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H. R. 4775

IN THE HOUSE OF REPRESENTATIVES

JUNE 7 (legislative day, JUNE 6), 2002

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:~~

~~TITLE I—SUPPLEMENTAL APPROPRIATIONS~~

~~CHAPTER 1~~

~~DEPARTMENT OF AGRICULTURE~~

~~FOOD SAFETY AND INSPECTION SERVICE~~

~~For an additional amount for "Food Safety and Inspection Service", $2,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.~~

~~FOOD AND NUTRITION SERVICE~~

~~SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)~~

~~For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", $75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act.~~

~~ANIMAL AND PLANT HEALTH INSPECTION SERVICE~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Animal and Plant Health Inspection Service, Salaries and Expenses", $10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.~~

~~DEPARTMENT OF HEALTH AND HUMAN SERVICES~~

~~FOOD AND DRUG ADMINISTRATION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Food and Drug Administration, Salaries and Expenses", $18,000,000, to remain available until expended: *Provided*, That the entire~~

~~amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 101. Of the funds made available for the Export Enhancement Program, pursuant to section 301(c) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2002.~~

~~CHAPTER 2~~

~~DEPARTMENT OF JUSTICE~~

~~GENERAL ADMINISTRATION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $5,750,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section~~

~~251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~LEGAL ACTIVITIES~~

~~SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE~~

~~For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~FEDERAL BUREAU OF INVESTIGATION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $112,000,000, to remain available until September 30, 2004; *Provided*, That~~

~~the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $102,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~IMMIGRATION AND NATURALIZATION SERVICE~~

~~SALARIES AND EXPENSES~~

~~ENFORCEMENT AND BORDER AFFAIRS~~

~~For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $75,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guide-~~

~~lines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $40,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~OFFICE OF JUSTICE PROGRAMS~~

~~JUSTICE ASSISTANCE~~

~~For an additional amount for "Justice Assistance" for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT Act (Public Law 107–56) and for other counter-terrorism programs, including first responder training and equipment to respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, $175,000,000,~~

~~to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~DEPARTMENT OF COMMERCE AND RELATED AGENCIES~~

~~RELATED AGENCIES~~

~~OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses" for emergency expenses for increased security requirements, $1,100,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President of the Congress.~~

~~DEPARTMENT OF COMMERCE~~

~~NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY~~

~~SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES~~

~~For an additional amount for "Scientific and Technical Research and Services" for emergency expenses resulting from new homeland security activities and increased security requirements, $4,000,000. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION~~

~~FISHERIES FINANCE PROGRAM ACCOUNT~~

~~Funds provided under the heading, "Fisheries Finance Program Account" for the direct loan program authorized by the Merchant Marine Act of 1936, as amended, are available to subsidize gross obligations during fiscal year 2002 for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional loans.~~

~~DEPARTMENTAL MANAGEMENT~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses" for emergency expenses resulting from new home-~~

~~land security activities, $400,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~THE JUDICIARY~~

~~SUPREME COURT OF THE UNITED STATES~~

~~CARE OF THE BUILDING AND GROUNDS~~

~~For an additional amount for "Care of the Building and Grounds" for emergency expenses for the Supreme Court building, $10,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses" for emergency expenses to enhance security and to provide for extraordinary costs related to terrorist trials, $6,258,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency~~

~~Deficit Control Act of 1985, as amended. *Provided further*, That $3,115,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President of the Congress.~~

~~DEPARTMENT OF STATE AND RELATED AGENCY~~

~~DEPARTMENT OF STATE~~

~~ADMINISTRATION OF FOREIGN AFFAIRS~~

~~DIPLOMATIC AND CONSULAR PROGRAMS~~

~~For an additional amount for "Diplomatic and Consular Programs" for emergency expenses for activities related to combating international terrorism, $51,050,000, to remain available until September 30, 2003. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS~~

~~For an additional amount for "Educational and Cultural Exchange Programs" for emergency expenses for activities related to combating international terrorism, $20,000,000, to remain available until expended. *Pro-*~~

~~*vided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $10,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE~~

~~For an additional amount for "Embassy Security, Construction, and Maintenance", for emergency expenses for activities related to combating international terrorism, $200,516,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~INTERNATIONAL ORGANIZATIONS AND CONFERENCES~~

~~CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS~~

~~For an additional amount for "Contributions to International Organizations" for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain available until September 30, 2003.~~

~~*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES~~

~~For an additional amount for "Contributions for International Peacekeeping Activities" to make United States peacekeeping payments to the United Nations at a time of multilateral cooperation in the war on terrorism, $43,000,000. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~RELATED AGENCY~~

~~BROADCASTING BOARD OF GOVERNORS~~

~~INTERNATIONAL BROADCASTING OPERATIONS~~

~~For an additional amount for "International Broadcasting Operations" for emergency expenses for activities related to combating international terrorism, $7,400,000, to remain available until September 30, 2003. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~BROADCASTING CAPITAL IMPROVEMENTS~~

~~For an additional amount for "Broadcasting Capital Improvements" for emergency expenses for activities related to combating international terrorism, $7,700,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~RELATED AGENCIES~~

~~SECURITIES AND EXCHANGE COMMISSION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses" for additional staffing to respond to increased needs for enforcement and oversight of corporate finance, $20,000,000 from fees collected in fiscal year 2002, to remain available until expended.~~

~~In addition, for an additional amount for "Salaries and Expenses" for emergency expenses resulting from the~~

~~September 11, 2001, terrorist attacks, $9,300,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~GENERAL PROVISIONS~~

~~SEC. 201. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 15 of the State Department Basic Authorities Act of 1956, as amended, and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).~~

~~SEC. 202. Section 286(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1356(c)(3) is amended—~~

~~(1) by striking "is authorized to" and inserting "shall"; and~~

~~(2) by striking "authorization" and inserting "requirement".~~

~~SEC. 203. (a)(1) During fiscal year 2002 and each succeeding fiscal year, notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crimes associated with the terrorist acts of September 11, 2001, to watch trial proceedings in the criminal case against Zacarias Moussaoui, the trial court in that case shall order, subject to paragraph (3) and subsection (b), closed circuit televising of the trial proceedings to convenient locations the trial court determines are reasonably necessary, for viewing by those victims.~~

~~(2)(A) As used in this section and subject to subparagraph (B), the term "victims of crimes associated with the terrorist acts of September 11, 2001" means individuals who—~~

~~(i) suffered direct physical harm as a result of the terrorist acts that occurred in New York, Pennsylvania and Virginia on September 11, 2001 (hereafter in this section "terrorist acts") and were present at the scene of the terrorist acts when they occurred, or immediately thereafter; or~~

~~(ii) are the spouse, legal guardian, parent, child, brother, or sister of, or who as determined by~~

~~the court have a relationship of similar significance to, an individual described in subparagraph (A)(i), if the latter individual is under 18 years of age, incompetent, incapacitated, has a serious injury, or disability that requires assistance of another person for mobility, or is deceased.~~

~~(B) The term defined in paragraph (A) shall not apply to an individual who participated or conspired in one or more of the terrorist acts.~~

~~(3) Nothing in this section shall be construed to eliminate or limit the district court's discretion to control the manner, circumstances, or availability of the broadcast where necessary to control the courtroom or protect the integrity of the trial proceedings or the safety of the trial participants. The district court's exercise of such discretion shall be entitled to substantial deference.~~

~~(b) Except as provided in subsection (a), the terms and restrictions of section 235(b), (c), (d) and (e) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608(b), (c), (d), and (e)), shall apply to the televising of trial proceedings under this section.~~

~~SEC. 204. For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), the~~

~~Eisenhower Exchange Fellowship Program shall be deemed an executive agency for the purposes of carrying out the provisions of 20 U.S.C. 5201, and the employees of and participants in the Eisenhower Exchange Fellowship Program shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.~~

~~CHAPTER 3~~

~~DEPARTMENT OF DEFENSE—MILITARY~~

~~MILITARY PERSONNEL~~

~~MILITARY PERSONNEL, AIR FORCE~~

~~For an additional amount for "Military Personnel, Air Force", $206,000,000. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~OPERATION AND MAINTENANCE~~

~~OPERATION AND MAINTENANCE, ARMY~~

~~For an additional amount for "Operation and Maintenance, Army", $226,000,000, to remain available for obligation until September 30, 2003. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of~~

~~1985, as amended: *Provided further*, That $119,000,000 shall be available only to the extent that an official budget request for $119,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~OPERATION AND MAINTENANCE, NAVY~~

~~For an additional amount for "Operation and Maintenance, Navy", $53,750,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $17,250,000 shall be available only to the extent that an official budget request for $17,250,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~OPERATION AND MAINTENANCE, AIR FORCE~~

~~For an additional amount for "Operation and Maintenance, Air Force", $60,500,000, to remain available for obligation until September 30, 2003: *Provided*, That the~~

~~entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That $19,500,000 shall be available only to the extent that an official budget request for $19,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~OPERATION AND MAINTENANCE, DEFENSE-WIDE~~

~~For an additional amount for "Operation and Maintenance, Defense-Wide", $751,975,000, to remain available for obligation until September 30, 2003, of which $420,000,000 may be used, notwithstanding any other provision of law, for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with the Global War on Terrorism. *Provided*, That such payments may be made in such amounts as the Secretary may determine, in accordance with standard accounting practices and procedures, in consultation with the Director of the Office of Management and Budget and 15 days following notification to the appropriate Congressional committees. *Provided further*, That amounts for~~

~~such payments shall be in addition to any other funds that may be available for such purpose: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $12,975,000 shall be available only to the extent that an official budget request for $12,975,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~DEFENSE EMERGENCY RESPONSE FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For an additional amount for the "Defense Emergency Response Fund", $12,693,972,000, to remain available for obligation until September 30, 2003, of which $77,900,000 shall be available for enhancements to North American Air Defense Command capabilities: *Provided*, That the Secretary of Defense may transfer the funds provided in this paragraph only to appropriations for military personnel; operation and maintenance; procurement; the Defense Health Program; and working capital funds: *Provided further*, That notwithstanding the preceding proviso, $100,000,000 of the funds provided under this heading~~

~~are available for transfer to any other appropriations accounts of the Department of Defense, for certain classified activities, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not otherwise authorized by law. *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred. *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense. *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation. *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That $1,393,972,000 shall be available only to the extent that an official budget request for $1,393,972,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~PROCUREMENT~~

~~OTHER PROCUREMENT, ARMY~~

~~For an additional amount for "Other Procurement, Army", $79,200,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~AIRCRAFT PROCUREMENT, NAVY~~

~~For an additional amount for "Aircraft Procurement, Navy", $22,800,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS~~

~~For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $262,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to sec-~~

~~tion 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~OTHER PROCUREMENT, NAVY~~

~~For an additional amount for "Other Procurement, Navy", $2,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~PROCUREMENT, MARINE CORPS~~

~~For an additional amount for "Procurement, Marine Corps", $3,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~AIRCRAFT PROCUREMENT, AIR FORCE~~

~~For an additional amount for "Aircraft Procurement, Air Force", $129,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985,~~

~~as amended. *Provided further*, That $36,500,000 shall be available only to the extent that an official budget request for $36,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~PROCUREMENT OF AMMUNITION, AIR FORCE~~

~~For an additional amount for "Procurement of Ammunition, Air Force", $115,000,000, to remain available for obligation until September 30, 2004. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~OTHER PROCUREMENT, AIR FORCE~~

~~For an additional amount for "Other Procurement, Air Force", $735,340,000, to remain available for obligation until September 30, 2004. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~PROCUREMENT, DEFENSE-WIDE~~

~~For an additional amount for "Procurement, Defense-Wide", $104,425,000, to remain available for obligation until September 30, 2004: *Provided*, That funds may be used to purchase vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed $175,000 per vehicle: *Provided further*, That $99,500,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY~~

~~For an additional amount for "Research, Development, Test and Evaluation, Army", $8,200,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY~~

~~For an additional amount for "Research, Development, Test and Evaluation, Navy", $9,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE~~

~~For an additional amount for "Research, Development, Test and Evaluation, Air Force", $99,800,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $39,000,000 shall be available only to the extent that an official budget request for $39,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE~~

~~For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $72,000,000, to remain available for obligation until September 30, 2003. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That $20,000,000 shall be available only to the extent that an official budget request for $20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 301. (a) The appropriation under the heading "Research, Development, Test and Evaluation, Navy" in the Department of Defense Appropriations Act, 2002 (Public Law 107–117) is amended by adding the following proviso immediately after "September 30, 2003": ": *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces". (b) The~~

~~amendment made by subsection (a) shall be effective as if enacted as part of the Department of Defense Appropriations Act, 2002.~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for transfer, obligation and expenditure, consistent with the purposes for which such amounts were contributed and accepted, by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be merged with and to be available for the same purposes and the same time period as the appropriation or fund to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.~~

~~SEC. 303. During fiscal year 2002, the President may continue to provide assistance to Russia under cooperative threat reduction programs and under title V of the Freedom Support Act (Public Law 102–511; 106 Stat. 3338) without regard to the certification requirements in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952 (d)) and section 502 of the Freedom Support Act (22 U.S.C. 5852) if the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a certification that providing such assistance is vital to the national security interests of the United States.~~

~~SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414). *Provided*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations or covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.~~

~~SEC. 305. Section 8005 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2247), is amended by striking "May~~

~~1, 2002'' before the period at the end and inserting ''June 15, 2002''.~~

~~SEC. 306. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the heading ''Chemical Agents and Munitions Destruction, Army'', may be used to pay for additional costs of international inspectors from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, pursuant to Articles IV and V of the Chemical Weapons Convention, for inspections and monitoring of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department of Defense's program to accelerate its chemical demilitarization schedule.~~

~~(b) Expenses which may be paid under subsection (a) include—~~

~~(1) salary costs for performance of inspection and monitoring duties;~~

~~(2) travel, including travel to and from the point of entry into the United States and internal United States travel;~~

~~(3) per diem, not to exceed United Nations rates and in compliance with United Nations conditions for per diem for that organization; and~~

~~(4) expenses for operation and maintenance of inspection and monitoring equipment.~~

~~SEC. 307. (a) In fiscal year 2002, funds available to the Department of Defense for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.~~

~~(b) The provision shall also apply to unexpired balances and assistance previously provided from prior years' Acts available for purposes identified in subsection (a).~~

~~(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.~~

~~SEC. 308. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), $93,000,000, to~~

~~remain available until September 30, 2004, is hereby appropriated to the Department of Defense for the procurement of three MH–47 Chinook helicopters, as follows: "Aircraft Procurement, Army", $63,000,000; and "Procurement, Defense-Wide", $30,000,000. *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $93,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~SEC. 309. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), $100,000,000, to remain available until September 30, 2003, is hereby appropriated to the Department of Defense under the heading "Chemical Agents and Munitions Destruction,~~

~~Army'' for Research, development, test and evaluation, for the purpose of chemical agent destruction at Department of Defense facilities in Aberdeen, Maryland, and Newport, Indiana: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $100,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~(RESCISSIONS)~~

~~SEC. 310. Of the funds available in Department of Defense Appropriations Acts or otherwise available to the Department of Defense, the following funds are hereby rescinded, from the following accounts in the specified amounts:~~

~~''Other Procurement, Air Force'', 2001/2003, $29,000,000; and ''Procurement, Defense-Wide'', 2002/2004, $30,000,000.~~

~~SEC. 311. Section 2533a of title 10, United States Code, shall not apply to any transaction entered into to acquire or sustain aircraft under the authority of section~~

~~8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2284).~~

~~SEC. 312. Notwithstanding any other provision of law, not to exceed $100,000,000, from appropriations available to the Department of Defense from the "Defense Emergency Response Fund", may be made available only to reimburse foreign nations for the costs of goods, services, or use of facilities provided in direct support of operations by U.S. military forces in the global war on terrorism: *Provided*, That such reimbursements shall be determined and paid in accordance with standard accounting practices and procedures: *Provided further*, That the Secretaries of Defense and State shall jointly provide a written notification to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any proposed commitment and obligation of funds pursuant to this section, describing each proposed use of funds and the proposed sources of funds: *Provided further*, That funds proposed for obligation pursuant to the immediately preceding proviso shall not be made available for obligation without the prior approval of the Committees on Appropriations.~~

~~CHAPTER 4~~

~~DISTRICT OF COLUMBIA~~

~~DISTRICT OF COLUMBIA FUNDS~~

~~OPERATING EXPENSES~~

~~DIVISION OF EXPENSES~~

~~GOVERNMENTAL DIRECTION AND SUPPORT~~

~~The paragraph under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107–96) is amended by striking: "*Provided further*, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance:" and inserting: "*Provided further*, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation consistent with performance measures contained in a negotiated collective bargaining agreement:".~~

~~PUBLIC EDUCATION SYSTEM~~

~~(RESCISSION)~~

~~Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year ending September 30, 2002, in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96; 115 Stat. 935), $37,000,000 are rescinded.~~

~~HUMAN SUPPORT SERVICES~~

~~For an additional amount for "human support services", $37,000,000 from local funds: *Provided*, That $11,000,000 shall be for the Child and Family Services Agency and $26,000,000 shall be for the Department of Mental Health.~~

~~REPAYMENT OF LOANS AND INTEREST~~

~~(RESCISSION)~~

~~Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107–96, 115 Stat. 940), $7,950,000 are rescinded.~~

~~CERTIFICATES OF PARTICIPATION~~

~~For principal and interest payments on the District's Certificates of Participation, issued to finance the One Judiciary Square ground lease underlying the building located at One Judiciary Square, $7,950,000 from local funds.~~

~~ADMINISTRATIVE PROVISION~~

~~Section 119(b) of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 950) is amended to read as follows:~~

~~"(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—~~

~~"(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—~~

~~"(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and~~

~~"(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.~~

~~"(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—~~

~~"(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or~~

~~"(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the~~

~~Chief Financial Officer under paragraph (1)(A).''.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 401. The District of Columbia may use up to 1 percent of the funds appropriated to the District of Columbia under the Emergency Supplemental Act, 2002, approved January 10, 2002 (Public Law 107–117; 115 Stat. 2230), to fund the administrative costs that are needed to fulfill the purposes of that Act. The District may use these funds for this purpose as of January 10, 2002.~~

~~SEC. 402. Section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d)(2), D.C. Official Code), as amended by the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96; 115 Stat. 928) is amended to read as follows: ''(2) 50 percent of such balance shall be transferred from the Fund to the Mayor and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.''.~~

~~SEC. 403. (a) Notwithstanding any other provision of law, the positive fund balance of the general fund of the District government which remained at the end of fiscal year 2000 (as reflected in the complete financial statement and report on the activities of the District govern-~~

~~ment for such fiscal year under section 448(a)(4) of the District of Columbia Home Rule Act) shall be used during fiscal year 2002 to provide the minimum balances required for fiscal year 2002 for the emergency reserve fund under section 450A of the District of Columbia Home Rule Act and the contingency reserve fund under section 450B of such Act.~~

~~(b) To the extent that the amount of the positive fund balance described in subsection (a) exceeds the amount required to provide the minimum balances in the reserve funds described in such subsection, the District government shall use the excess amount—~~

~~(1) to address potential deficits in the budget of the District government for fiscal year 2002, subject to the same conditions applicable under section 202(j)(3) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 to the obligation and expenditure of the budget reserve and cumulative cash reserve under such section; or~~

~~(2) if the Chief Financial Officer of the District of Columbia certifies that the excess amount is available and is not required to address potential deficits in the budget of the District government for fiscal year 2002, for Pay-As-You-Go Capital Funds.~~

~~(c) To the extent that the excess amount described in subsection (b) is used to address potential deficits in the budget of the District government for fiscal year 2002, such amount shall remain available until expended.~~

~~(d)(1) The item relating to "District of Columbia Funds—Operating Expenses—Repayment of Loans and Interest" in the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 940) is amended by striking "That any funds set aside" and all that follows through "That for equipment leases," and inserting "That for equipment leases,".~~

~~(2) Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2482), as amended by section 133(c) of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 956) is amended by striking paragraph (3).~~

