FUND.*—Amounts in the
9 Fund shall be used only for the purposes of funding—

10 (1) waste and hazardous substance removal or
11 remediation, or other environmental cleanup at the
12 Mine;

13 (2) removal of equipment and material no longer
14 used, or necessary for use, in conjunction with a
15 project conducted at the laboratory;

16 (3) a claim arising out of or in connection with
17 the conducting of such a project;

18 (4) purchases of insurance by the State as re-
19 quired under section 107;

20 (5) payments for and other costs relating to li-
21 ability described in section 106; and

22 (6) closure of the Mine and laboratory.

23 (d) *FEDERAL PAYMENTS FROM FUND.*—The United
24 States—

1 (1) *to the extent the United States assumes li-*
2 *ability under section 106—*

3 (A) *shall be a beneficiary of the Fund; and*

4 (B) *may direct that amounts in the Fund*
5 *be applied to pay amounts and costs described in*
6 *this section; and*

7 (2) *may take action to enforce the right of the*
8 *United States to receive 1 or more payments from the*
9 *Fund.*

10 (e) *NO REQUIREMENT OF DEPOSIT OF PUBLIC*
11 *FUNDS.—Nothing in this section requires the State to de-*
12 *posit State funds as a condition of the assumption by the*
13 *United States of liability, or the relief of the State or*
14 *Homestake from liability, under section 106.*

15 **SEC. 109. WASTE ROCK MIXING.**

16 *After completion of the conveyance, the State shall ob-*
17 *tain the approval of the Administrator before disposing of*
18 *any material quantity of laboratory waste rock if—*

19 (1) *the disposal site is on land not conveyed*
20 *under this title; and*

21 (2) *the State determines that the disposal could*
22 *result in commingling of laboratory waste rock with*
23 *waste rock disposed of by Homestake before the date*
24 *of conveyance.*

1 **SEC. 110. REQUIREMENTS FOR OPERATION OF LABORA-**
2 **TORY.**

3 *After the conveyance, nothing in this title exempts the*
4 *laboratory from compliance with any law (including a Fed-*
5 *eral environmental law).*

6 **SEC. 111. CONTINGENCY.**

7 *This title shall be effective contingent on the selection,*
8 *by the National Science Foundation, of the Mine as the site*
9 *for the laboratory.*

10 **SEC. 112. OBLIGATION IN THE EVENT OF NONCONVEYANCE.**

11 *If the conveyance under this title does not occur, any*
12 *obligation of Homestake relating to the Mine shall be lim-*
13 *ited to such reclamation or remediation as is required*
14 *under any applicable law other than this title.*

15 **SEC. 113. PAYMENT AND REIMBURSEMENT OF COSTS.**

16 *The United States may seek payment—*

17 *(1) from the Fund, under section 108(d), to pay*
18 *or reimburse the United States for amounts payable*
19 *or liabilities incurred under this title; and*

20 *(2) from available insurance, to pay or reim-*
21 *burse the United States and the Fund for amounts*
22 *payable or liabilities incurred under this title.*

23 **SEC. 114. CONSENT DECREES.**

24 *Nothing in this title affects any obligation of a party*
25 *under—*

1 (1) *the 1990 Remedial Action Consent Decree*
2 *(Civ. No. 90–5101 D. S.D.); or*

3 (2) *the 1999 Natural Resource Damage Consent*
4 *Decree (Civ. Nos. 97–5078 and 97–5100, D. S.D.).*

5 **SEC. 115. CUSTOMS USER FEES.**

6 *Section 13031(j)(3) of the Consolidated Omnibus*
7 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is*
8 *amended by inserting after “September 30, 2003,” the fol-*
9 *lowing: “except that fees shall continue to be charged under*
10 *paragraphs (1) through (8) of that subsection through Jan-*
11 *uary 31, 2004.”.*

12 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

13 *There are authorized to be appropriated such sums as*
14 *are necessary to carry out this title.*

15 **TITLE II—GENERAL PROVISIONS, THIS DIVISION**

16 **SEC. 201. TRUSTEES OF THE JOHN F. KENNEDY CEN-**
17 **TER FOR THE PERFORMING ARTS. (a) MEMBERSHIP.—***Sec-*
18 *tion 2(a) of the John F. Kennedy Center Act (20 U.S.C.*
19 *76h(a)) is amended—*