~~CHAPTER 5~~

~~DEPARTMENT OF DEFENSE—CIVIL~~

~~DEPARTMENT OF THE ARMY~~

~~CORPS OF ENGINEERS—CIVIL~~

~~OPERATION AND MAINTENANCE, GENERAL~~

~~For an additional amount for "Operation and Maintenance, General" for emergency expenses related to security at Corps of Engineers facilities, $128,400,000, to remain available until September 30, 2003. *Provided*, That~~

~~the entire amount shall be available only to the extent an official budget request for $128,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds made available under this heading in this Act and in Public Law 107–117 may be used to fund measures and activities undertaken by the Secretary of the Army, acting through the Chief of Engineers, to protect and secure any infrastructure owned or operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities.~~

~~DEPARTMENT OF ENERGY~~

~~ENERGY PROGRAMS~~

~~SCIENCE~~

~~For an additional amount for "Science" for emergency expenses necessary to support safeguards and security activities, $29,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $29,000,000, that includes designation~~

~~of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~NATIONAL NUCLEAR SECURITY ADMINISTRATION~~

~~WEAPONS ACTIVITIES~~

~~For an additional amount for "Weapons Activities" for emergency expense resulting from the September 11, 2001, terrorist attacks, $125,400,000: *Provided*, That $106,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~DEFENSE NUCLEAR NONPROLIFERATION~~

~~For an additional amount for "Defense Nuclear Nonproliferation" for international safeguards activities, $5,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES~~

~~DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT~~

~~For an additional amount for "Defense Environmental Restoration and Waste Management" for emergency expenses necessary to support safeguards and security activities, $67,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $67,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emer-~~

~~gency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~DEFENSE FACILITIES CLOSURE PROJECTS~~

~~For an additional amount for "Defense Facilities Closure Projects" for emergency expense necessary to support safeguards and security activities, $16,600,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $16,600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~OTHER DEFENSE ACTIVITIES~~

~~For an additional amount for "Other Defense Activities" for emergency expenses necessary to support energy security and assurance activities, $7,000,000: *Provided*, That the entire amount is designated by the Congress as~~

~~an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~CHAPTER 6~~

~~BILATERAL ECONOMIC ASSISTANCE~~

~~FUNDS APPROPRIATED TO THE PRESIDENT~~

~~UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT~~

~~CHILD SURVIVAL AND HEALTH PROGRAMS FUND~~

~~For an additional amount for "Child Survival and Health Programs Fund" for emergency expenses for activities related to combating AIDS, tuberculosis, and malaria, $200,000,000, to remain available until December 30, 2002. *Provided*, That funds appropriated in this Act and in prior Acts under this heading and under the heading "Child Survival and Disease Programs Fund" and made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall not exceed 40 percent of the total resources pledged by all donors to the Global Fund for calendar year 2002. *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount~~

~~of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~INTERNATIONAL DISASTER ASSISTANCE~~

~~For an additional amount for "International Disaster Assistance" for emergency expenses for activities related to combating international terrorism, $190,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT~~

~~For an additional amount for "Operating Expenses of the United States Agency for International Development" for emergency expenses for activities related to combating international terrorism, $7,000,000: *Provided*, That the entire amount is designated by the Congress as~~

~~an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~OTHER BILATERAL ECONOMIC ASSISTANCE~~

~~ECONOMIC SUPPORT FUND~~

~~For an additional amount for "Economic Support Fund" for emergency expenses for activities related to combating international terrorism, $460,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.~~

~~In addition, for an additional amount for "Economic Support Fund", $250,000,000, to remain available until September 30, 2003: *Provided*, That $200,000,000 of the funds appropriated in this paragraph shall be made available for assistance for Israel for activities relating to combating international terrorism: *Provided further*, That~~

~~$50,000,000 of the funds appropriated in this paragraph shall be transferred to "International Disaster Assistance" to be made available for humanitarian and refugee assistance for the West Bank and Gaza: *Provided further*, That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION~~

~~For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for emergency expenses for activities related to combating international terrorism, $110,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Bal-~~

~~anced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~DEPARTMENT OF STATE~~

~~INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT~~

~~For an additional amount for "International Narcotics Control and Law Enforcement" for emergency expenses for activities related to combating international terrorism, $120,000,000, to remain available until September 30, 2003. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~MIGRATION AND REFUGEE ASSISTANCE~~

~~For an additional amount for "Migration and Refugee Assistance" for emergency expenses for activities related to combating international terrorism, $10,000,000, to remain available until September 30, 2003. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined of the Balanced Budget and~~

~~Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.~~

~~NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS~~

~~For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for emergency expenses for activities related to combating international terrorism, $83,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~MILITARY ASSISTANCE~~

~~FUNDS APPROPRIATED TO THE PRESIDENT~~

~~FOREIGN MILITARY FINANCING PROGRAM~~

~~For an additional amount for "Foreign Military Financing Program" for emergency expenses for activities related to combating international terrorism, $366,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this~~

~~paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law: *Provided further*, That not to exceed $2,000,000 of the funds appropriated in this paragraph may be obligated for necessary expenses, including the purchase of passenger motor vehicles for use outside of the United States, for the general cost of administering military assistance and sales.~~

~~PEACEKEEPING OPERATIONS~~

~~For an additional amount for "Peacekeeping Operations" for emergency expenses for activities related to combating international terrorism, $20,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount of designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.~~

~~MULTILATERAL ECONOMIC ASSISTANCE~~

~~FUNDS APPROPRIATED TO THE PRESIDENT~~

~~SPECIAL PAYMENTS TO THE INTERNATIONAL FINANCIAL INSTITUTIONS~~

~~(RESCISSION)~~

~~The unobligated balances of funds provided in Public Law 92–301 and Public Law 93–142 for maintenance of value payments to international financial institutions are hereby rescinded.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 601. (a) In fiscal year 2002, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.~~

~~(b) This provision shall also apply to unexpired balances and assistance previously provided from prior years' Acts available for the purposes identified in subsection (a).~~

~~(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.~~

~~(RESCISSION)~~

~~SEC. 602. Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106–113) and in prior Acts making appropriations for foreign operations, export financing, and related programs, $60,000,000 are rescinded.~~

~~ANDEAN SECURITY STRATEGY~~

~~SEC. 603. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the United States policy and strategy to assist Colombia as well as to achieve a robust security environment in the Andean region.~~

~~(b) The report required by subsection (a) shall address the following:~~

~~(1) The key objectives of the United States assistance to the Government of Colombia.~~

~~(2) The actions required of the United States to support and achieve those objectives, as well as a time schedule and cost estimates for implementing such actions.~~

~~(3) The role of the United States in the efforts of the Government of Colombia to provide security within the country.~~

~~(4) How the strategy regarding Colombia relates to and affects the strategy of the United States to achieve regional security between, and within, Andean countries, and how those Andean countries are working with Colombia to achieve regional security.~~

~~(5) A strategy, time schedule, and cost estimates for providing material, technical, and logistical support to the Government of Colombia to assist it contain and eliminate the threat which the United Self-Defense Forces (AUC) of Colombia poses to the national security of that country.~~

~~(6) A strategy to assist the Government of Colombia reach a negotiated political solution to the internal conflict as well as help it facilitate the design and implementation of a comprehensive strategy which addresses the underlying socio-political sources of the insurgencies and paramilitary counter-insurgency.~~

~~(c) In this section, the term "appropriate congressional committees means—~~

~~(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and~~

~~(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.~~

~~CHAPTER 7~~

~~DEPARTMENT OF THE INTERIOR~~

~~BUREAU OF LAND MANAGEMENT~~

~~MANAGEMENT OF LANDS AND RESOURCES~~

~~For an additional amount for "Management of Lands and Resources", $658,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~UNITED STATES FISH AND WILDLIFE SERVICE~~

~~RESOURCE MANAGEMENT~~

~~For an additional amount for "Resource Management", $1,443,000, for emergency security expenses, to~~

~~remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~NATIONAL PARK SERVICE~~

~~OPERATION OF THE NATIONAL PARK SYSTEM~~

~~For an additional amount for "Operation of the National Park System", $1,173,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~CONSTRUCTION~~

~~For an additional amount for "Construction", $19,300,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~UNITED STATES GEOLOGICAL SURVEY~~

~~SURVEYS, INVESTIGATIONS, AND RESEARCH~~

~~For an additional amount for "Surveys, Investigations, and Research", $25,700,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emer-~~

~~gency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~BUREAU OF INDIAN AFFAIRS~~

~~OPERATION OF INDIAN PROGRAMS~~

~~(INCLUDING RESCISSION OF FUNDS)~~

~~For an additional amount for "Operation of Indian Programs", $134,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~Of the funds provided under this heading in Public Law 107–20 for electric power operations and related activities at the San Carlos Irrigation Project, $5,000,000 is rescinded.~~

~~Funds provided under this heading in Public Law 107–20, for electric power operations and related activities at the San Carlos Irrigation Project, and remaining within the account may be used for unanticipated trust reform~~

~~projects and costs related to the ongoing Cobell litigation or other litigation concerning the management of Indian trust funds: *Provided*, That funds made available herein may, as needed, be transferred to or merged with any account funded in the Interior and Related Agencies Appropriations Act to reimburse costs incurred for these litigation activities.~~

~~DEPARTMENTAL OFFICES~~

~~DEPARTMENTAL MANAGEMENT~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses", $905,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~RELATED AGENCY~~

~~SMITHSONIAN INSTITUTION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses", of the Smithsonian Institution, $11,000,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~CONSTRUCTION~~

~~For an additional amount for "Construction", for emergency security expenses, $2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire~~

~~amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 701. Within 10 days of enactment of this Act, funds appropriated to the Forest Service under the heading "Wildland Fire Management" in Public Law 107–63 for the following purposes: $5,000,000 for research activities and $10,000,000 for capital improvement and maintenance of fire facilities shall be released and made available for immediate obligation. These funds are not available for transfer for purposes other than those described in this section.~~

~~SEC. 702. None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the transfer of any research activities from the Smithsonian Institution to the National Science Foundation.~~

~~SEC. 703. In fiscal year 2002 and thereafter, the Secretary of the Interior may charge reasonable fees for services provided at Midway Atoll National Wildlife Refuge, including fuel sales, and retain those fees, to be credited to the United States Fish and Wildlife Service, "Resource Management" account and remain available until expended for operation and maintenance of infrastructure~~

~~and staffing required for non-refuge specific needs, including the purchase of fuel supplies.~~

~~SEC. 704. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements where the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be that provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the firefighter, the sending country or any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.~~

~~SEC. 705. Hereafter, for purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), the Secretary of Defense may be held responsible for water consumption that occurs on a military installation (or outside of military installation but under the direct authority and control of the Secretary). The Secretary of Defense is not responsible for water consumption that occurs outside of a military installation and is beyond the direct authority and control of the Secretary of Defense even through the water is derived from a watershed basin shared by the military installation and the water consumption outside of the installation may impact a critical habitat or endangered species outside the installation.~~

~~CHAPTER 8~~

~~DEPARTMENT OF LABOR~~

~~EMPLOYMENT AND TRAINING ADMINISTRATION~~

~~TRAINING AND EMPLOYMENT SERVICES~~

~~For an additional amount for "Training and Employment Services", $300,000,000, to remain available through September 30, 2003, of which not less than $190,000,000 is available for carrying out sections 171(d) and 173 of the Workforce Investment Act of 1998, except that not more than $20,000,000 may be used for carrying out section 171(d); and of which $110,000,000, to remain available through June 30, 2002, is available for carrying~~

~~out section 132(a)(2)(B) of such Act: *Provided*, That notwithstanding sections 132(b)(2)(B) and 133(b)(2)(B) of such Act, such funds for carrying out section 132(a)(2)(B) shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the $110,000,000 that was subject to rescission under Public Law 107–20: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress.~~

~~DEPARTMENT OF HEALTH AND HUMAN SERVICES~~

~~HEALTH RESOURCES AND SERVICES ADMINISTRATION~~

~~HEALTH RESOURCES AND SERVICES~~

~~The matter preceding the first proviso under this heading in Public Law 107–116 is amended—~~

~~(1) by inserting "IV," after "titles II, III,"; and~~

~~(2) by striking "$311,978,000" and inserting "$315,333,000".~~

~~CENTERS FOR DISEASE CONTROL AND PREVENTION~~

~~DISEASE CONTROL, RESEARCH, AND TRAINING~~

~~For an additional amount for the Centers for Disease Control and Prevention, "Disease Control, Research, and Training", $1,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request, that designates the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to the Congress.~~

~~NATIONAL INSTITUTES OF HEALTH~~

~~BUILDINGS AND FACILITIES~~

~~(RESCISSION)~~

~~Of the funds provided under this heading in Public Law 107–116, $30,000,000 is rescinded.~~

~~ADMINISTRATION FOR CHILDREN AND FAMILIES~~

~~CHILDREN AND FAMILIES SERVICES AND PROGRAMS~~

~~For an additional amount for "Children and Families Services Programs" for carrying out section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416), $500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement~~

~~pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.~~

~~DEPARTMENT OF EDUCATION~~

~~SCHOOL IMPROVEMENT PROGRAMS~~

~~Of the funds provided under this heading in Public Law 107–116 to carry out the Elementary and Secondary Education Act of 1965, $832,889,000 shall be available to carry out part D of title V, and up to $11,500,000 may be used to carry out section 2345.~~

~~In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107–116; H. Rpt. 107–342), in the matter relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—~~

~~(1) the provision specifying $200,000 for Fresno At-Risk Youth Services and the provision specifying $225,000 for the Fresno Unified School District shall be applied by substituting the following for the two provisions: "Fresno Unified School Dis-~~

~~trict, Fresno, California, in partnership with the City of Fresno, California, for activities to address the problems of at-risk youth, including afterschool activities and a mobile science unit, $425,000'';~~

~~(2) the provision specifying $50,000 for the Lewiston-Auburn College/University of Southern Maine shall be deemed to read as follows: ''Lewiston-Auburn College/University of Southern Maine TEAMS program to prepare teachers to meet the demands of Maine's 21st century elementary and middle schools, $50,000'';~~

~~(3) the provision specifying $250,000 for the Wellington Public School District, Wellington, KS, shall be deemed to read as follows: ''Wellington Public School District, Wellington, KS, for after school activities, $250,000'';~~

~~(4) the provision specifying $200,000 for the Vermont Higher Education Council shall be deemed to read as follows: ''Vermont Higher Education Consortium to develop universal early learning programs to ensure that at least one certified teacher will be available in center-based child care programs, $200,000'';~~

~~(5) the provision specifying $250,000 for Education Service District 117 in Wenatchee, WA, shall~~

~~be deemed to read as follows: "Education Service District 171 in Wenatchee, WA to equip a community technology center to expand technology-based training, $250,000";~~

~~(6) the provision specifying $1,000,000 for the Electronic Data Systems Project shall be deemed to read as follows: "Washington State Department of Education for an electronic data systems project to create a database that would improve the acquisition, analysis and sharing of student information, $1,000,000";~~

~~(7) the provision specifying $250,000 for the YMCA of Seattle-King-Snohomish County shall be deemed to read as follows: "YWCA of Seattle-King County-Snohomish County to support women and families through an at-risk youth center and other family supports, $250,000";~~

~~(8) the provision specifying $50,000 for Drug Free Pennsylvania shall be deemed to read as follows: "Drug Free Pennsylvania to implement a demonstration project, $50,000";~~

~~(9) the provision specifying $20,000,000 for the Commonwealth of Pennsylvania Department of Education shall be deemed to read as follows: "$20,000,000 is included for a grant to the Com-~~

~~monwealth of Pennsylvania Department of Education to provide assistance, through subgrants, to low-performing school districts that are slated for potential takeover and/or on the Education Empowerment List as prescribed by Pennsylvania State Law. The initiative is intended to improve the management and operations of the school districts; assist with curriculum development; provide after-school, summer, and weekend programs; offer teacher and principal professional development; and promote the acquisition and effective use of instructional technology and equipment.'';~~

~~(10) the provision specifying $1,000,000 for State of Louisiana for Louisiana Online shall be deemed to read as follows: ''Online Louisiana, Inc., New Orleans, LA, for a K–12 technology initiative, $1,000,000'';~~

~~(11) the provision specifying $150,000 for the American Theater Arts for Youth, Inc., Philadelphia, PA, for a Mississippi Arts in Education Program shall be deemed to read as follows: ''American Theater Arts for Youth, Inc., for a Mississippi Arts in Education program, $150,000''; and~~

~~(12) the provision specifying $25,000 for the American Theater Arts for Youth for an Arts in~~

~~Education program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., in Philadelphia, Pennsylvania for an Arts in Education Program, $25,000".~~

~~STUDENT FINANCIAL ASSISTANCE~~

~~For an additional amount for "Student Financial Assistance" for Pell Grants, $1,000,000,000, to remain available through September 30, 2003.~~

~~HIGHER EDUCATION~~

~~In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107–116; H. Rept. 107–342), in the matter relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—~~

~~(1) the provision for Nicholls State University, Thibodaux, LA shall be applied by substituting "Intergenerational" for "International"; and~~

~~(2) the provision specifying $1,000,000 for Cleveland State University shall be deemed to read as follows: "Cleveland State University, College of Education, Cleveland, Ohio, for a K–16 Urban School Leadership initiative, $1,000,000".~~

~~CHAPTER 9~~

~~LEGISLATIVE BRANCH~~

~~HOUSE OF REPRESENTATIVES~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for salaries and expenses of the House of Representatives, $1,600,000, as follows:~~

~~COMMITTEE EMPLOYEES~~

~~STANDING COMMITTEES, SPECIAL AND SELECT~~

~~For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, $1,600,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.~~

~~LIBRARY OF CONGRESS~~

~~COPYRIGHT OFFICE~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for necessary expenses of the Copyright Office, $7,500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.~~

~~JOINT ITEMS~~

~~CAPITOL POLICE BOARD~~

~~CAPITOL POLICE~~

~~GENERAL EXPENSES~~

~~For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including computer equipment and services, training, communications, uniforms, weapons, and reimbursement to the Environmental Protection Agency, Hazardous Substance Superfund for additional expenses incurred for anthrax investigations and cleanup actions, $16,100,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That this amount shall be available only to the extent that an official budget request, that includes designation of the amount as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.~~

~~ADMINISTRATIVE PROVISIONS~~

~~SEC. 901. (a) There is hereby established in the Treasury of the United States an account for the Architect~~

~~of the Capitol to be known as "capitol police buildings" (hereinafter in this section referred to as the "account").~~

~~(b) Funds in the account shall be used by the Architect of the Capitol for all necessary expenses for the maintenance, care, and operation of buildings of the United States Capitol Police.~~

~~(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year. Any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for the maintenance, care, and operation of buildings of the United States Capitol Police during fiscal year 2002 shall be transferred to the account.~~

~~SEC. 902. (a) Subject to the approval of the House Office Building Commission and the Senate Committee on Rules and Administration, the Architect of the Capitol is authorized to acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, subject to the availability of appropriations, for the use of the United States Capitol Police.~~

~~(b) Any real property acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate~~

~~the use thereof, and for other purposes'', approved July 31, 1946.~~

~~(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.~~

~~SEC. 903. (a) Chapter 9 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2315), is amended—~~

~~(1) in section 903 (a), by striking ''buildings and facilities'' and insert ''buildings and facilities, subject to the availability of appropriations,''.~~

~~(b) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended by redesignating the subsection (b) added by section 903(c)(2) of the Emergency Supplemental Act, 2002, as subsection (c).~~

~~(c) The amendment made by this section shall take effect as if included in the enactment of the Emergency Supplemental Act, 2002.~~

~~SEC. 904. Nothing in section 1535 of title 31, U.S.C. (commonly referred to as the ''Economy Act''), or any other provision of such title may be construed to prevent or restrict the Chief Administrative Officer of the House of Representatives from placing orders under such section during any fiscal year in the same manner and to the same extent as the head of any other major organizational unit~~

~~with an agency may place orders under such section during a fiscal year.~~

~~SEC. 905. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), as enacted by reference in section 1(a)(2) of the Consolidated Appropriations Act, 2001, is amended—~~

~~(1) by redesignating subsections (c) through (h) as subsections (d) through (i); and~~

~~(2) by inserting after subsection (b) the following new subsection:~~

~~"(c) RUSSIAN EXCHANGE PROGRAM FOR AMERICAN LEADERSHIP.—~~

~~"(1) IN GENERAL.—In addition to the program established under subsection (b), the Center shall establish a program to carry out activities (including the awarding of grants) to enable emerging political leaders of the Federal Government and State and local governments to visit the Russian Federation to study the operation of political institutions, business organizations, and nongovernmental organizations of the Russian Federation.~~

~~"(2) ADMINISTRATION.—The provisions of paragraphs (3) and (4) of subsection (b) shall apply with respect to the program under this subsection in~~

~~the same manner as such provisions apply to the program under subsection (b).''.~~

~~(b) CONFORMING AMENDMENTS.—Section 313 of such Act (2 U.S.C. 1151) is amended—~~

~~(1) in subsection (b)(1), by striking the period at the end and inserting the following: ''; and to establish and administer the program described in subsection (c).''.; and~~

~~(2) in subsection (i)(2) (as redesignated by subsection (a)(1)), by striking ''Subsection (g)'' and inserting ''Subsection (h)''.~~

~~(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2001.~~

~~SEC. 906. (a) The Librarian of Congress and the Director of the Congressional Research Service shall take such steps as may be necessary to ensure that all materials of the Congressional Research Service which are provided and available to Members of Congress and officers and employees of the House of Representatives and Senate at the United States Capitol and Congressional office buildings (including materials provided through electronic means) may be provided and available to such individuals in the same manner and to the same extent at all other locations where such individuals carry out their official duties.~~

~~(b) This section shall apply to materials of the Congressional Research Service which are provided and available at any time after the date of the enactment of this Act.~~

~~SEC. 907. (a) The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.~~

~~(b) The acquisition of a building or facility under subsection (a) shall be subject to the approval of—~~

~~(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;~~

~~(2) the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of an office of the Senate; or~~

~~(3) the House Office Building Commission in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (1) above, or the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (2) above.~~

~~(c) Any building or facility acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946.~~

~~(d) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.~~

~~CHAPTER 10~~

~~DEPARTMENT OF DEFENSE~~

~~MILITARY CONSTRUCTION~~

~~MILITARY CONSTRUCTION, AIR FORCE~~

~~For an additional amount for "Military Construction, Air Force", $8,505,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the~~

President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Military Construction, Defense-wide'', $21,500,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

~~CHAPTER 11~~

~~DEPARTMENT OF TRANSPORTATION~~

~~OFFICE OF THE SECRETARY~~

~~TRANSPORTATION ADMINISTRATIVE SERVICE CENTER~~

~~Under this heading in Public Law 107–87, as amended by section 1106 of Public Law 107–117, delete "$116,023,000" and insert "$128,123,000".~~

~~TRANSPORTATION SECURITY ADMINISTRATION~~

~~For additional amounts for emergency expenses arising to implement the Federal takeover of airport security, $3,850,000,000, to remain available until September 30, 2003. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the total amount provided herein, the following amounts are available for obligation only for the specific purposes below:~~

~~(1) Physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, including explosive trace detection systems, $850,000,000;~~

~~(2) Procurement of explosive detection systems, including explosive trace detection systems, for checked baggage screening, $630,000,000;~~

~~(3) Reimbursement of air carriers for installation of intrusion-resistant cockpit doors, $25,000,000;~~

~~(4) Competitive grants to critical national seaports to finance the costs of enhancing facility and operational security, $75,000,000;~~

~~(5) Reimbursement to airports for State and local law enforcement officers, $75,000,000;~~

~~(6) Procurement of air-ground communications systems and devices for the Federal air marshal program, $20,000,000;~~

~~(7) Additional funding for the Department of Transportation Crisis Management Center, to improve transportation emergency response coordination, $2,100,000; and~~

~~(8) Replacement of magnetometers at airport passenger screening locations in commercial service airports, $20,000,000.~~

~~*Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time permanent positions. *Provided further*, That of such amount, $1,545,000,000 shall be available only to the extent an official budget request for a specific dollar amount that~~

~~includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.~~

~~U.S. COAST GUARD~~

~~OPERATING EXPENSES~~

~~For an additional amount for "Operating Expenses" for emergency expenses for homeland security and other purposes, $210,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $21,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.~~

~~ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS~~

~~For an additional amount for "Acquisition, Construction, and Improvements" for emergency expenses for homeland security and other purposes, $78,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency~~

~~Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $12,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.~~

~~FEDERAL AVIATION ADMINISTRATION~~

~~OPERATIONS~~

~~(TRANSFER OF FUNDS)~~

~~For an additional amount for "Operations", up to $25,000,000, to remain available until September 30, 2002, for security activities at Federal Aviation Administration facilities, to be derived by transfer from "Facilities and Equipment (Airport and Airway Trust Fund)".~~

~~GRANTS-IN-AID FOR AIRPORTS~~

~~For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for "Grants-in-aid for airports", to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, $200,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency require-~~

~~ment pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.~~

~~FEDERAL HIGHWAY ADMINISTRATION~~

~~FEDERAL-AID HIGHWAYS~~

~~EMERGENCY RELIEF PROGRAM~~

~~(HIGHWAY TRUST FUND)~~

~~For an additional amount for the "Emergency Relief Program", as authorized by 23 U.S.C. 125, for emergency expenses to respond to natural disasters or catastrophic failures from external causes, $167,000,000, to be derived from the Highway Trust Fund and to remain available until expended, for the State of New York to respond to the September 11, 2001, terrorist attacks on New York City: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on a Federal-aid highway re-~~

~~lated to the New York City terrorist attacks shall be 100 percent: *Provided further*, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for those projects.~~

~~FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION~~

~~BORDER ENFORCEMENT PROGRAM~~

~~(HIGHWAY TRUST FUND)~~

~~For necessary expenses of the Border Enforcement Program to respond to the September 11, 2001, terrorist attacks on the United States, $19,300,000, to be derived from the Highway Trust Fund, of which $4,200,000 shall be to implement section 1012 of Public Law 107–56 (USA Patriot Act); $10,000,000 shall be for drivers' license fraud detection and prevention, the northern border safety and security study, and hazardous material security education and outreach; and $5,100,000 shall be for the purposes of coordinating drivers' license registration and social security number verification: *Provided*, That in connection with such commercial drivers' license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary may so designate to carry out these purposes: *Provided further*, That the entire amount is designated by~~

~~the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~HAZARDOUS MATERIALS SECURITY~~

~~(HIGHWAY TRUST FUND)~~

~~For necessary expenses to implement the hazardous materials safety permit program pursuant to 49 U.S.C. 5109, $5,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.~~

~~FEDERAL TRANSIT ADMINISTRATION~~

~~CAPITAL INVESTMENT GRANTS~~

~~For an additional amount for "Capital Investment Grants" for emergency expenses to respond to the September 11, 2001, terrorist attacks in New York City, $1,800,000,000, to remain available until expended to replace, rebuild, or enhance the public transportation sys-~~

~~tems serving the Borough of Manhattan, New York City, New York: *Provided*, That the Secretary may use up to 1 percent of this amount for oversight activities: *Provided further*, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: *Provided further*, That the Federal share for any project funded from this amount shall be 100 percent: *Provided further*, That these funds are in addition to any other appropriation available for these purposes: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 1101. Notwithstanding any other provision of law, projects and activities designated on pages 82 through 92 of House Report 107–308 shall be eligible for fiscal year 2002 funds made available for the program for which each project or activity is so designated.~~

~~SEC. 1102. Section 335 of Public Law 107–87 is hereby amended by inserting "or the Transportation Security Administration" after "the Federal Aviation Adminis-~~

~~tration'' and by inserting '', aviation security'' after ''air navigation''.~~

~~SEC. 1103. After the date of enactment of this Act, no further Federal credit instruments may be issued pursuant to section 101(a)(1) of the Air Transportation Safety and System Stabilization Act in fiscal year 2002.~~

~~CHAPTER 12~~

~~DEPARTMENT OF THE TREASURY~~

~~FEDERAL LAW ENFORCEMENT TRAINING CENTER~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for ''Salaries and Expenses'' for expenses of expanded law enforcement training workload resulting from the September 11, 2001 terrorist attacks against the United States, $15,870,000, to remain available until September 30, 2003: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.~~

~~UNITED STATES SECRET SERVICE~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses" for expenses of expanded protective and investigative workload following the September 11, 2001 terrorist attacks against the United States, $46,750,000, to remain available until September 30, 2003, *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.~~

~~POSTAL SERVICE~~

~~PAYMENT TO THE POSTAL SERVICE FUND~~

~~For an additional amount for "Payment to the Postal Service" for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail, $87,000,000, to remain available until expended. *Provided*, That the entire amount is designated by the Congress as an emergency requirement~~

~~pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT~~

~~OFFICE OF MANAGEMENT AND BUDGET~~

~~SALARIES AND EXPENSES~~

~~(RESCISSION)~~

~~Of the funds made available under this heading in Public Law 107–67, $750,000 are rescinded.~~

~~ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For necessary expenses for the implementation of election administration reform, and related expenses, $450,000,000, to remain available until expended: *Provided*, That such amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections: *Provided further*, That, upon the enactment of such legislation, the Director of the Office of Management and Budget shall transfer the specific amounts authorized, for the purposes designated, to the Federal entities specified by such legislation, and according to the provisions established in H.R. 3295, as passed by the House of Representatives on December 12, 2001: *Provided further*, That, within 15 days of such transfers, the Director of the Office~~

~~of Management and Budget shall notify the Congress of the amounts transferred to each authorized Federal entity: *Provided further*, That the entities to which the amounts are transferred shall use the amounts to carry out the applicable provisions of such legislation: *Provided further*, That the transfer authority provided in this paragraph shall be in addition to any other transfer authority provided in this or any other Act.~~

~~INDEPENDENT AGENCIES~~

~~FEDERAL ELECTION COMMISSION~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses", $750,000 for unanticipated costs associated with implementing the Bipartisan Campaign Reform Act.~~

~~GENERAL SERVICES ADMINISTRATION~~

~~REAL PROPERTY ACTIVITIES~~

~~FEDERAL BUILDINGS FUND~~

~~For an additional amount for "Federal Buildings Fund" for building security emergency expenses resulting from the September 11, 2001 terrorist attacks on the United States, $51,800,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 1201. (a) RESCISSION.—Of the unobligated balance as of June 30, 2002, of the funds made available for "Financial Management Service, Salaries and Expenses" in chapter 10 of title II of Public Law 107–20, $14,000,000 is rescinded.~~

~~(b) EFFECTIVE DATE.—Subsection (a) shall be effective June 30, 2002.~~

~~(c) SUPPLEMENTAL APPROPRIATION.—For an additional amount for "Internal Revenue Service, Business Systems Modernization", there is appropriated the amount rescinded pursuant to subsection (a), to remain available until September 30, 2003. Such additional amount may not be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for the expenditure of such additional amount that complies with the requirements as specified in clauses (1) through (6) under such heading in Public Law 107–67.~~

~~SEC. 1202. None of the funds appropriated in this or any other Act may be used to transfer the functions, missions, or activities of the United States Customs Service to the Department of Justice.~~

~~SEC. 1203. (a) The Federal Law Enforcement Training Center may, for a period ending not later than 5 years~~

~~after the date of the enactment of this Act, appoint and maintain a cadre of up to 250 Federal annuitants—(1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.~~

~~(b) No appointment under this section may be made which would result in the displacement of any employee.~~

~~(c) For purposes of this section—~~

~~(1) the term "Federal annuitant" means an employee who has retired under the Civil Service Retirement System, the Federal Employees' Retirement System, or any other retirement system for employees;~~

~~(2) the term ''employee'' has the meaning given such term by section 2105 of such title 5; and~~

~~(3) the counting of Federal annuitants shall be done on a full time equivalent basis.~~

~~CHAPTER 13~~

~~DEPARTMENT OF VETERANS AFFAIRS~~

~~VETERANS HEALTH ADMINISTRATION~~

~~MEDICAL CARE~~

~~For an additional amount for ''Medical care'', $417,000,000. *Provided*, That the funds provided herein be allocated using the VERA methodology. *Provided further*, That for the purposes of enabling the collection from third-party insurance carriers for non-service related medical care of veterans, all Department of Veterans Affairs healthcare facilities are hereby certified as Medicare and Medicaid providers and the Centers for Medicare and Medicaid Services within the Department of Health and Human Services shall issue each Department of Veterans Affairs healthcare facility a provider number as soon as practicable after the date of enactment of this Act. *Provided further*, That nothing in the preceding proviso shall be construed to enable the Department of Veterans Affairs to bill Medicare or Medicaid for any medical services provided by the Veterans Health Administration or to require the Centers for Medicare and Medicaid Services to pay~~

~~for any medical services provided by the Department of Veterans Affairs.~~

~~DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT~~

~~PUBLIC AND INDIAN HOUSING~~

~~HOUSING CERTIFICATE FUND~~

~~(RESCISSION)~~

~~Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2002 and prior years, $300,000,000 is hereby rescinded: *Provided*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission.~~

~~COMMUNITY PLANNING AND DEVELOPMENT~~

~~COMMUNITY DEVELOPMENT FUND~~

~~For an additional amount for the "Community Development Fund" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $750,000,000, to remain available until expended: *Provided*, That the State of New York, in cooperation with the City of New York, shall, through the Lower Manhattan Development Corporation, distribute these funds: *Provided further*, That such funds may be used for assistance~~

~~for properties and businesses (including the restoration of utility infrastructure) damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001, in New York City and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: *Provided further*, That the State of New York is authorized to provide such assistance to the City of New York: *Provided further*, That in administering these funds and funds under section 108 of such Act used for economic revitalization activities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of thee funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees: *Provided further*, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: *Provided further*, That the Secretary shall publish in the Fed-~~

~~eral Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than 5 days before such allocation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 106–377 is deemed to be amended by striking "$2,000,000 is for the Louisville Community Development Bank for the Louisville Neighborhood Initiative" and inserting "$2,000,000 for neighborhood revitalization activities in Louisville, Kentucky, as follows: $170,000 to the Christian Church Homes of Kentucky for facility upgrades at Chapel House, $500,000 to the Louisville Medical Center Development Corporation for expansion of a research park, $400,000 to the Louisville Science Center for construction of a permanent exhibition, $150,000 to the New Zion Community Development Foundation for renovation~~

~~of a facility, $400,000 to the Presbyterian Community Center for construction of a facility, $180,000 to the St. Stephen Family Life Center for renovation of a facility, and $200,000 to the United Crescent Hill Ministries for renovation of a facility".~~

~~The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 107–73 is deemed to be amended by striking "$3,000,000 for the Louisville Community Development Bank for continuation of the Louisville Neighborhood Initiative" and inserting "$3,000,000 for neighborhood revitalization activities in Louisville, Kentucky, as follows: $250,000 to the Bridgehaven Mental Health Agency for planning and development of a facility, $600,000 to the Cable Life Community Enrichment Corporation for construction of a facility, $350,000 to Catholic Charities for renovation of a facility, $500,000 to the Center for Women and Families for an affordable housing program, $100,000 to the Clifton Cultural Center for renovation of a historic building, $200,000 to Harrods Creek Community Development for construction of a facility, $200,000 to the James Taylor Memorial Home for facility improvements, $600,000 to the Kentucky Art and Craft Foundation for renovation of a facility, and $200,000 to the Shel-~~

~~by Park Neighborhood Association for facility construction''.~~

~~HOUSING PROGRAMS~~

~~RENTAL HOUSING ASSISTANCE~~

~~(RESCISSION)~~

~~The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 2002 by not more than $300,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: *Provided*, That up to $300,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 2002.~~

~~INDEPENDENT AGENCIES~~

~~DEPARTMENT OF HEALTH AND HUMAN SERVICES~~

~~NATIONAL INSTITUTES OF HEALTH~~

~~NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES~~

~~For an additional amount for ''National Institute of Environmental Health Sciences'', $8,000,000, to carry out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act~~

~~of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 in response to the September 11, 2001, terrorist attacks on the United States: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY~~

~~SALARIES AND EXPENSES~~

~~For an additional amount for "Salaries and Expenses", $11,300,000, of which $1,800,000 is for additional expenses incurred in response to the September 11, 2001, terrorist attacks on the United States, and of which $9,500,000 is to enhance the States' capacity to respond to chemical terrorism events: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~ENVIRONMENTAL PROTECTION AGENCY~~

~~STATE AND TRIBAL ASSISTANCE GRANTS~~

~~The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after "$1,000,000" in reference to~~

~~item number 91 and inserting "for Carrolton Utilities ($500,000), City of Williamston ($100,000) and Pendleton County Industrial Authority ($400,000)".~~

~~The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after "for" in reference to item number 202 and inserting "storm water infrastructure improvements".~~

~~Grants appropriated under this heading in Public Law 107–73 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 1443(d) of the Safe Drinking Water Act, as amended.~~

~~The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after "$2,000,000" in reference to item number 168 and inserting "for the Town of Wallace, North Carolina for a regional wastewater infrastructure improvement project ($1,000,000), and for the Town of Cary, North Carolina for wastewater infrastructure improvements including the treatment of biosolids ($1,000,000).".~~

~~The referenced statement of managers under this heading in Public Law 107–73 is deemed to be amended in item 19 by inserting the words "water and" after the word "for".~~

~~FEDERAL EMERGENCY MANAGEMENT AGENCY~~

~~DISASTER RELIEF~~

~~For an additional amount for "Disaster relief" for necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), $2,750,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, the Texas Medical Center may be provided FEMA Public Assistance and Hazard Mitigation grants as an agent for eligible applicants.~~

~~DISASTER ASSISTANCE FOR UNMET NEEDS~~

~~For an additional amount for "Disaster assistance for unmet needs", $23,320,000, to remain available until September 30, 2004, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal year 2002, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its "Dis-~~

~~aster relief'' program) or the Small Business Administra-~~
~~tion; *Provided*, That in administering these funds the Di-~~
~~rector shall allocate these funds to States to be adminis-~~
~~tered by each State in conjunction with its Federal Emer-~~
~~gency Management Agency Disaster Relief program: *Pro-*~~
~~*vided further*, That each State shall provide not less than~~
~~25 percent in non-Federal public matching funds or its~~
~~equivalent value (other than administrative costs) for any~~
~~funds allocated to the State under this heading: *Provided*~~
~~*further*, That the Director shall allocate these funds based~~
~~on the unmet needs arising from a Presidentially-declared~~
~~disaster as identified by the Director as those which have~~
~~not or will not be addressed by other Federal disaster as-~~
~~sistance programs and for which it is deemed appropriate~~
~~to supplement the efforts and available resources of~~
~~States, local governments and disaster relief organiza-~~
~~tions: *Provided further*, That the Director shall establish~~
~~review groups within the Federal Emergency Management~~
~~Agency to review each request by a State of its unmet~~
~~needs and certify as to the actual costs associated with~~
~~the unmet needs as well as the commitment and ability~~
~~of each State to provide its match requirement: *Provided*~~
~~*further*, That the Director shall publish a notice in the~~
~~Federal Register governing the allocation and use of the~~
~~funds under this heading, including provisions for ensur-~~

~~ing the compliance of the States with the requirements of this program: *Provided further*, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations setting forth the proposed uses of funds and the most recent estimates of unmet needs: *Provided further*, That the Director shall submit quarterly reports to said Committees regarding the actual projects and needs for which funds have been provided under this heading: *Provided further*, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the~~

~~Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE~~

~~For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, $151,700,000 to remain available until September 30, 2002. *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.~~

~~GENERAL PROVISIONS—THIS CHAPTER~~

~~SEC. 1301. Notwithstanding the first paragraph of the item in title II of Public Law 107–73 relating to "Federal housing administration, Mutual mortgage insurance program account", during fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act shall not exceed a loan principal of $165,000,000,000.~~

~~SEC. 1302. Notwithstanding the first paragraph of the item in title II of Public Law 107–73 related to "Federal housing administration, General and special risk program account", any amounts made available for fiscal year 2002 for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12~~

~~U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974), shall be available to subsidize total loan principal, any part of which is to be guaranteed, of up to $23,000,000,000.~~

~~CHAPTER 14~~

~~GENERAL PROVISIONS~~

~~SEC. 1401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.~~

~~SEC. 1402. Notwithstanding any other provision of law, all adjustments made pursuant to section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit and Control Act of 1985 to the highway category and to section 8103(a)(5) of the Transportation Equity Act for the 21st Century for fiscal year 2003 shall be deemed to be zero. This section shall apply immediately to all reports issued pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2003, including the discretionary sequester preview report.~~

~~SEC. 1403. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:~~

~~"(d) The United States Government shall take all steps necessary to guarantee the full faith and credit of the Government.".~~

~~SEC. 1404. TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.~~

~~(a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA COUNTIES.—~~

~~(1) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2003, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—~~

~~(A) in Lackawanna, Lucerne, Wyoming, Lycoming, and Columbia Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-PA Metropolitan Statistical Area; and~~

~~(B) in Mercer County, Pennsylvania, such county is deemed to be located in Youngstown-Warren, Ohio Metropolitan Statistical Area.~~

~~(2) RULES.—The reclassifications made under paragraph (1) with respect to a subsection (d) hos-~~

pital shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(b) LARGE URBAN AREA OF NEW YORK.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) the large urban area of New York, New York is deemed to include Orange County, New York, and Dutchess County, New York.