20 (1) *by striking “There is hereby” and inserting*
21 *the following:*

22 “(1) **IN GENERAL.—***There is”;* *and*

23 (2) *by striking the second sentence and inserting*
24 *the following:*

1 “(2) *MEMBERSHIP.*—*The Board shall be com-*
2 *posed of—*

3 “(A) *the Secretary of Health and Human*
4 *Services;*

5 “(B) *the Librarian of Congress;*

6 “(C) *the Secretary of State;*

7 “(D) *the Chairman of the Commission of*
8 *Fine Arts;*

9 “(E) *the Mayor of the District of Columbia;*

10 “(F) *the Superintendent of Schools of the*
11 *District of Columbia;*

12 “(G) *the Director of the National Park*
13 *Service;*

14 “(H) *the Secretary of Education;*

15 “(I) *the Secretary of the Smithsonian Insti-*
16 *tution;*

17 “(J)(i) *the Speaker and the Minority Lead-*
18 *er of the House of Representatives;*

19 “(ii) *the chairman and ranking minority*
20 *member of the Committee on Public Works and*
21 *Transportation of the House of Representatives;*
22 *and*

23 “(iii) *3 additional Members of the House of*
24 *Representatives appointed by the Speaker of the*
25 *House of Representatives;*

1 “(K)(i) *the Majority Leader and the Minor-*
2 *ity Leader of the Senate;*

3 “(ii) *the chairman and ranking minority*
4 *member of the Committee on Environment and*
5 *Public Works of the Senate; and*

6 “(iii) *3 additional Members of the Senate*
7 *appointed by the President of the Senate; and*

8 “(L) *36 general trustees, who shall be citi-*
9 *zens of the United States, to be appointed in ac-*
10 *cordance with subsection (b).”.*

11 **(b) TERMS OF OFFICE FOR NEW GENERAL TRUST-**
12 **EES.—***Section 2(b) of the John F. Kennedy Center Act (20*
13 *U.S.C. 76h(b)) shall apply to each general trustee of the*
14 *John F. Kennedy Center for the Performing Arts whose po-*
15 *sition is established by the amendment made by subsection*
16 *(a)(2) (referred to in this subsection as a “new general*
17 *trustee”), except that the initial term of office of each new*
18 *general trustee shall—*

19 (1) *commence on the date on which the new gen-*
20 *eral trustee is appointed by the President; and*

21 (2) *terminate on September 1, 2007.*

22 **SEC. 202. (a)** *The purpose of this section is to require*
23 *procedures that ensure the fair and equitable resolution of*
24 *labor integration issues, in order to prevent further disrup-*
25 *tion to transactions for the combination of air carriers,*

1 *which would potentially aggravate the disruption caused by*
2 *the attack on the United States on September 11, 2001.*

3 *(b) In this section:*

4 *(1) The term “air carrier” means an air carrier*
5 *that holds a certificate issued under chapter 411 of*
6 *title 49, United States Code.*

7 *(2) The term “covered employee” means an em-*
8 *ployee who—*

9 *(A) is not a temporary employee; and*

10 *(B) is a member of a craft or class that is*
11 *subject to the Railway Labor Act (45 U.S.C. 151*
12 *et seq.).*

13 *(3) The term “covered transaction” means a*
14 *transaction that—*

15 *(A) is a transaction for the combination of*
16 *multiple air carriers into a single air carrier;*

17 *(B) involves the transfer of ownership or*
18 *control of—*

19 *(i) 50 percent or more of the equity se-*
20 *curities (as defined in section 101 of title*
21 *11, United States Code) of an air carrier;*

22 *or*

23 *(ii) 50 percent or more (by value) of*
24 *the assets of the air carrier;*

1 (C) became a pending transaction, or was
2 completed, not earlier than January 1, 2001;
3 and

4 (D) did not result in the creation of a single
5 air carrier by September 11, 2001.

6 (c) If an eligible employee is a covered employee of an
7 air carrier involved in a covered transaction that leads to
8 the combination of crafts or classes that are subject to the
9 Railway Labor Act, the eligible employee may receive as-
10 sistance under this title only if the parties to the
11 transaction—

12 (1) apply sections 3 and 13 of the labor protec-
13 tive provisions imposed by the Civil Aeronautics
14 Board in the Allegheny-Mohawk merger (as published
15 at 59 CAB 45) to the covered employees of the air
16 carrier; and

17 (2) subject to paragraph (1), in a case in which
18 a collective bargaining agreement provides for the ap-
19 plication of sections 3 and 13 of the labor protective
20 provisions in the process of seniority integration for
21 the covered employees, apply the terms of the collective
22 bargaining agreement to the covered employees, and
23 do not abrogate the terms of the agreement.

24 (d) Any aggrieved person (including any labor organi-
25 zation that represents the person) may bring an action to

1 *enforce this section, or the terms of any award or agreement*
2 *resulting from arbitration or a settlement relating to the*
3 *requirements of this section. The person may bring the ac-*
4 *tion in an appropriate Federal district court, determined*
5 *in accordance with section 1391 of title 28, United States*
6 *Code, without regard to the amount in controversy.*

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

H. R. 3338

AMENDMENT