SEC. 1405. AMENDMENTS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (title II of Public Law 98–67; 19 U.S.C. 2703(b)(2)(A)) is amended—

(1) in clause (i), by adding at the end the following:

"Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sen-

~~tence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.'', and (2) in clause (ii), by adding at the end the following:~~

~~''Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.''.~~

~~(b) ANDEAN TRADE PREFERENCE ACT.—Any duty free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled if the fabrics are knit fabrics, is carried out in the United States. Any duty-free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles~~

~~assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled if the fabrics are woven fabrics, is carried out in the United States.~~

~~(c) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (a) shall take effect—~~

~~(1) 90 days after the date of the enactment of this Act, or~~

~~(2) September 1, 2002,~~

~~whichever occurs first.~~

~~SEC. 1406. Congress shall take all steps necessary to ensure that section 5402 of title 39, United States Code, is amended to allow the United States Postal Service to tender non-priority bypass mail to mainline carriers who carry mainline non-priority bypass mail. Congress shall take all steps necessary to ensure that section 5402 of title 39, United States Code, is further amended to allow the United States Postal Service to tender non-priority bypass mail to bush carriers, on a route not served by a mainline carriers or between two bush points. Carriers are encouraged to upgrade their operating certificates and increase passenger service. Carriers who make these changes may be tendered a greater percentage of non-priority bypass mail. Congress shall take all steps nec-~~

essary to ensure that the Secretary of the Department of Transportation sets non-priority bypass mail rate as is deemed necessary to continue the bypass mail service. The requirements of these provisions will only be in effect in the State of Alaska.

TITLE II—AMERICAN SERVICEMEMBERS' PROTECTION ACT

SEC. 2001. SHORT TITLE.

This title may be cited as the ''American Servicemembers' Protection Act of 2002''.

SEC. 2002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the

~~month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.~~

~~(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.~~

~~(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."~~

~~(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces~~

~~operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.~~

~~(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.~~

~~(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.~~

~~(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.~~

~~(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, sen-~~

~~ior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.~~

~~(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any .... act of aggression" would contravene the charter of the United Nations and undermine deterrence.~~

~~(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.~~

~~SEC. 2003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.~~

~~(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 5 AND 7.—The President is authorized to waive the prohibitions and requirements of sections 2005 and 2007 for a single period of 1 year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—~~

~~(1) notifies the appropriate congressional committees of the intention to exercise such authority; and~~

~~(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—~~

~~(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:~~

~~(i) covered United States persons;~~

~~(ii) covered allied persons; and~~

~~(iii) individuals who were covered United States persons or covered allied persons; and~~

~~(B) ensures that no person described in subparagraph (A) will be arrested, detained,~~

~~prosecuted, or imprisoned by or on behalf of the International Criminal Court.~~

~~(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 5 AND 7.—The President is authorized to waive the prohibitions and requirements of sections 2005 and 2007 for successive periods of 1 year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—~~

~~(1) notifies the appropriate congressional committees of the intention to exercise such authority; and~~

~~(2) determines and reports to the appropriate congressional committees that the International Criminal Court—~~

~~(A) remains party to, and has continued to abide by, a binding agreement that—~~

~~(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:~~

~~(I) covered United States persons;~~

~~(II) covered allied persons; and~~

~~(III) individuals who were covered United States persons or covered allied persons; and~~

~~(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and~~

~~(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).~~

~~(c) AUTHORITY TO WAIVE SECTIONS 4 AND 6 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 2004 and 2006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—~~

~~(1) notifies the appropriate congressional committees of the intention to exercise such authority; and~~

~~(2) determines and reports to the appropriate congressional committees that—~~

~~(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 is in effect;~~

~~(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;~~

~~(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and~~

~~(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:~~

~~(i) Covered United States persons.~~

~~(ii) Covered allied persons.~~

~~(iii) Individuals who were covered United States persons or covered allied persons.~~

~~(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 2004 and 2006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 expires and is not extended pursuant to subsection (b).~~

~~(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 2004, 2005, 2006, and 2007 shall cease to apply, and the authority of section 2008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.~~

~~SEC. 2004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.~~

~~(a) APPLICATION.—The provisions of this section—~~

~~(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and~~

~~(2) shall not prohibit—~~

~~(A) any action permitted under section 2008; or~~

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

~~(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.~~

~~(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.~~

~~(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States~~

~~Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.~~

~~(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.~~

~~(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.~~

~~(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and ex-~~

~~tradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.~~

~~(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.~~

~~SEC. 2005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.~~

~~(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts,~~

~~at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.~~

~~(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.~~

~~(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—~~

~~(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of~~

~~the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;~~

~~(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or~~

~~(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.~~

~~SEC. 2006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.~~

~~(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.~~

~~(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.~~

~~(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 2008.~~

~~SEC. 2007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.~~

~~(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective 1 year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.~~

~~(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.~~

~~(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome~~

~~Statute preventing the International Criminal court from proceeding against United States personnel present in such country.~~

~~(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—~~

~~(1) a NATO member country;~~

~~(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or~~

~~(3) Taiwan.~~

~~SEC. 2008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.~~

~~(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.~~

~~(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:~~

~~(1) Covered United States persons.~~

~~(2) Covered allied persons.~~

~~(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.~~

~~(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—~~

~~(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);~~

~~(2) exculpatory evidence on behalf of that person; and~~

~~(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.~~

~~(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment~~

of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 2009. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

~~(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).~~

~~(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.~~

~~SEC. 2010. WITHHOLDINGS.~~

~~Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Con-~~

~~struction and Maintenance Account of the Department of State.~~

~~SEC. 2011. APPLICATION OF SECTIONS 2004 AND 2006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.~~

~~(a) IN GENERAL.—Sections 2004 and 2006 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.~~

~~(b) NOTIFICATION TO CONGRESS.—~~

~~(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 2004 or 2006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.~~

~~(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.~~

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

~~SEC. 2012. NONDELEGATION.~~

~~The authorities vested in the President by sections 2003 and 2011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 2005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official~~

~~other than the Secretary of Defense, and if so delegated may not be subdelegated.~~

~~SEC. 2013. DEFINITIONS.~~

~~As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:~~

~~(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.~~

~~(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.~~

~~(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and~~

~~wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.~~

~~(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.~~

~~(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.~~

~~(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.~~

~~(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.~~

~~(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.~~

~~(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has~~

~~not withdrawn from the Rome Statute pursuant to Article 127 thereof.~~

~~(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—~~

~~(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and~~

~~(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.~~

~~(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.~~

~~(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.~~

~~(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—~~

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

~~(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).~~

~~SEC. 2014. REPEAL OF LIMITATION.~~

~~The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.~~

~~This Act may be cited as the "2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States".~~

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Office of the Secretary", $18,000,000, to remain available until expended: Provided, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $16,000,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to

section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $50,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

EXTENSION ACTIVITIES

For an additional amount for "Extension Activities", $16,000,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $60,000,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", $15,000,000, to remain available until September 30, 2003: Provided, That the entire amount is

designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $100,000,000, to remain available until expended: Provided, That of this amount, $27,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for "Rural Community Advancement Program" for emergency purposes for grants and loans as authorized by 7 U.S.C. 381E(d)(2), 306(a)(14), and 306C, $25,000,000, with up to $5,000,000 for contracting with qualified organization(s) to conduct vulnerability assessments for rural community water systems, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL UTILITIES SERVICE

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Of funds made available under this heading for the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $20,000,000 are rescinded.

For an additional amount for "Local Television Loan Guarantee Program Account", $20,000,000, to remain available until expended.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", $75,000,000, to remain available until September 30, 2003: Provided, That of the amounts provided in this Act and any amounts available for reallocation in fiscal year 2002, the Secretary shall reallocate funds under section 17(g)(2) of the Child Nutrition Act of 1966, as amended, in the manner and under the formula the Secretary deems necessary to respond to the effects of unemployment and other conditions caused by the recession.

FOOD STAMP PROGRAM

(RESCISSION)

Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of the Food Stamp Act of 1977 to carry out the Employment and Training program, $33,000,000 are rescinded and returned to the Treasury.

GENERAL PROVISION, THIS CHAPTER

SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER. (a) IN GENERAL.—The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2001 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall

be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

(c) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 102. Not later than 14 days after the date of enactment of this Act, the Secretary of Agriculture shall carry out the transfer of funds under section 2507(a) of the Food Security and Rural Investment Act of 2002 (Public Law 107–171).

SEC. 103. SENSE OF THE SENATE ON COMPENSATION TO PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLUENZA. It is the Sense of the Senate that the Secretary of Agriculture act expeditiously to provide compensation through the Commodity Credit Corporation to producers of

poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and other States which have resulted in the destruction of poultry flocks in order to contain this disease.

SEC. 104. (a) FINDINGS.—(1) Of the 40 million people living with HIV/AIDS, nearly 2.7 million are children under 15, and 11.8 million are young people aged 15–24, more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 percent chance of becoming infected.

(2) Targeted provision of dairy products for HIV/AIDS mitigation provides an economical and efficient means to strengthen nutrition, ward off infectious diseases and extend the lives of HIV-positive individuals.

(3) Good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy products with anti-retroviral drugs to combat mother-to-child transmission.

(4) In the diets of young children, growing adolescents and pregnant women, milk has been proven to provide a concentration of critical nutritional elements that promote growth and robust health, and the National Institutes of

Health (NIH) recommends that dairy products be used to boost the nutrition of HIV-positive young children.

(5) It is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector.

(6) The United States has more than 1 billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound for a total cost approaching $1,000,000,000, and storage costs are $1,500,000 per month and growing.

(7) This huge amount of milk overhangs the United States and world markets and deteriorates rapidly, going out of condition in about 3 years when it must be sold for a salvage value of only a few cents per pound.

(8) The impacts of breast-feeding on mother-to-child transmission remain controversial and appropriate interventions are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe.

(9) There is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by HIV/AIDS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Agriculture should—

(1) utilize the existing 416(b) authority of the Agricultural Act of 1949 to dispose of dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic;

(2) make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, accounting, monitoring and evaluation expenses incurred by the Secretary of Agriculture, and expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses;

(3) give careful consideration to the local market conditions before dairy products are donated or monetized into a local economy, so as not to undermine the security and stability of the indigenous dairy production and processing sector; and

(4) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

SEC. 105. (a) RESCISSION.—The unobligated balance of authority available under section 2108(a) of Public Law 107–20 is rescinded as of the date of the enactment of this Act.

(b) APPROPRIATION.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balance rescinded by subsection (a) for expenses through fiscal year 2003 under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721–1726a) for commodities supplied in connection with dispositions abroad pursuant to title II of said Act.

SEC. 106. Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by striking "subsection." and inserting in lieu thereof the following: "subsection, or to otherwise carry out the purposes of this subsection.".

SEC. 107. Notwithstanding any other provision of law and effective on the date of enactment of this Act, the Secretary may use an amount not to exceed $12,000,000 from the amounts appropriated under the heading Food Safety and Inspection Service under the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (Public Law 106–387) to liquidate over-obligations and over-expenditures of the Food Safety and Inspection Service incurred during previous fis-

cal years, approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to respond to the September 11, 2001, terrorist attacks on the United States, $12,750,000, to remain available until expended: Provided, That $10,750,000 is for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data for the design, and for the development, testing, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service ("Chimera system"), to be managed by Justice Management Division, as authorized by section 202 of H.R. 3525: Provided further, That $2,000,000 is for the Principal Associate Deputy Attorney General for Combating Terrorism: Provided further, That $10,750,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for the Office of Domestic Preparedness to respond to the September 11, 2001, terrorist attacks on the United States, $173,800,000, to remain available until expended, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and sections 1014, 1015, and 1016 of the USA PATRIOT ACT (Public Law 107–56), and for other counterterrorism programs: Provided, That no funds under this heading shall be used to duplicate the Federal Emergency Management Agency Fire Grant program: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses" for courtroom technology, $5,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

(RESCISSION)

Of the amounts made available under this heading in Public Law 107–77, $7,000,000 are rescinded.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(RESCISSION)

Of the amounts made available under this heading for the Training Academy, $2,100,000 are rescinded.

ANTI-TERRORISM TASK FORCES

For expenses necessary for Anti-Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $45,000,000, to be derived from the amounts made available for this purpose in Public Law 107–77 and Public Law 107–117.

JOINT TERRORISM TASK FORCES

For expenses necessary for Joint Terrorism Task Forces, including salaries and expenses, operations, equipment, and facilities, $113,235,000, to be derived from the amounts made available for this purpose in Public Law 107–77 and Public Law 107–117.

FOREIGN TERRORIST TRACKING TASK FORCES

For expenses necessary for Foreign Terrorist Tracking Task Forces, including salaries and expenses, operations, equipment, and facilities, $10,000,000, to be derived from

the amounts made available for this purpose in Public Law 107–77 and Public Law 107–117.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $75,500,000, of which $50,500,000 is for a cyber-security initiative: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for fleet management, $35,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $84,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

(RESCISSION)

Of the amounts made available under this heading in Public Law 107–77 for buildings and facilities, $30,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

ELECTION REFORM GRANT PROGRAM

For an amount to establish the Election Reform Grant Program, to provide assistance to States and localities in improving election technology and the administration of federal elections, $450,000,000, to remain available until expended: Provided, That such amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections.

JUSTICE ASSISTANCE

(RESCISSION)

Of the amounts made available under this heading for the Office of the Assistant Attorney General for Office of Justice Programs, $2,000,000 are rescinded, and for the Office of Congressional and Public Affairs, $2,000,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

For an amount to establish the Community Oriented Policing Services' Interoperable Communications Technology Program, for emergency expenses for activities related to combating terrorism by providing grants to States and localities to improve communications within, and among, law enforcement agencies, $85,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration" for emergency expenses resulting from new homeland security activities, $1,725,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and Administration" for emergency expenses resulting from new homeland security activities, $8,700,000: Provided, That, of the funds appropriated under this heading, such sums as are necessary may be transferred to, and merged with, any appropriations account to develop and implement secure connectivity between Federal agencies and the Executive Office of the President: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in prior fiscal years, excepting funds designated for the Suitland Federal Center, $20,900,000 are rescinded.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and Technical Research and Services" for emergency expenses resulting from new homeland security activities and increased security requirements, $84,600,000, of which $40,000,000 is

for a cyber-security initiative: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the amount appropriated under this heading, $500,000 shall be for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics, in accordance with section 403(c)(2) of The USA PATRIOT Act (Public Law 107–56) and sections 201(c)(5) and 202(a)(4)(B) and title III of the Enhanced Border Security and Visa Reform Act (Public Law 107–173), and the amendments made by those provisions.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for emergency expenses resulting from homeland security activities, $29,200,000, of which $23,400,000 is to address critical mapping and charting backlog requirements, $3,000,000 is to enhance the National Water Level Observation Network and $2,800,000 is for backup capability for National Oceanic and Atmospheric Administration critical satellite products and services, to remain

available until September 30, 2003: Provided, That $2,800,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING RESCISSION)

For an additional amount for "Procurement, Acquisition and Construction" for emergency expenses resulting from homeland security activities, $7,200,000 for a supercomputer backup, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Of the amounts made available under this heading for the National Polar-Orbiting Operational Environmental Satellite System, $8,100,000 are rescinded.

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under the heading, "Fisheries Finance Program Account", National Oceanic and Atmospheric Administration, Department of Commerce, for the direct loan program authorized by the Merchant Marine Act of 1936, as amended, are available to subsidize gross obligations for the principal amount of direct loans not to exceed

$5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from new homeland security activities, $400,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the Building and Grounds" for emergency expenses for security upgrades and renovations of the Supreme Court building, $10,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses to enhance security and to provide for extraordinary trial related costs, $9,684,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs," for emergency expenses for activities related to combating international terrorism, $38,300,000, of which $20,300,000 shall remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to

section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", for emergency expenses for activities related to combating international terrorism, $9,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", for emergency expenses for activities related to combating international terrorism, $210,516,000, to remain available until expended: Provided, That $210,516,000 shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the amounts made available under this heading, $48,000,000 are rescinded from prior year appropriations.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", for emergency expenses for activities related to combating international terrorism, $7,400,000, to remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be available

notwithstanding section 15 of the State Department Basic Authorities Act of 1956, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCIES

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to respond to the September 11, 2001, terrorist attacks on the United States and for other purposes, $29,300,000, to remain available until expended: Provided, That $9,300,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 201. Title II of Public Law 107–77 is amended in the second undesignated paragraph under the heading "Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services" by striking "not to exceed $60,700,000 shall be available for the award of new grants" and inserting "not less than

$60,700,000 shall be used before October 1, 2002 for the award of new grants".

SEC. 202. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.

SEC. 203. (a) Section 504 of title 28, United States Code, is amended by inserting after "General" the following: "and a Principal Associate Deputy Attorney General for Combating Terrorism".

(b) The Section heading for section 504 of title 28, United States Code, is amended by inserting after "General" the following: "and Principal Associate Deputy Attorney General for Combating Terrorism".

(c) The Principal Associate Deputy Attorney General for Combating Terrorism (appointed under section 504 of title 28, United States Code, as amended by subsection (a)) shall—

(1) serve as the principal adviser to the Attorney General and the Deputy Attorney General for combating terrorism, counterterrorism, and antiterrorism policy;

(2) have responsibility for coordinating all functions within the Department of Justice relating to combating domestic terrorism, subject to paragraph (5), including—

(A) policies, plans, and oversight, as they relate to combating terrorism, counterterrorism, and antiterrorism activities;

(B) State and local preparedness for terrorist events;

(C) contingency operations within the Department of Justice; and

(D) critical infrastructure;

(3) coordinate—

(A) all inter-agency interface between the Department of Justice and other departments, agencies, and entities of the United States, including State and local organizations, engaged in combating terrorism, counterterrorism, and antiterrorism activities; and

(B) the implementation of the Department of Justice's strategy for combating terrorism by State and local law enforcement with responsibilities for combating domestic terrorism;

(4) recommend changes in the organization and management of the Department of Justice and State

and local entities engaged in combating domestic terrorism to the Attorney General and Deputy Attorney General; and

(5) serve in an advisory capacity to the Attorney General and Deputy Attorney General on matters pertaining to the allocation of resources for combating terrorism.

(d) The allocation of resources for combating terrorism shall remain under the purview of the current Deputy Attorney General. Any changes in the allocation of resources will continue to be approved by the current Deputy Attorney General using the current procedures of the Department of Justice.

(e) Effective upon enactment of this Act, there is transferred to the Principal Associate Deputy Attorney General for Combating Terrorism all authorities, liabilities, funding, personnel, equipment, and real property employed or used by, or associated with, the Office of Domestic Preparedness, the National Domestic Preparedness Office, the Executive Office of National Security, and such appropriate components of the Office of Intelligence Policy and Review and the National Institute of Justice as relate to combating terrorism, counterterrorism, and antiterrorism activities.

SEC. 204. Public Law 106–256 is amended in section 3(f)(1) by striking "18" and inserting "29".

SEC. 205. The American Section, International Joint Commission, United States and Canada, is authorized to receive funds from the United States Army Corps of Engineers for the purposes of conducting investigations, undertaking studies, and preparing reports in connection with a reference to the International Joint Commission on the Devils Lake project mentioned in Public Law 106–377.

SEC. 206. Section 282(a)(2)(D) of the Agricultural Marketing Act of 1946 is amended to read as follows:

"(D) in the case of wild fish, is—

"(i) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

"(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and".

SEC. 207. Of the amounts appropriated in Public Law 107–77, under the heading "Department of Commerce, Na-

tional Oceanic and Atmospheric Administration, Operations, Research, and Facilities", for coral reef programs, $2,500,000, for a cooperative agreement with the National Defense Center of Excellence for Research in Ocean Sciences to conduct coral mapping in the waters of the Hawaiian Islands and the surrounding Exclusive Economic Zone in accordance with the mapping implementation strategy of the United States Coral Reef Task Force.

SEC. 208. In addition to amounts appropriated or otherwise made available by this Act or any other Act, $11,000,000 is appropriated to enable the Secretary of Commerce to provide economic assistance to fishermen and fishing communities affected by Federal closures and fishing restrictions in the New England groundfish fishery, to remain available until September 30, 2003.

SEC. 209. In addition to amounts appropriated or otherwise made available by this Act or any other Act, $5,000,000 shall be provided to enable the Secretary of Commerce to provide for direct economic assistance to fishermen and fishing communities, affected by Federal Court ordered management measures in the Northeast multispecies fishery, to remain available until September 30, 2003: Provided, That these amounts shall be used to support port security and related coastal activities administered by the

National Oceanic and Atmospheric Administration, the Coast Guard, or an affected state.

SEC. 210. Of the amounts appropriated in Public Law 107–77, under the heading "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", for Oregon groundfish cooperative research, $500,000 shall be for the cost of a reduction loan of $50,000,000 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) to carry out a West Coast groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

SEC. 211. (a) Subject to subsection (b), the Attorney General shall, out of appropriations available to the Department of Justice made in Public Law 107–77, transfer to, and merge with, the appropriations account for the Immigration and Naturalization Service entitled "Salaries and Expenses" the following amounts for the following purposes:

(1) $4,900,000 to cover an increase in pay for all Border Patrol agents who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code,

from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) $3,800,000 to cover an increase in pay for all immigration inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS–9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332.

(b) Funds transferred under subsection (a) shall be available for obligation and expenditure only in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 798).

(c) Not later than September 30, 2002, the Justice Management Division of the Department of Justice shall submit a report to the Committees on Appropriations of the

Senate and the House of Representatives describing the progress made in the development of the Chimera system.

(d) No funds available to the Immigration and Naturalization Service for technology activities in the fiscal year 2003 may be obligated or expended unless the program manager of the Chimera system approves the obligation or expenditure of those funds and so reports to the Attorney General.

SEC. 212. Amounts appropriated by title V of Public Law 107–77 under the heading "NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION" (115 Stat. 795) shall remain available until expended.

SEC. 213. Of the funds made available under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries, and Expenses" in title III of Public Law 107–77, $37,900,000 shall be transferred to, and merged with, funds available for "Salaries and Expenses, United States Marshals Service" in title I of Public Law 107–77, to be available until expended only for hiring 200 additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $206,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Defense Emergency Response Fund", $11,300,000,000, of which $77,900,000 shall be available for enhancements to North American Air Defense Command capabilities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; military construction; the Defense Health Program; and working capital funds: Provided further, That the funds

transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $107,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $36,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $41,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-wide", $739,000,000, of which $420,000,000 may be used for payments to Pakistan, Jordan, the Philippines, and other key cooperating nations for logistical and military support provided to United States military operations in connection with United States efforts to prevent or respond to acts of international terrorism: Provided, That such amount shall be transferred to, and merged with, funds appropriated in Public Law 107–115 under the heading "Foreign Military Financing Program" within 30 days of enactment: Provided further, That such payments may be made in such amounts as the Secretary of State determines, after consultation with the Secretary of Defense and the Director of the Office of Management and Budget: Provided further, That such determination shall be final and conclusive upon the accounting officers of the United States:

Provided further, That of the funds appropriated by this paragraph, not less than $50,000,000 shall be made available for the Philippines: Provided further, That amounts for such payments shall be in addition to any other funds that may be available for such purpose: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds made available by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $79,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $22,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $262,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $2,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $3,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $93,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement

pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $115,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $752,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-wide", $99,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $8,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $19,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $60,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-wide", $74,700,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. (a) The appropriation under the heading "Research, Development, Test and Evaluation, Navy" in the Department of Defense Appropriations Act, 2002 (Public Law 107–117) is amended by adding the following proviso immediately after "September 30, 2003": ": Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces".

(b) The amendment made by subsection (a) shall be effective as if enacted as part of the Department of Defense Appropriations Act, 2002.

SEC. 302. (a) AVAILABILITY OF AMOUNTS FOR MILITARY CONSTRUCTION RELATING TO TERRORISM.—Amounts made available to the Department of Defense from funds appropriated in this Act may be used to carry out military construction projects, not otherwise authorized by law, that

the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

(b) NOTICE TO CONGRESS.—Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection, the Secretary shall notify the appropriate committees of Congress of the following:

(1) the determination to use such amounts for the project; and

(2) the estimated cost of the project and the accompanying Form 1391.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

SEC. 303. Section 8052(b) of the Department of Defense Appropriations Act, 2002 (Public Law 107–117) is amended by striking out "will reduce the personnel requirements or financial requirements of the department", and inserting the following in lieu thereof, "either (1) will reduce the personnel requirements or the financial requirements of the department, or (2) is necessary in response to an emergency, including responding to direct threats or incidents of terrorism".

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414): Provided, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations or covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 305. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the heading "Chemical Agents and Munitions Destruction, Army", may be used to pay for additional costs of international inspectors from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, pursuant to Articles IV and V of the Chemical Weapons Convention, for inspections and monitoring of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department of Defense's program to accelerate its chemical demilitarization schedule.

(b) Expenses which may be paid under subsection (a) include—

(1) salary costs for performance of inspection and monitoring duties;

(2) travel, including travel to and from the point of entry into the United States and internal United States travel;

(3) per diem, not to exceed United Nations rates and in compliance with United Nations conditions for per diem for that organization; and

(4) expenses for operation and maintenance of inspection and monitoring equipment.

SEC. 306. During the current fiscal year, the restrictions contained in subsection (d) of 22 U.S.C. 5952 and section 502 of the Freedom Support Act (Public Law 102–511) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such restrictions is important to the national security interests of the United States.

SEC. 307. The Secretary of the Army shall obligate and expend the $2,000,000 appropriated for the Army by Public Law 107–117 for procurement of smokeless nitrocellulose under Activity 1, instead under Activity 2, Production Base Support Industrial Facilities, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000

pounds per year in order to preserve a commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge System and to preserve competition in that manufacturing capability.

SEC. 308. Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall obligate, from funds made available in title II of division A of Public Law 107–117 under the heading "Operation and Maintenance, Defense-Wide" (115 Stat. 2233), $4,000,000 for a grant to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

SEC. 309. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia for implementing the District Emergency Operations Plan, $13,770,000, to remain available until September 30, 2003, of which $11,700,000 is for the expansion of quarantine facilities, and $2,070,000 is for the establishment of a decontamination facility for children and families: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, $24,730,000, to remain available until December 1, 2003, of which $14,730,000 is for public safety expenses related to national special security events in the District of Columbia and $10,000,000 is for the construction of Containment Facilities to support the regional Bioterrorism Hospital Preparedness Program: Provided, That the entire amount

is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For a Federal payment to the Washington Metropolitan Area Transit Authority, $25,000,000, to remain available until December 1, 2003, to contribute to the creation of a regional transportation back-up operations control center: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

For a Federal payment to the Metropolitan Washington Council of Governments, $1,750,000, to remain available until September 30, 2003, for support of the Regional Incident Communication and Coordination System, as approved by the Council: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PAYMENT TO THE WATER AND SEWER AUTHORITY OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Water and Sewer Authority of the District of Columbia for emergency preparedness, $3,000,000, to remain available until September 30, 2003, of which $250,000 shall be for securing fire hydrants and manholes to prevent unauthorized entry, $150,000 is to upgrade the hydraulic model, $1,800,000 is for remote monitoring of water quality, $700,000 is for design and construction of ventilation system improvements, and $100,000 is to create an Incident Response Plan: Provided, That the Water and Sewer Authority of the District of Columbia may reprogram up to $120,000 between the activities specified under this heading if it notifies in writing the Committees on Appropriations of the House of Representatives and the Senate thirty days in advance of the reprogramming: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

PUBLIC EDUCATION SYSTEM

(RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year ending September 30, 2002 in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96), $37,000,000 are rescinded.

HUMAN SUPPORT SERVICES

For an additional amount for "Human Support Services", $37,000,000 from local funds: Provided, That $11,000,000 shall be for the Child and Family Services Agency to address increased adoption case rates, higher case loads for adoption and emergency group home utilization: Provided further, That $26,000,000 shall be for the Department of Mental Health to address a Medicaid revenue shortfall.

PUBLIC SAFETY AND JUSTICE

(RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading to the Department of Corrections for support of the Corrections Informa-

tion Council in the District of Columbia Appropriations Act, 2002 (Public Law 107–96), $100,000 are rescinded.

CORRECTIONS INFORMATION COUNCIL

For operations of the Corrections Information Council, $100,000 from local funds.

GOVERNMENTAL DIRECTION AND SUPPORT

The Governmental Direction and Support paragraph of the District of Columbia Appropriations Act, 2002 (Public Law 107–96), is amended by striking: "Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance:" and inserting: "Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation consistent with performance measures contained in a negotiated collective bargaining agreement:".

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 2002 in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96), $7,950,000 are rescinded.

The paragraph under this heading is amended by striking: "Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act,

2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds:" and inserting: "Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds upon certification by the Chief Financial Officer of the District of Columbia that the funds are available and are not required to address potential deficits: Provided further, That of those funds necessary to address potential deficits, no funds shall be obligated or expended except in accordance with the following conditions:

"(1) the amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure;

"(2) the amounts may not be used to fund the agencies of the District of Columbia government under court-ordered receivership;

"(3) the amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure; and

"(4) amounts made available to address potential deficits shall remain available until expended:".

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the facility underlying the building located at One Judiciary Square, $7,950,000 from local funds.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. The District of Columbia may use up to 1 percent of the funds appropriated to the District of Columbia under the Emergency Supplemental Act, 2002, to fund the necessary administrative costs to carry out that Act, effective January 10, 2002.

SEC. 402. When the Mayor determines that it is in the best interest of the District, the Mayor may procure insurance for property damage and tort liability. In addition, when the Chief Financial Officer determines that it is in the best interest of the District, the Chief Financial Officer may procure insurance subject to his independent procurement authority or otherwise recommend the procurement of insurance for financial losses resulting from misfeasance or malfeasance.

SEC. 403. CRIME VICTIMS COMPENSATION FUND. Section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Official Code 4–515(d)(1)), as amended

by the Fiscal Year 2002 District of Columbia Appropriations Act, Public Law 107–96, is amended to read as follows:

"(2) 50 percent of such balance shall be transferred from the Fund to the executive branch of the District government and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.".

SEC. 404. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY REPROGRAMMING. The Chief Financial Officer of the Washington Metropolitan Area Transit Authority may use up to $2,400,000 from funds appropriated under Public Law 107–117 under the account, "Federal Payment to the Washington Metropolitan Area Transit Authority", that contains funds for protective clothing and breathing apparatus activities, for employee and facility security and completion of the fiber optic network project.

SEC. 405. TRANSFER AUTHORITY FOR THE DISTRICT OF COLUMBIA COURTS. The District of Columbia Courts may expend up to $12,500,000 to carry out the District of Columbia Family Court Act of 2001 from the "Federal Payment to the District of Columbia Courts" account: Provided, That such funds may be transferred to the "Federal Payment to the District of Columbia Courts" account from

the "Federal Payment for Family Court Act" account in reimbursement for such obligations and expenditures as are necessary to implement the District of Columbia Family Court Act of 2001 for the period from October 1, 2001 to September 30, 2002, once funds in the "Federal Payment for Family Court Act" account become available.

SEC. 406. TECHNICAL CORRECTION TO THE DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001. Section 11–908A(b)(4) of the District of Columbia Code (as added by Public Law 107–114) is amended by striking "section 11–1501(b)" and inserting "section 433 of the District of Columbia Home Rule Act".

SEC. 407. TECHNICAL CORRECTION TO THE FISCAL YEAR 2002 DISTRICT OF COLUMBIA APPROPRIATIONS ACT. (a) Under the heading, "Federal Payment to the Thurgood Marshall Academy Charter School" provided under Public Law 107–96, strike "Anacostia" and insert "Southeast, Washington, D.C.".

(b) Under the heading, "Federal Payment to Southeastern University" provided under Public Law 107–96, strike everything after "a public/private partnership" and insert in lieu thereof, "to plan a two year associate degree program.".

SEC. 408. TECHNICAL CORRECTION TO THE FISCAL YEAR 2002 DISTRICT OF COLUMBIA APPROPRIATIONS ACT.

Section 119 of Public Law 107–96 is amended to read as follows:

"SEC. 119. ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

"(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

"(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

"(2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant. Within 14 calendar days of receipt of the report submitted under paragraph (1) the Council shall be deemed to have provided such approval if no written notice of disapproval is filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the

Council during such 14 calendar day period. If notice of disapproval is given during such initial 14 calendar day period, the Council may approve or disapprove the acceptance, obligation or expenditure of the grant by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such certification shall be deemed to be approved.

"(c) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under subsection (a) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions.

"(d) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.".

SEC. 409. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through July 1, 2003 or until such time as the District of Columbia Fiscal Integrity Act becomes effective, whichever occurs sooner.

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "OPERATION AND MAINTENANCE, GENERAL", $32,000,000, to remain available until expended: Provided, That using the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers: Provided further, That $10,000,000 of the funds provided shall be for Southern West Virginia, Eastern Ken-

tucky, and Southwestern Virginia: Provided further, That the remaining $22,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these additional funds shall be available for Western Illinois, Eastern Missouri, and the Upper Peninsula of Michigan.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $6,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–117, Corps of Engineers—Civil, Operations and Maintenance, General: Provided, That $6,500,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for emergency expenses resulting from the September 11,

2001, terrorist attacks, $181,650,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation" for emergency activities necessary to support the safeguarding of nuclear material internationally, $100,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF THE ADMINISTRATOR

For an additional amount for "Office of the Administrator" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $1,750,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management" for emergency expenses resulting from the September 11, 2001, terrorist attacks, $40,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" for emergency expenses necessary to support energy security and assurance activities, $7,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

(RESCISSION)

SEC. 501. (a) Of the non-defense funds made available to the Secretary of Energy under the headings "Energy Supply", "Non-Defense Environmental Management", "Science", "Nuclear Waste Disposal", and "Departmental

Administration" in Public Law 107–66, $30,000,000 are rescinded.

(b) Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

SEC. 502. The amounts invested by the non-Federal interests in the biomass project at Winona, Mississippi, before the date of enactment of this Act shall constitute full satisfaction of the cost-sharing requirement under section 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13542).

SEC. 503. Section 1 of Public Law 105–204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking "until the date" and all that follows and inserting "until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract."; and

(2) by striking subsection (c) and inserting the following:

"(c) CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

"(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE–RP05–010R22717 ('Acquisition of Facilities and Services for Depleted Uranium Hexalfluoride (DUF6) Conversion Project') were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

"(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

"(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

"(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

"(2) CONTRACT TERMS.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to—

"(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

"(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K–25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

"(C) specify that the contractor shall not proceed to perform any part of the contract un-

less sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

"(3) CERTIFICATION OF GROUNDBREAKING.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

"(d) FUNDING.—

"(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.".

SEC. 504. In addition to amounts previously appropriated, $3,000,000 is hereby appropriated for the Department of the Interior, Bureau of Reclamation, for "Water and Related Resources" for the drilling of emergency wells in Santa Fe, New Mexico and shall remain available until expended.

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for the "Child Survival and Health Programs Fund", $200,000,000, to remain available until expended: Provided, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: Provided further, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: Provided further, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: Provided further, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: Provided further, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds other-

wise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $150,000,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph shall be made available for emergency expenses for Afghanistan for humanitarian and reconstruction activities related to preventing or responding to international terrorism, including repairing homes of Afghan citizens that were damaged as a result of military operations against al Qaeda and the Taliban: Provided further, That of the

funds appropriated by this paragraph that are available for Afghanistan, up to $2,500,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development in support of the provision of such assistance: Provided further, That of the funds appropriated by this paragraph, $50,000,000 shall be made available for humanitarian, refugee and reconstruction assistance for the West Bank and Gaza: Provided further, That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development" for emergency expenses for activities related to preventing or responding to international terrorism, $5,000,000, to remain available until March 31, 2003: Provided, That the entire amount is designated by the Congress as an emer-

gency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund" for emergency expenses for activities related to preventing or responding to international terrorism, $700,000,000, to remain available until March 31, 2003: Provided, That of the funds appropriated by this paragraph, not less than $3,500,000 shall be made available to support programs and activities that provide professional training for journalists from Egypt and other countries in the Middle East: Provided further, That of the funds appropriated by this paragraph that are made available for assistance for Pakistan, not less than $3,500,000 shall be made available for programs and activities which support the development of independent media in Pakistan: Provided further, That of the funds appropriated by this paragraph, $50,000,000 should be made available for the Middle East Economic Initiative: Provided further, That of the funds appropriated by this paragraph, not less than $15,000,000 shall be made available for the establishment and administration of an international exchange visitor program for secondary school students from countries with

significant Muslim populations: Provided further, That funds made available pursuant to the previous proviso shall not be available for any country that is eligible for assistance under the FREEDOM Support Act: Provided further, That of the funds appropriated by this paragraph, $200,000,000 shall be made available for assistance for Israel, all or a portion of which may be transferred to, and merged with, funds appropriated by this Act under the heading "NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS" for defensive, non-lethal anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of Public Law 107–115 or any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for emergency expenses for activities related to preventing or responding to international terrorism, $110,000,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph shall be made available for assistance only for Uzbekistan, the Kyrgyz Republic, Tajikistan, Kazakstan, and Turkmenistan: Provided further, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for the development of democratic institutions and the protection of human rights, which amount shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement" for emergency expenses for activities related to preventing or responding to international terrorism, $104,000,000, to remain available until March 31, 2003: Provided, That of the funds appropriated by this paragraph, not less than $2,500,000 shall be made available for the Colombian National Park Service for training, equipment and related assistance for park rangers: Provided further, That of the funds appropriated by this paragraph, not to exceed $4,000,000 shall be made available for law enforcement training for Indonesian police forces: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" for emergency expenses for activities related to preventing and responding to international terrorism, $50,000,000, to remain available until March 31, 2003:

Provided, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for emergency expenses for activities related to preventing or responding to international terrorism, $93,000,000, to remain available until March 31, 2003: Provided, That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for humanitarian demining activities: Provided further, That of the funds appropriated by this paragraph, not to exceed $12,000,000 shall be made available for assistance for Indonesia: Provided further, That funds appropriated by this paragraph that are made available for assistance for Indonesia may be used only to train and equip an Indonesian police unit to prevent or respond to international terrorism, and none of the funds appropriated by this chapter may be used to provide assistance for members of "Brimob" Mobile Police Brigade units: Provided further, That of the funds appropriated by this paragraph, $2,000,000 shall be made available for small arms and light weapons destruction in Afghanistan: Provided further, That of the funds appropriated by this paragraph, $1,000,000 shall be made available for

the Nonproliferation and Disarmament Fund: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for emergency expenses for activities related to preventing or responding to international terrorism, $347,500,000, to remain available until March 31, 2003: Provided, That funds appropriated by this paragraph may be made available for assistance only for Afghanistan, Pakistan, Nepal, Jordan, Bahrain, Oman, Yemen, Uzbekistan, the Kyrgyz Republic, Tajikistan, Kazakhstan, Turkey, Georgia, the Philippines, Colombia, Djibouti, Ethiopia, Kenya, and Ecuador: Provided further, That funds appropriated by this paragraph should be made available to establish, train, and equip a Colombian Army brigade dedicated to providing security to civilian prosecutors in operations to collect evidence and execute arrest warrants

against leaders of paramilitary organizations: Provided further, That of the funds appropriated by this paragraph, not to exceed $3,500,000 may be made available for assistance for the Colombian Armed Forces for purposes of protecting the Cano Limon pipeline: Provided further, That prior to the obligation of funds under the previous proviso, the Secretary of State shall determine and report to the Committee on Appropriations that (i) of the Government of Colombia's oil revenues from the Cano Limon pipeline, an appropriate percentage will be made available for primary health care, basic education, microenterprise, and other programs and activities to improve the lives of the people of Arauca department and that a transparent mechanism exists to effectively monitor such funds, and (ii) Occidental Petroleum and Repsol have each agreed in writing to refund to the United States Government an amount, based upon each company's financial interest in the pipeline, equal to the percentage that each such share represents of the amount of funds made available by this Act to the Colombian Armed Forces for purposes of protecting the Cano Limon pipeline: Provided further, That the amounts refunded pursuant to an agreement entered into pursuant to the previous proviso shall be made available for any of the programs and activities identified in clause (i) to improve the lives of the Colombian people without further ap-

propriation by Congress: Provided further, That funds made available by this Act for assistance for Uzbekistan may be made available if the Secretary of State determines and reports to the Committees on Appropriations that Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America": Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph that are made available for Afghanistan may be made available notwithstanding section 512 of Public Law 107–115 or any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations" for emergency expenses for activities related to preventing or responding to international terrorism, $20,000,000, to remain available until March 31, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated by this paragraph shall be available only for Afghanistan, and may be made available notwithstanding section 512 of Public Law 107–115 or any similar provision of law: Provided further, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

(RESCISSION)

The unobligated balances of funds provided in Public Law 92–301 and Public Law 93–142 for maintenance of value payments to international financial institutions are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. INTERNATIONAL ORGANIZATIONS AND PROGRAMS. Section 576 of Public Law 107–115 is amended—

(1) in subsection (a) by striking "not more than"; and

(2) by adding the following new subsection:

"(d) OBLIGATION AND DISBURSEMENT.—Funds made available pursuant to subsection (a) shall be obligated and

disbursed not later than July 10, 2002, unless otherwise prohibited by law.".

SEC. 602. ELIGIBILITY CONDITIONS. (a) Prior to providing assistance to a government with funds appropriated by this chapter, the Secretary of State shall take into account whether such government has established, or is making substantial progress in establishing—

(1) the rule of law, political pluralism including the establishment of political parties, respect for fundamental human rights including freedoms of expression, religion and association, and the rights to due process, a fair trial, and equal protection under the law;

(2) democratic institutions, independent media, credible electoral processes, and conditions for the development of an active civil society;

(3) a market-based economy, and economic policies to reduce poverty and increase the availability of health care and educational opportunities; and

(4) effective mechanisms to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

(b) Nothing in this section shall apply to funds appropriated under this chapter for assistance for Afghanistan or under the heading "International Disaster Assistance".

SEC. 603. COLOMBIA. (a) COUNTER-TERRORISM AUTHORITY.—In fiscal year 2002, funds available to the Department of State under the heading "Andean Counterdrug Initiative" in Public Law 107–115 for assistance for the Colombian Armed Forces and the Colombian National Police, funds appropriated by this Act that are made available for such assistance, and unexpired balances and assistance previously provided from prior Acts making appropriations for foreign operations, export financing, and related programs for such assistance, shall be available to support the Colombian Government's unified campaign against narcotics trafficking and against paramilitary and guerrilla organizations designated as terrorist organizations in that country.

(b) In order to ensure the effectiveness of United States support for such unified campaign, prior to the exercise of the authority contained in subsection (a) to provide counter-terrorism assistance, the Secretary of State shall report to the appropriate congressional committees that—

(1) the newly elected President of Colombia has—

(A) committed, in writing, to establish comprehensive policies to combat illicit drug cultivation, manufacturing, and trafficking (particularly with respect to providing economic opportunities that offer viable alternatives to illicit crops) and to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations;

(B) committed, in writing, to implement significant budgetary and personnel reforms of the Colombian Armed Forces; and

(C) committed, in writing, to support substantial additional Colombian financial and other resources to implement such policies and reforms, particularly to meet the country's previous commitments under "Plan Colombia"; and

(2) no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this Act or any other Act.

(c) REPORT.—The authority provided in subsection (a) shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not

conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(d) PROVISIONS OF LAW THAT REMAIN APPLICABLE.—Sections 556, 567, and 568 of Public Law 107–115, section 8093 of the Department of Defense Appropriations Act, 2002, and the numerical limitations on the number of United States military personnel and United States individual civilian contractors in section 3204(b)(1) of Public Law 106–246, as amended, shall be applicable to funds made available pursuant to the authority contained in subsection (a) and to funds made available elsewhere in this Act that are made available for assistance for the Colombian Armed Forces and the Colombian National Police.

(RESCISSION)

SEC. 604. (a) Of the funds appropriated under the heading "Export-Import Bank of the United States" that are available for tied-aid grants in title I of Public Law 107–115 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded.

(b) Of the funds appropriated under the heading "Economic Support Fund" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106–113) and in

prior Acts making appropriations for foreign operations, export financing, and related programs, $25,000,000 are rescinded.

SEC. 605. Of the amounts appropriated to the President for the United States Agency for International Development (USAID) for the fiscal year 2002 and made available for the Ocean Freight Reimbursement Program of USAID, $300,000 shall be made available to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

SEC. 606. Not later than 45 days after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a report setting forth a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $412,000, to remain available until expended, to reimburse homeland security-related costs: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $3,125,000, to remain available until expended, for facility and safety improvements related to homeland security: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $17,651,000, to remain available until expended: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $26,776,000, to remain available until expended, of which $20,000,000 is for high resolution mapping and imagery of the Nation's strategic cities, and of which $6,776,000 is for data storage infrastructure upgrades and emergency power supply system improvements at the Earth Resources Observation Systems Data Center: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds provided under this heading in Public Law 107–20 for electric power operations and related activities at the San Carlos Irrigation Project, $10,000,000 are rescinded.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Departmental Management, Salaries and Expenses", for security enhancements, $7,030,000, to remain available until expended, of which not to exceed $4,130,000 may be transferred by the Secretary to any office within the Department of the Interior other than the Bureau of Reclamation: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", $3,500,000, to remain available until expended, for facility enhancements to protect property from acts of terrorism, vandalism, and theft: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER RELATED AGENCY

SMITHSONIAN INSTITUTION

CONSTRUCTION

For an additional amount for "Construction", $2,000,000, to remain available until expended, for planning, design, and construction of an alcohol collections storage facility at the Museum Support Center: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 701. The Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107–63), under the head "Minerals Management Service, Royalty and Offshore Minerals Management" is amended by striking the word "and" immediately following the word "points," in the sixth proviso, and by inserting immediately after the word "program" in the sixth proviso ", or under its authority to transfer oil to the Strategic Petroleum Reserve", and by inserting at the end of the sixth proviso immediately preceding the colon, the following, "and to recover MMS transportation costs, salaries and other administrative costs directly related to filling the Strategic Petroleum Reserve".

SEC. 702. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the firefighter, the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires: Provided, That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties, includ-

ing the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include actions for protection of resources and communities from fire.

CHAPTER 8

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $400,000,000, of which $200,000,000 is available for obligation through June 30, 2004 for carrying out sections 171(d) and 173 of the Workforce Investment Act, except that not more than $20,000,000 may be used for carrying out section 171(d); of which $80,000,000 is available for obligation through June 30, 2003 for carrying out section 132(a)(2)(B) of such Act; of which $10,000,000 is available for obligation through June 30, 2004, and shall be transferred to "Economic Development Assistance Programs", Economic Development Administration, Department of Commerce, for economic development assistance authorized by the Public Works and Economic Development Act of 1965, as amended, including $8,300,000 for "Public Works" investments and $1,700,000 for "Planning" investments; and of which $110,000,000 is available for obligation July 1, 2001 through June 30, 2002 for carrying out section

132(a)(2)(B) of the Workforce Investment Act notwithstanding sections 132(b)(2)(B) and 133(b)(2)(B) of such Act and shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the $110,000,000 that was subject to rescission under Public Law 107–20: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, the Governor of the State may include information on local area unexpended balances in determining allocation of the funding to local areas made available through June 30, 2003, under this head, for carrying out section 132(a)(2)(B) of the Workforce Investment Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Of the funds provided under this heading in Public Law 107–116 for Occupational Safety and Health Administration training grants, $1,000,000 shall be used to restore reductions in Institutional Competency Building training grants which commenced in September 2000, for program activities ending September 30, 2002 and $4,275,000 shall be used to extend funding for these same Institutional Competency Building training grants for program activities for

the period of September 30, 2002 to September 30, 2003, and $5,900,000 shall be used to extend funding for targeted training grants which commenced in September 2001 for program activities for the period of September 30, 2002 to September 30, 2003, provided that a grantee has demonstrated satisfactory performance.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

health resources and services

The matter preceding the first proviso under this heading in Public Law 107–116 is amended—

(1) by inserting "IV," after "titles II, III,"; and

(2) by striking "$311,978,000" and inserting "$315,333,000".

Centers for Disease Control and Prevention

disease control, research, and training

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations and for carrying out title III of the Public Health Service Act, $315,000,000, to be available until expended. Of this amount, $37,000,000 shall be for improving security, including information technology security, and $278,000,000 shall be for equipment and construction and renovation of facilities in Atlanta:

Provided, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFS 52.232–18: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(INCLUDING RESCISSION)

Of the funds provided under this heading in Public Law 107–116, $30,000,000 are rescinded.

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, and for the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $72,000,000 to remain available until expended: Provided, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That

the solicitation and contract shall contain the clause "availability of funds" found at 48 CFS 52.232–18: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

PROGRAM MANAGEMENT

That of the funds made available under this heading in Public Law 107–116, $1,000,000 shall be awarded to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Public Health and Social Services Emergency Fund" for baseline and follow-up screening, long-term health monitoring and analysis for the emergency services personnel and rescue and recovery personnel, $90,000,000, to remain available until expended, of which no less than $25,000,000 shall be available for current and retired firefighters: Provided, That the entire amount is designated by the Congress as

an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

The matter under this heading in Public Law 107–116 is amended by inserting before the period, ": Provided further, That of the amount made available under subpart 8, part D, title V of the ESEA, $2,300,000 shall be available for Digital Educational Programming Grants".

Of the funds provided under this heading in Public Law 107–116 to carry out the Elementary and Secondary Education Act of 1965, $832,889,000 shall be available to carry out part D of title V, and up to $11,500,000 may be used to carry out section 2345.

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107–116; House Report 107–342), in the matter relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—

(1) the provision specifying $200,000 for Fresno At-Risk Youth Services and the provision specifying $225,000 for the Fresno Unified School District shall be applied by substituting the following for the two provisions: "Fresno Unified School District, Fresno,

California, in partnership with the City of Fresno, California, for activities to address the problems of at-risk youth, including afterschool activities and a mobile science unit, $425,000";

(2) the provision specifying $50,000 for the Lewiston-Auburn College/University of Southern Maine shall be deemed to read as follows: "Lewiston-Auburn College/University of Southern Maine TEAMS program to prepare teachers to meet the demands of Maine's 21st century elementary and middle schools, $50,000";

(3) the provision specifying $250,000 for the Wellington Public School District, Wellington, KS, shall be deemed to read as follows: "Wellington Public School District, Wellington, KS, for after school activities, $250,000";

(4) the provision specifying $200,000 for the Vermont Higher Education Council shall be deemed to read as follows: "Vermont Higher Education Consortium to develop universal early learning programs to ensure that at least one certified teacher will be available in center-based child care programs, $200,000";

(5) the provision specifying $250,000 for Education Service District 117 in Wenatchee, WA, shall

be deemed to read as follows: "Education Service District 171 in Wenatchee, WA, to equip a community technology center to expand technology-based training, $250,000";

(6) the provision specifying $1,000,000 for the Electronic Data Systems Project shall be deemed to read as follows: "Washington State Department of Education for an electronic data systems project to create a database that would improve the acquisition, analysis and sharing of student information, $1,000,000";

(7) the provision specifying $250,000 for the YMCA of Seattle-King-Snohomish County shall be deemed to read as follows: "YWCA of Seattle-King County-Snohomish County to support women and families through an at-risk youth center and other family supports, $250,000";

(8) the provision specifying $50,000 for Drug Free Pennsylvania shall be deemed to read as follows: "Drug Free Pennsylvania to implement a demonstration project, $50,000";

(9) the provision specifying $20,000,000 for the Commonwealth of Pennsylvania Department of Education shall be deemed to read as follows: "$20,000,000 is included for a grant to the Common-

wealth of Pennsylvania Department of Education to provide assistance, through subgrants, to low-performing school districts that are slated for potential takeover and/or on the Education Empowerment List as prescribed by Pennsylvania State Law. The initiative is intended to improve the management and operations of the school districts; assist with curriculum development; provide after-school, summer and weekend programs; offer teacher and principal professional development and promote the acquisition and effective use of instructional technology and equipment";

(10) the provision specifying $150,000 for the American Theater Arts for Youth, Inc., Philadelphia, PA, for a Mississippi Arts in Education Program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., for a Mississippi Arts in Education program, $150,000";

(11) the provision specifying $340,000 for the Zero to Five Foundation, Los Angeles, California, shall be deemed to read as follows: "Zero to Five Foundation, Los Angeles, California, to develop an early childhood education and parenting project, $340,000";

(12) the provision specifying $900,000 for the University of Nebraska, Kearney, Nebraska, shall be deemed to read as follows: "University of Nebraska, Kearney, Nebraska, for a Minority Access to Higher Education Program to address the special needs of Hispanic and other minority populations from grades K–12, $900,000";

(13) the provision specifying $25,000 for the American Theater Arts for Youth for an Arts in Education program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., in Philadelphia, Pennsylvania, for an Arts in Education program, $25,000"; and

(14) the provision specifying $50,000 for the Lewiston-Auburn College/University of Southern Maine shall be deemed to read as follows: "Lewiston-Auburn College/University of Southern Maine CLASS program to prepare teachers to meet the demands of Maine's 21st century elementary and middle schools, $50,000".

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,000,000,000, to remain available through September 30, 2003: Provided, That the entire amount is designated by

the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HIGHER EDUCATION

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107–116; House Report 107–342), in the matter relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision for Nicholls State University, Thibodaux, LA, shall be applied by substituting "Intergenerational" for "International";

(2) the provision specifying $1,000,000 for the George J. Mitchell Scholarship Research Institute shall be deemed to read as follows: "George J. Mitchell Scholarship Research Institute in Portland, Maine, for an endowment to provide scholarships that allow students attending public schools in Maine to continue their education, $1,000,000";

(3) the provision specifying $10,000,000 for the Shriver Peace Worker Program, Inc. shall be deemed to read as follows: "Shriver Peace Worker Program, Inc. to establish the Sargent Shriver Peace Center, which may include establishing an endowment for such center, for the purpose of supporting graduate research fellowships, professorships, and grants and

scholarships for students related to peace studies and social change, $10,000,000"; and

(4) the provision specifying $1,000,000 for Cleveland State University shall be deemed to read as follows: "Cleveland State University, College of Education, Cleveland, Ohio, for a K–16 Urban School Leadership initiative, $1,000,000".

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

The matter under this heading in Public Law 107–116, is amended by inserting before the period the following new proviso: ": Provided further, That $5,000,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110".

GENERAL PROVISIONS, THIS CHAPTER

SEC. 801. The Elementary and Secondary Education Act of 1965 is hereby amended in section 8003 by amending subsection (b)(2)(D)(ii)(III) to read as follows: "For a local educational agency that does not qualify under (B)(i)(II)(aa) of this subsection and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection

(a)(2) by multiplying the number of such children by a factor of 1.25.".

SEC. 802. The Elementary and Secondary Education Act of 1965 is hereby amended in section 8003(b)(1) by adding the following as subparagraph (G):

"(G) Beginning with fiscal year 2002, for the purpose of calculating a payment under this paragraph for a local educational agency whose local contribution rate was computed under subparagraph (C)(iii) for the previous year, the Secretary shall use a local contribution rate that is not less than 95 percent of the rate that the LEA received for the preceding year.".

SEC. 803. Amounts made available in Public Law 107–116 for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $45,000,000: Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the House and Senate Committees on Appropriations the accounts

subject to the pro rata reductions and the amount to be reduced in each account.

SEC. 804. The Higher Education Amendments of 1998 are hereby amended in section 821 as follows:

(1) in subsection (b), by striking "25" and inserting "35";

(2) in subsection (e)(3), by striking "$1,500" and inserting "$2,000"; and

(3) in subsection (f) by striking "25" and inserting "35".

SEC. 805. (a) Section 487 of the Public Health Service Act (42 U.S.C. 288) is amended by striking "National Research Service Awards" or "National Research Service Award" each place either appears and inserting in lieu thereof "Ruth L. Kirschstein National Research Service Awards" or "Ruth L. Kirschstein National Research Service Award" as appropriate.

(b) The heading for Section 487 of the Public Health Service Act (42 U.S.C. 288) is amended to read as follows: "Ruth L. Kirschstein National Research Service Awards".

(c) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "National Research Service Awards" shall be considered to be a reference to "Ruth L. Kirschstein National Research Service Awards".

SEC. 806. None of the funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.

SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING NEW YORK CITY. Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2002, if the local educational agency serving New York City receives an allocation under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in an amount that is greater than the amount received by the agency under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the agency shall distribute any funds in excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2001.

SEC. 808. In the statement of the managers of the committee of conference accompanying the fiscal year 2001

Labor, Health and Human Services, and Education appropriations bill (Public Law 106–554; House Report 106–1033), the provision specifying $464,000 for the Bethel Native Corporation worker demonstration project shall be deemed to read as follows: "for the Alaska CHAR vocational training program, $100,000 and $364,000 for the Yuut Elitnauvriat People's Learning Center in Bethel, Alaska for vocational training for Alaska Natives.

CHAPTER 9

LEGISLATIVE BRANCH

JOINT ITEMS

Capitol Police Board

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including security equipment and installation, supplies, materials and contract services, $3,600,000, to be disbursed by the Capitol Police Board or their designee: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LIBRARY OF CONGRESS

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For an additional amount for "Copyright Office, Salaries and expenses", $7,500,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 901. The amount otherwise made available under section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58) for fiscal year 2002 to any Senator from the Senators' Official Personnel and Office Expense Account shall be increased by the amount (not in excess of $20,000) which the Senator certifies in a written request to the Secretary of the Senate made not later than September 30, 2002, as being necessary for the payment or reimbursement of expenditures incurred or obligated during fiscal year 2002 that—

(1) are otherwise payable from such account, and

(2) are directly related to responses to the terrorist attacks of September 11, 2001, or the discovery of anthrax in the Senate complex and the displacement of Senate offices due to such discovery.

SEC. 902. (a) Chapter 9 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2315), is amended—

(1) in section 901 (a), by striking "buildings and facilities" and insert "buildings and facilities, subject to the availability of appropriations,".

(b) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended by redesignating the subsection (b) added by section 903(c)(2) of the Emergency Supplemental Act, 2002, as subsection (c).

(c) The amendment made by this section shall take effect as if included in the enactment of the Emergency Supplemental Act, 2002.

SEC. 903. (a) Section 909(a) of chapter 9 of the Emergency Supplemental Act, 2002 (40 U.S.C. 207b–2; Public Law 107–117; 115 Stat. 2320) (in this section referred to as the "Act") is amended—

(1) in paragraph (1), by striking "determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position" and inserting ", in the sole discretion of the Board, determines that such a bonus will assist the Capitol Police in recruitment efforts"; and

(2) by adding at the end the following:

"(6) DETERMINATIONS NOT APPEALABLE OR REVIEWABLE.—Any determination of the Board under this subsection shall not be appealable or reviewable in any manner.".

(b) Section 909(b) of the Act is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by striking "if—" and inserting "if the Board, in the sole discretion of the Board, determines that such a bonus will assist the Capitol Police in retention efforts."; and

(2) in paragraph (3), by striking "the reduction or the elimination of a retention allowance may not be appealed" and inserting "any determination of the Board under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner".

(c) Section 909 of the Act is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) TUITION ALLOWANCES.—The Capitol Police Board may authorize the Chief to pay tuition allowances for payment or reimbursement of education expenses in the

same manner and to the same extent as retention allowances under subsection (b).".

SEC. 904. (a) The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.

(b) The acquisition of a building or facility under subsection (a) shall be subject to the approval of—

(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;

(2) the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of an office of the Senate; or

(3) the House Office Building Commission and the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of any other office in the legislative branch.

(c) Any building or facility acquired by the Architect of the Capitol pursuant to subsection (a) shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the

use thereof, and for other purposes", approved July 31, 1946.

(d) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

For additional amounts for emergency expenses to ensure transportation security, $4,702,525,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the amounts provided under this head, $200,000,000 shall be for port security grants under the same terms and conditions as provided for under Public Law 107–117; $20,000,000 shall be used to enable the Under Secretary for Transportation Security to make grants and enter into contracts to enhance security for intercity bus operations; and $27,945,000 shall be used to enable said Under Secretary to make grants, enter into contracts and execute interagency agreements for the purpose of deploying Operation Safe Commerce.

U.S. COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses" for emergency expenses for homeland security, $318,400,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for emergency expenses for homeland security, $347,700,000, to remain available until September 30, 2004: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For an additional amount for "Operations", $100,000,000, for security activities at Federal Aviation Administration facilities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and Equipment", $15,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to enable the Federal Aviation Administrator to compensate airports for the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, notwithstanding any other provision of law, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for "Emergency Relief Program", as authorized by 23 U.S.C. 125, for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City, $167,000,000 for the State of New York, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That notwithstanding 23 U.S.C. 120(e), the Federal share for any project on a Federal-aid highway related to the New York City terrorist attacks shall be 100 percent: Provided further, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for those projects: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the funds apportioned to each state under the programs authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4) and 1101(a)(5) of Public Law 105–178, as amended, $320,000,000 are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the "EMERGENCY RELIEF PROGRAM", as authorized by section 125 of title 23, United States Code, $120,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the amount made available under this paragraph shall be used solely for eligible but uncompensated applications pending as of May 28, 2002, including $13,411,000 for projects in the State of Washington stemming from the Nisqually earthquake and other disasters, and up to $12,000,000 for emergency expenses to respond to the May 26, 2002 Interstate 40 bridge collapse over the Arkansas River in Oklahoma.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

BORDER ENFORCEMENT PROGRAM

For necessary expenses of the Border Enforcement Program to respond to the September 11, 2001, terrorist attacks on the United States, $19,300,000, to be derived from the Highway Trust Fund, of which $4,200,000 shall be to implement section 1012 of Public Law 107–56 (USA Patriot Act); $10,000,000 shall be for drivers' license fraud detection and prevention, northern border safety and security study, and hazardous material security education and outreach; and $5,100,000 shall be for the purposes of coordi-

nating drivers' license registration and social security number verification: Provided, That in connection with such commercial drivers' license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary may so designate to carry out these purposes: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the National Railroad Passenger Corporation for emergency expenses to ensure the safety of rail passenger operations, $55,000,000, to remain available until expended, of which $20,000,000 shall be used to repair damaged passenger equipment, $12,000,000 shall be used for emergency security needs, and $23,000,000 shall be used for the heavy overhaul of the rail passenger fleet.

FEDERAL TRANSIT ADMINISTRATION

CAPITAL INVESTMENT GRANTS

For an additional amount for "Capital Investment Grants" for emergency expenses to respond to the September

11, 2001, terrorist attacks in New York City, $1,800,000,000, to remain available until expended, to replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York: Provided, That the Secretary may use up to one percent of this amount for oversight activities: Provided further, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: Provided further, That the Federal share for any project funded from this amount shall be 100 percent: Provided further, That these funds are in addition to any other appropriation available for these purposes: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For an additional amount for "Research and Special Programs" to establish a Transportation Information Operations Center for improving transportation emergency response coordination, $3,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1001. Section 1106 of Public Law 107–117 is amended by deleting "$116,023,000" and inserting "$128,123,000".

SEC. 1002. Section 1102 of Public Law 105–178 is amended by adding at the end the following:

"(k) Notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs for fiscal year 2003 shall be not less than $27,746,000,000 and not more than $28,900,000,000.".

SEC. 1003. Title II of Division C of Public Law 105–277 is amended by striking "of more than 750 gross registered tons" in each place it appears, and inserting in lieu thereof, "of more than 750 gross registered tons (as measured under Chapter 145 of Title 46) or 1,900 gross registered tons as measured under Chapter 143 of that Title)".

SEC. 1004. Section 335 of Public Law 107–87 is amended by inserting "and the Transportation Security Administration" after "the Federal Aviation Administration"; by inserting ", aviation security" after "air navigation", and by inserting "and the TSA for necessary security checkpoints" after the word "facilities".

SEC. 1005. Section 354 of Public Law 106–346 (114 Stat. 1356A–35) is amended by inserting "or Nail Road" after "Star Landing Road".

SEC. 1006. Notwithstanding any other provision of law, $2,750,000 of amounts made available for "Intelligent Transportation Systems" in Public Law 107–87 and Public Law 106–346 shall be made available for activities authorized under section 5118 of Public Law 105–178.

SEC. 1007. Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report—

(A) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and

(B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

SEC. 1008. The $300,000 made available to the State of Idaho under the matter under the heading "JOB ACCESS AND REVERSE COMMUTE GRANTS" under the heading "FEDERAL TRANSIT ADMINISTRATION" in title I of the Department of Transportation and Related Agencies Appropriations Act, 2002 (Public Law 107–87; 115 Stat. 852), shall be deemed to have been made available to the

State of Idaho to carry out a job training and supportive services program under section 140(b) of title 23, United States Code.

CHAPTER 11

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the available balances under this heading, $14,000,000 are rescinded.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $59,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $10,000,000 is authorized for reimbursing State and local law enforcement agencies that have provided necessary Federal assistance to personnel of the United States Customs Service, along the Northern Border of the United States.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the available balances under this heading, $10,000,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,200,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund" for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail, $87,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That none of these funds may be obligated until the Senate confirms a Director for Homeland Security in the Office of Homeland Security pursuant to section 1102 of this Act.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for building security emergency expenses resulting from the September 11, 2001, terrorist attacks on the United States, $51,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POLICY AND OPERATIONS

For an additional amount for "Policy and Operations" for emergency expenses related to vulnerabilities in

internet data transmission capability, $2,500,000, to remain available until September 30, 2003: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), the Eisenhower Exchange Fellowship Program shall be deemed an executive agency for the purposes of carrying out the provisions of 20 U.S.C. 5201, and the employees of and participants in the Eisenhower Exchange Fellowship Program shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

SEC. 1102. DIRECTOR FOR HOMELAND SECURITY. (a) IN GENERAL.—There is established the position of Director for Homeland Security in the Office of Homeland Security established under section 1 of Executive order No. 13228. The Director for Homeland Security shall be the head of that Office, after appointment by the President, by and with the advice and consent of the Senate.

(b) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act.

CHAPTER 12

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $1,100,000,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" resulting from continued open enrollment for Priority Level 7 veterans, $142,000,000.

For an additional amount for "Medical care", $275,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the amounts unobligated or recaptured, prior to September 30, 2002, from funds appropriated under this

heading during fiscal year 2002 and prior years, $300,000,000 are rescinded.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community Development Fund", as authorized by title I of the Housing and Community Development Act of 1974, as amended, for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $750,000,000, to remain available until expended: Provided, That the State of New York, in cooperation with the City of New York, shall, through the Lower Manhattan Development Corporation, distribute these funds: Provided further, That such funds may be used for assistance for properties and businesses (including the restoration of utility infrastructure) damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001, in New York City and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: Provided further, That the State of New York is authorized to provide such assistance to the City of New York: Provided further, That in administering these funds and funds under section 108 of such Act used for economic revitalization ac-

tivities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees: Provided further, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than five days before the effective date of such waiver: Provided further, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than five days before such allocation: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The referenced statement of the managers under the heading "Community Development Block Grants" in title II of Public Law 105–276 is deemed to be amended by striking "$250,000 for renovation, accessibility, and asbestos remediation for the Wellstone Neighborhood Center, Wellstone, Missouri" and insert in lieu thereof "$250,000 for the St. Louis Economic Council for design, infrastructure and construction related to the Enterprise Center-Wellstone in Wellstone, Missouri".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Public Law 106–377 is deemed to be amended by striking "$1,000,000 for the Community Action Agency of Southern New Mexico, Inc. for construction of a regional food bank and supporting offices" and insert in lieu thereof "$1,000,000 for the Community Action Agency of Southern New Mexico for construction, purchase, or renovation and the equipping of a regional food bank and supporting offices".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Public Law 107–73 is deemed to be amended by striking "$400,000 to the City of Reading, PA for the development of the Morgantown Road Industrial Park on what is currently a brownfields site" and insert in lieu thereof

"$400,000 for the City of Reading, PA for the development of the American Chain and Cable brownfield site".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Public Law 107–73 is deemed to be amended by striking "$750,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada for construction of a child care facility" and insert in lieu thereof "$250,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada for construction of a child care facility and $500,000 for job training".

HOME INVESTMENT PARTNERSHIPS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 107–73, $50,000,000 are rescinded from the Downpayment Assistance Initiative.

HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 2002 by not more than $300,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations acts: Provided, That up to $300,000,000 of recaptured section 236 budget authority re-

sulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be made available as provided in section 236(s) of the National Housing Act.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after "$1,000,000" in reference to item 91 and inserting "to the Northern Kentucky Area Development District for Carroll County Wastewater Infrastructure Project ($500,000), City of Owenton Water Collection and Treatment System Improvements and Freshwater Intake Project ($400,000), Grant County Williamstown Lake Expansion Study ($50,000), and Pendleton County Williamstown Lake Expansion Study ($50,000)".

SCIENCE AND TECHNOLOGY

For an additional amount for "Science and technology", $100,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for "Hazardous substance superfund" for additional expenses incurred for anthrax in-

vestigations and cleanup actions at the United States Capitol and the Congressional office building complex, $12,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $2,660,000,000, to remain available until expended: Provided, That in administering the Mortgage and Rental Assistance Program for victims of September 11, 2001, the Federal Emergency Management Agency will recognize those people who were either directly employed in the Borough of Manhattan or had at least 75 percent of their wages coming from business conducted within the Borough of Manhattan as eligible for assistance under the program, as they were directly impacted by the terrorist attacks: Provided further, That FEMA shall provide compensation to previously denied Mortgage and Rental Assistance Program applicants who would qualify under these new guidelines: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)

of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance" for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $745,000,000, of which $175,000,000 is for FEMA to make available to the States for State and local all hazards operational planning including response planning for natural and man-made disasters including terrorism; $300,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.); $92,000,000 for the existing national urban search and rescue system; $115,000,000 for interoperable communications equipment; $56,000,000 for grants to state and local governments for emergency operations centers; and $7,000,000 for secure communications equipment and associated facility improvements and maintenance for state emergency operations centers: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CERRO GRANDE FIRE CLAIMS

For an additional amount for "Cerro Grande Fire Claims", $80,000,000 for claims resulting from the Cerro

Grande fires: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL SCIENCE FOUNDATION

EDUCATION AND HUMAN RESOURCES

For an additional amount for "Education and human resources" for emergency expenses to respond to emergent needs in cyber security, $19,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1201. The Secretary of Housing and Urban Development shall continue to administer the Disposition of Assets in Revitalization Areas program as provided in section 602 of Public Law 105–276 and the Secretary shall renew all contracts and enter into new contracts with eligible participants in a manner consistent with the requirements of such section.

SEC. 1202. The Secretary of Housing and Urban Development shall submit a report every 90 days to the House and Senate Committees on Appropriations on the status of any multifamily housing project (including all hospitals

and nursing homes) insured under the National Housing Act that has been in default for longer than 60 days. The report shall include the location of the property, the reason for the default, and all actions taken by the Secretary and owner with regard to the default, including any work-out agreements, the status and terms of any assistance or loans, and any transfer of an ownership interest in the property (including any assistance or loans made to the prior, current or intended owner of the property or to the local unit of government in which the property is located).

SEC. 1203. For purposes of assessing the use of Stafford Apartments (FHA Project No: 052–44163) as student housing, notwithstanding any other provision of law—

(1) such property shall not be considered an eligible multifamily housing project pursuant to section 512(2) of MAHRAA for a period not to exceed 24 months from the date of enactment of this amendment, and the Secretary shall offer to extend the current Section 8 contract at rent levels as in effect during fiscal year 2001, subject to annual operating cost adjustment factor increases, for a continuous period commencing October 1, 2001 not to exceed 24 months from the date of enactment of this amendment, provided that such contract shall be extended further at such rent levels to accomplish a mortgage restruc-

turing if required after such 24 month period for a period of the earlier of one year or the closing of the restructuring plan as set forth in the regulations promulgated at 24 CFR Part 401 as now in effect;

(2) subject to the concurrence by the Secretary of a relocation plan for current tenants, all of the units in the projects may be available for student housing notwithstanding any federal use restrictions including those required pursuant to Section 201 of the Housing and Community Development Amendments of 1978, as amended, and Section 250 of the National Housing Act, as amended; and

(3) upon the concurrence by the Secretary of such relocation plan, all of the tenants of the project shall be relocated, and any rights of tenants to elect to remain in the project pursuant to the provisions of Section 8(t)(1)(B) of the United States Housing Act of 1937, as amended, shall not apply.

TITLE II—GENERAL PROVISIONS

SEC. 2001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided in this Act.

SEC. 2002. (a) IN GENERAL.—Any amount appropriated in this Act that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)

of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts appropriated in this Act are designated by the President, upon enactment of this Act, as emergency requirements pursuant to that section.

(b) EXCEPTION.—Subsection (a) shall not apply to chapter 3 of title I.

SEC. 2003. (a) The Senate finds that—

(1) the Federal Bureau of Investigation is the principle investigative arm of the Department of Justice;

(2) the Federal Bureau of Investigation has the authority and responsibility to investigate specific crimes assigned to it, including violations concerning organized crime and drugs, civil rights, violent crimes, financial crimes, counterterrorism, and foreign counterintelligence; and

(3) the mission of the Federal Bureau of Investigation is—

(A) to uphold the law through the investigation of violations of Federal criminal law;

(B) to protect the United States from foreign intelligence and terrorist activities;

(C) provide leadership and law enforcement assistance to Federal, State, local, and international agencies; and

(D) to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

(b) It is the sense of the Senate that—

(1) the reorganization of the Federal Bureau of Investigation is a positive and important response to challenges posed by the increased threat of terrorism and that continued constructive dialog between FBI Director Robert Mueller and Congress will help make the reorganization a success;

(2) the Federal Bureau of Investigation shall continue to allocate adequate resources for the purpose of investigating all crimes under its jurisdiction;

(3) the reallocation of agents and resources to counterterrorism investigations should not hamper the ability of the Federal Bureau of Investigation to investigate crimes involving drugs; and

(4) sufficient homeland security resources should be made available to State and local law enforcement and public safety officials to enable them to meet their responsibilities as the Nation's first responders.

SEC. 2004. In subsection (e)(4) of the Alaska Native Claims Settlement Act created by section 702 of Public Law 107–117—

(1) paragraph (B) is amended by—

(A) striking "subsection (e)(2)" and inserting in lieu thereof "subsections (e)(1) or (e)(2)"; and

(B) striking "obligations under section 7 of P.L. 87–305" and inserting in lieu thereof "small or small disadvantaged business subcontracting goals under section 502 of P.L. 100–656, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit"; and

(2) paragraph (C) is amended by striking "subsection (e)(2)" and inserting "subsection (e)(1) or (e)(2)".

TITLE III—AMERICAN SERVICEMEMBERS' PROTECTION ACT

SEC. 3001. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2002".

SEC. 3002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer

stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.".

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

that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected

and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any .... act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties

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

SEC. 3003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 3005 AND 3007.—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for a single period of 1 year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 3005 AND 3007.—The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for successive periods of 1 year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 3004 AND 3006 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 3004 and 3006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection

may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

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

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

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

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 3004 and 3006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 3004, 3005, 3006, and 3007 shall cease to apply, and the authority of section 3008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 3004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

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

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tri-

bunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 3008; or

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

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by

the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 3005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security

Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or

peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 3006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or

that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 3008.

SEC. 3007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective 1 year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines

and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 3008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

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

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

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

(3) defense of the interests of the United States through appearance before the International Criminal

Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 3009. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a re-

sult of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 3010. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113;

113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 3011. APPLICATION OF SECTIONS 3004 AND 3006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 3004 and 3006 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 3004 or 3006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

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

SEC. 3012. NONDELEGATION.

The authorities vested in the President by sections 3003 and 3011(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 3005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other

than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 3013. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials

and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradite" mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not with-

drawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term "Rome Statute" means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

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

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

SEC. 3014. REPEAL OF LIMITATION.

The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.

SEC. 3015. ASSISTANCE TO INTERNATIONAL EFFORTS.

Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin

Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

TITLE IV—MAIL DELIVERY IN ALASKA

SEC. 4001. RURAL SERVICE IMPROVEMENT.

(a) SHORT TITLE.—This title may be cited as the "Rural Service Improvement Act of 2002".

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

(1) The State of Alaska is the largest State in the Union and has a very limited system of roads connecting communities.

(2) Alaska has more pilots per capita than any other State in the Union.

(3) Pilots flying in Alaska are often the most skilled and best-prepared pilots in the world.

(4) Air travel within the State of Alaska is often hampered by severe weather conditions and treacherous terrain.

(5) The United States Government owns nearly ⅔ of Alaska's landmass, including large tracts of land separating isolated communities within the State.

(6) Such Federal ownership has inhibited the ability of Alaskans to build roads connecting isolated communities.

(7) Most communities and a large portion of the population within the State can only be reached by air.

(8) The vast majority of food items and everyday necessities destined for these isolated communities and populations can only be transported through the air.

(9) The Intra-Alaska Bypass Mail system, created by Congress and operated by the United States Postal Service under section 5402 of title 39, United States Code, with input from the Department of Transportation, connecting hundreds of rural and isolated communities within the State, is a critical piece of the Alaska and the national transportation system. The system is like a 4-legged stool, designed to—

(A) provide the most affordable means of delivering food and everyday necessities to these rural and isolated communities;

(B) establish a system whereby the Postal Service can meet its obligations to deliver mail to every house and business in America;

(C) support affordable and reliable passenger service; and

(D) support affordable and reliable nonmail freight service.

(10) Without the Intra-Alaska Bypass Mail system—

(A) it would be difficult and more expensive for the Postal Service to meet its obligation of delivering mail to every house and business in America; and

(B) food, medicine, freight, and everyday necessities and passenger service for these rural and isolated communities would cost several times the current level.

(11) Attempts by Congress to support passenger and nonmail freight service in Alaska using the Intra-Alaska Bypass Mail system have yielded some positive results, but some carriers have been manipulating the system by carrying few, if any, passengers and little nonmail freight while earning most of their revenues from the carriage of nonpriority bypass mail.

(12) As long as the Federal Government continues to own large tracts of land within the State of Alaska which impedes access across these lands to connect isolated communities, it is in the best interest

of the Postal Service, the residents of Alaska and the United States—

(A) to ensure that the Intra-Alaska Bypass Mail system remains strong, viable, and affordable for the Postal Service;

(B) to ensure that residents of rural and isolated communities in Alaska continue to have affordable, reliable, and safe passenger service;

(C) to ensure that residents of rural and isolated communities in Alaska continue to have affordable, reliable, and safe nonmail freight service;

(D) to encourage that intra-Alaska air carriers move toward safer, more secure, and more reliable air transportation under the Federal Aviation Administration's guidelines and in accordance with part 121 of title 14, Code of Federal Regulations, where such operations are supported by the needs of the community; and

(E) that Congress, pursuant to the authority granted under Article I, section 8 of the United States Constitution to establish Post Offices and post roads, make changes to ensure that the Intra-Alaska Bypass Mail system continues to be used to support substantial passenger and

nonmail freight service and to reduce costs for the Postal Service.

(c) SELECTION OF CARRIERS OF NONPRIORITY BYPASS MAIL TO CERTAIN POINTS IN ALASKA.—

(1) DEFINITIONS.—Section 5402 of title 39, United States Code, is amended—

(A) by striking subsection (e);

(B) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(C) by inserting before subsection (b), as redesignated, the following:

"(a) In this section—

"(1) the term 'acceptance point' means the point at which nonpriority bypass mail originates;

"(2) the terms 'air carrier', 'interstate air transportation', and 'foreign air transportation' have the meanings given such terms in section 40102(a) of title 49, U.S.C.;

"(3) the term 'base fare' is the fare paid to the carrier issuing the passenger ticket or carrying nonmail freight which may entail service being provided by more than 1 carrier;

"(4) the term 'bush carrier' means a carrier operating aircraft certificated within the payload ca-

pacity requirements of subsection (g)(1)(D)(i) on a city pair route;

"(5) the term 'bush passenger carrier' means a passenger carrier that meets the requirements of subsection (g)(1)(D)(i) and provides passenger service on a city pair route;

"(6) the term 'bush route' means an air route in which only a bush carrier is tendered nonpriority bypass mail between the origination point, being either an acceptance point or a hub, as determined by the Postal Service, and the destination city;

"(7) the term 'city pair' means service between an origin and destination city pair;

"(8) the term 'composite rate'—

"(A) means a combination of mainline and bush rates paid to a bush carrier for a direct flight from an acceptance point to a bush destination beyond a hub point; and

"(B) shall be based on the mainline rate paid to the hub, plus the lowest bush rate paid to bush carriers in the State of Alaska;

"(9) the term 'equitable tender' means the practice of the Postal Service of equitably distributing mail on a fair and reasonable basis between those air carriers that offer equivalent services and costs be-

tween 2 communities in accordance with the regulations of the Postal Service;

"(10) the term 'existing mainline carrier' means a mainline carrier (as defined in this section) that on January 1, 2001, was—

"(A) certified under part 121;

"(B) qualified to provide mainline nonpriority bypass mail service; and

"(C) actually engaged in the carriage of mainline nonpriority bypass mail through scheduled service within the State of Alaska;

"(11) the term 'freight service' means the transport of cargo that otherwise cannot be carried on a qualified passenger aircraft because of—

"(A) size or weight restrictions imposed on the aircraft or carrier providing the service; or

"(B) prohibitions on the carriage of passengers and hazardous materials on the same flight;

"(12) the term 'mainline carrier' means a carrier operating aircraft under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(ii) on a given city pair route;

"(13) the term 'mainline route' means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

"(14) the term 'new', when referencing a carrier, means a carrier that—

"(A) meets the respective requirements of subsection (g)(1)(D)(i) or (ii), depending on the type of route being served and the size of aircraft being used to provide service; and

"(B) began providing nonpriority bypass mail service on a city pair route within the State of Alaska after January 1, 2001;

"(15) the term 'part 121' means part 121 of title 14, Code of Federal Regulations;

"(16) the term 'part 135' means part 135 of title 14, Code of Federal Regulations;

"(17) the term 'scheduled service' means—

"(A) flights are operated in common carriage available to the general public under a published schedule;

"(B) flight schedules are announced in advance to the general public in systems specified by the Postal Service, in addition to the Official Airline Guide or the air cargo equivalent of that Guide;

"(C) flights depart whether full or not; and

"(D) customers contract for carriage separately on a regular basis;

"(18) the term 'Secretary' means the Secretary of Transportation;

"(19) the term '121 bush passenger carrier' means a bush passenger carrier providing passenger service on bush routes under part 121;

"(20) the term '121 mainline passenger carrier' means a mainline carrier providing passenger service through scheduled service on routes under part 121;

"(21) the term '121 passenger aircraft' means an aircraft flying passengers on a city pair route that is operated under part 121;

"(22) the term '121 passenger carrier' means a passenger carrier that provides scheduled service under part 121;

"(23) the term '135 bush passenger carrier' means a bush passenger carrier providing passenger service through scheduled service on bush routes under part 135; and

"(24) the term '135 passenger carrier' means a passenger carrier that provides scheduled service under part 135.".

(2) REQUIREMENTS FOR SELECTION.—Section 5402(g)(1) of title 39, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by inserting after "in the State of Alaska," the following: "shall adhere to an equitable tender policy within a qualified group of carriers, in accordance with the regulations of the Postal Service, and";

(B) in subparagraph (C) by striking "to the best" and all that follows and inserting a semicolon; and

(C) in subparagraph (D) by inserting "with at least 3 scheduled (noncontract) flights per week between two points" after "scheduled service".

(3) APPLICATION OF RATES.—Section 5402(g)(2) of title 39, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) shall offer a bush passenger carrier providing service on a route between an acceptance point

and a hub not served by a mainline carrier the opportunity to receive equitable tender of nonpriority bypass mail at mainline service rates when a mainline carrier begins serving that route if the bush passenger carrier—

"(i) meets the requirements of paragraph (1);

"(ii) provided at least 20 percent of the passenger service (as calculated in subsection (h)(5)) between such city pair for the 6 months immediately preceding the date on which the bush carrier seeks such tender; and

"(iii) continues to provide not less than 20 percent of the passenger service on the city pair while seeking such tender;

"(D) shall offer bush passenger carriers and nonmail freight carriers the opportunity to receive equitable tender of nonpriority bypass mail at mainline service rates from a hub point to a destination city if the city pair is also being served by a mainline carrier and—

"(i) for a passenger carrier—

"(I) the carrier meets the requirements of paragraph (1);

"(II) the carrier provided at least 20 percent of the passenger service (as calculated in subsection (h)(5)) on the city pair route for the 6 months immediately preceding the date on which the carrier seeks such tender; and

"(III) the carrier continues to provide not less than 20 percent of the passenger service on the route; or

"(ii) for a nonmail freight carrier—

"(I) the carrier meets the requirements of paragraph (1); and

"(II) the carrier provided at least 25 percent of the nonmail freight service (as calculated in subsection (i)(6)) on the city pair route for the 6 months immediately preceding the date on which the carrier seeks such tender;

"(E)(i) shall not offer equitable tender of nonpriority mainline bypass mail at mainline rates to a bush carrier operating from an acceptance point to a hub point, except as described in subparagraph (C); and

"(ii) may tender nonpriority bypass mail at bush rates to a bush carrier if the Postal Service determines that—

"(I) the bush carrier meets the requirements of paragraph (1);

"(II) the service to be provided on such route by the bush carrier is not otherwise available through direct mainline service; and

"(III) tender of mail to such bush carrier will not decrease the efficiency of nonpriority bypass mail service (in terms of payments to all carriers providing service on the city pair route and timely delivery) for the route;

"(F) may offer tender of nonpriority bypass mail to a passenger carrier from an acceptance point to a destination city beyond a hub point at a composite rate if the Postal Service determines that—

"(i) the carrier provides passenger service in accordance with the requirements of subsection (h)(2);

"(ii) the carrier qualifies under subsection (h) to be tendered nonpriority bypass mail out of the hub point being bypassed;

"(iii) the tender of such mail will not decrease efficiency of delivery of nonpriority by-

pass mail service into or out of the hub point being bypassed; and

"(iv) such tender will result in reduced payments to the carrier by the Postal Service over flying the entire route; and

"(G) notwithstanding subparagraph (F), shall offer equitable tender of nonpriority mail in proportion to passenger and nonmail freight mail pools described in this section between qualified passenger and nonmail freight carriers on a route from an acceptance point to a bush destination at a composite rate if—

"(i)(I) for a passenger carrier, the carrier receiving the composite rate provided 20 percent of the passenger service on the city pair route for the 12 months immediately preceding the date on which the carrier seeks tender of such mail; or

"(II) for a nonmail freight carrier, the carrier receiving the composite rate provided at least 25 percent of the nonmail freight service for the 12 months immediately preceding the date on which the carrier seeks tender of such mail; and

"(ii)(I) nonpriority mail was being tendered to a passenger carrier or a nonmail freight

carrier at a composite rate on such city pair route on January 1, 2000; or

"(II) the hub being bypassed was not served by a mainline carrier on January 1, 2000.

The tender of nonpriority bypass mail under subparagraph (G) shall be on an equitable basis between the qualified carriers that provide the direct service on the city pair route and the qualified carriers that provide service between the hub point being bypassed and the destination point, based on the volume of nonpriority bypass mail on both routes.".

(4) SELECTION OF CARRIERS TO HUB POINTS.—Section 5402(g) of title 39, United States Code, is amended by adding at the end the following:

"(4)(A) Except as provided under subparagraph (B) and paragraph (5), the Postal Service shall select only existing mainline carriers to provide nonpriority bypass mail service between an acceptance point and a hub point in the State of Alaska.

"(B) The Postal Service may select a carrier other than an existing mainline carrier to provide nonpriority bypass mail service on a mainline route in the State of Alaska if—

"(i) the Postal Service determines (in accordance with criteria established in advance by the Postal Service) that the mail service between the acceptance

point and the hub point is deficient and provides written notice of the determination to existing mainline carriers to the hub point; and

"(ii) after the 30-day period following issuance of notice under clause (i), including notice of inadequate capacity, the Postal Service determines that deficiencies in service to the hub point have not been eliminated.

"(5)(A) The Postal Service shall offer equitable tender of nonpriority bypass mail to a new 121 mainline passenger carrier entering a mainline route in the State of Alaska, if that carrier—

"(i) meets the requirements of subsection (g)(1)(D)(ii); and

"(ii) has provided at least 50 percent of the number of insured passenger seats as the number of available passenger seats being provided by the mainline passenger carrier providing the greatest number of available passenger seats on that route for the 6 months immediately preceding the date on which such carrier seeks tender.

"(B) A new 121 mainline passenger carrier that is tendered nonpriority mainline bypass mail under subparagraph (A)—

"(i) shall be eligible for equitable tender of such mail only on city pair routes where the carrier meets the conditions of subparagraph (A);

"(ii) may not count the passenger service provided under subparagraph (A) toward the carrier meeting the minimum requirements of this section; and

"(iii) shall provide at least 20 percent of the passenger service (as determined for bush passenger carriers in subsection (h)(5)) on such route to remain eligible to be tendered nonpriority mainline bypass mail.

"(C) Notwithstanding paragraphs (1)(B) and (5)(A), a new 121 mainline passenger carrier, otherwise qualified under this subsection, may immediately receive equitable tender of nonpriority mainline bypass mail to a hub point if it meets the requirements of subsections (g)(1) (A), (C), and (D) and (h)(2)(B) and—

"(i) all qualified 121 mainline passenger carriers discontinue service on that city pair route; or

"(ii) no 121 mainline passenger carrier serves that city pair route.

"(D) A carrier operating under a code share agreement on the date of enactment of the Rural Service Improvement Act of 2002 that received tender of nonpriority mainline

bypass mail on a city pair route may count the passenger service provided under the entire code share arrangement on such route if the code share agreement terminates. That carrier shall continue to provide at least 20 percent of the passenger service (as determined for bush passenger carriers in subsection (h)(5)) between the city pair as a 121 mainline passenger carrier while seeking such tender.

"(6)(A) Notwithstanding subsection (g)(1)(B), passenger carriers providing Essential Air Service under a Department of Transportation order issued under subchapter II of chapter 417 of title 49, U.S.C., shall be tendered all nonpriority mail, in addition to all nonpriority bypass mail, by the Postal Service to destination cities served by the Essential Air Service flights consistent with that order unless the Postal Service finds that the Essential Air Service carrier's service does not meet the needs of the Postal Service.

"(B) Service provided under this paragraph, including service provided to points served in conjunction with service being subsidized under the Essential Air Service contract, may not be applied toward any of the minimum eligibility requirements of this section.".

(5) SELECTION OF CARRIERS TO BUSH POINTS.—Section 5402 of title 39, United States Code, is amended by adding at the end the following:

"(h)(1) Except as provided under paragraph (7), on a given city pair route, the Postal Service shall offer equitable tender of 70 percent of the nonpriority bypass mail on that route to all carriers providing scheduled passenger service in accordance with part 121 or part 135 that—

"(A) meet the requirements of subsection (g)(1);

"(B) provided 20 percent or more of the passenger service (as calculated in paragraph (5)) between the city pair for the 12 months preceding the date on which the 121 passenger aircraft or the 135 passenger carrier seek tender of nonpriority bypass mail; and

"(C) meet the requirements of paragraph (2).

"(2) To remain eligible for equitable tender under this subsection, the carrier or aircraft shall—

"(A) continue to provide not less than 20 percent of the passenger service on the city pair route for which the carrier is seeking the tender of such nonpriority bypass mail;

"(B)(i) for operations under part 121, operate aircraft type certificated to carry at least 19 passengers;

"(ii) for operations under part 135, operate aircraft type certificated to carry at least 5 passengers; or

"(iii) for operations under part 135 where only a water landing is available, operate aircraft type certificated to carry at least 3 passengers;

"(C) insure all available passenger seats on the city pair route on which the carrier seeks tender of such mail; and

"(D) operate flights under its published schedule.

"(3)(A) Except as provided under subparagraph (E), if a 135 passenger carrier serves a city pair route and meets the requirements of paragraph (1) or (2) when a 121 passenger carrier becomes qualified to be tendered nonpriority bypass mail on such route with a 121 passenger aircraft in accordance with paragraphs (1) and (2), the qualifying 135 passenger carriers on that route shall convert to operations with a 121 passenger aircraft within 5 years after the 121 passenger aircraft begins receiving tender on that route in order to remain eligible for equitable tender under paragraph (1). The 135 carrier shall—

"(i) begin the process of conversion not later than 2 years after the 121 passenger aircraft begins carrying nonpriority bypass mail on that route; and

"(ii) submit a part 121 compliance statement not later than 4 years after the 121 passenger aircraft begins carrying nonpriority bypass mail on that route.

"(B) Completion of conversion under subparagraph (A) shall not be required if all 121 passenger carriers discontinue the carriage of nonpriority bypass mail with 121 passenger aircraft on the city pair route.

"(C) Any qualified carrier operating in the State of Alaska under this section may request a waiver from subparagraph (A). Such a request, at the discretion of the Secretary, may be granted for good cause shown. The requesting party shall state the basis for such a waiver.

"(D) If 6 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002, a 135 passenger carrier is providing service on a city pair route and a 121 passenger aircraft becomes eligible to receive tender of nonpriority bypass mail on that route, that 135 passenger carrier shall convert to operations under part 121 within 12 months of the 121 passenger carrier being tendered nonpriority bypass mail. The Postal Service shall not continue the tender of nonpriority bypass mail to a 135 passenger carrier that fails to convert to part 121 operations within 12 months after the 121 passenger carrier being tendered such mail under this paragraph.

"(E) Notwithstanding the requirements of this subsection, if only 1 passenger carrier or aircraft is qualified to be tendered nonpriority bypass mail as a passenger carrier or aircraft on a city pair route, the Postal Service shall

tender 20 percent of the nonpriority bypass mail described under paragraph (1) to the passenger carrier or aircraft providing the next highest level of passenger service on such route.

"(4) Qualification for the tender of mail under this subsection shall not be counted toward the minimum qualifications necessary to be tendered nonpriority bypass mail on any other route.

"(5)(A)(i) In this section, the percent of the passenger service shall be calculated using the data described under clause (ii). To ensure accurate reporting of market share the Postal Service shall compare the resulting percentage to the data collected under subsection (k). Any carrier purposefully falsifying data or significantly misstating market share in an attempt to qualify for tender of nonpriority bypass mail may be subject to penalties described in subsection (o).

"(ii) The Postal Service shall calculate the percent of passenger service provided by a carrier on a city pair route by calculating the lesser of—

"(I) the amount of the passenger excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for passengers actually flown by a carrier from the origination point to the destination point, divided by the value of the

total passenger excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all passenger carriers providing service from the hub point to the bush destination point; or

"(II) the amount of half of the passenger excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for passengers actually flown by a carrier on the city pair route, divided by the value of the total passenger excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all passenger carriers providing service between the origination point and the destination point.

"(B) For the purposes of calculating passenger service as described under subparagraph (A), a bush passenger carrier providing intervillage bush passenger service may include the carriage of passengers carried along any point of the route between the route's origination point and the final destination point. Such calculation shall be based only on the carriage of passengers on regularly scheduled flights and only on flights being flown in a direction away from the hub point. Passenger service provided on chartered flights shall not be included in the carrier's calculation of passenger service.

"(6)(A) The Secretary shall establish new bush rates for passenger carriers receiving tender of nonpriority bypass mail under this subsection.

"(B) The Secretary shall establish a bush rate based on data collected under subsection (k) from 121 bush passenger carriers. Such rates shall be paid to all bush passenger carriers operating on city pair routes where a 121 bush passenger carrier is tendered nonpriority bypass mail.

"(C) The Secretary shall establish a bush rate based on data collected under subsection (k) from 135 bush passenger carriers. Such rates shall be paid to all bush passenger carriers operating on city pair routes where no 121 bush passenger carrier is tendered nonpriority bypass mail.

"(D) The Secretary shall establish a bush rate based on data collected under subsection (k) from bush passenger carriers operating aircraft on city pair routes where only water landings are available. Such rates shall be paid to all bush passenger carriers operating on the city pair routes where only water landings are available.

"(7) The percentage rate in paragraph (1) shall be 75 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

"(i)(1) Except as provided under paragraph (7), on a given city pair route, the Postal Service shall offer equitable tender of 20 percent of the nonpriority bypass mail

on such route to those carriers transporting 25 percent or more of the total nonmail freight (in revenue or weight as determined by the Postal Service), for the 12 months immediately preceding the date on which the freight carrier seeks tender of nonpriority bypass mail.

"(2) To remain eligible for equitable tender under this subsection, a freight carrier shall continue to provide not less than 25 percent of the nonmail freight service on the city pair route for which the carrier is seeking tender of such mail.

"(3) If a new freight carrier enters a market, that freight carrier shall meet the minimum requirements of subsection (g)(1) and shall operate for 12 months on a given city pair route before being eligible for equitable tender of nonpriority bypass mail on that route.

"(4) If no carrier qualifies for tender of nonpriority bypass mail under this subsection, such mail to be divided under this subsection, as described in paragraph (1), shall be tendered to the nonmail freight carrier providing the highest percentage of nonmail freight service (in terms of revenue or weight as determined by the Postal Service as calculated under paragraph (6)) on the city pair route. If no nonmail freight carrier is present on a route to receive tender of nonpriority bypass mail under this paragraph, the nonpriority bypass mail to be divided under paragraph

(1) shall be divided equitably among carriers qualified under subsection (h).

"(5) Qualification for the tender of mail under this subsection shall not be counted toward the minimum qualifications necessary to be tendered nonpriority bypass mail on any other route.

"(6)(A) In this subsection, the percent of nonmail freight shall be determined by calculating the lesser of—

"(i) the amount of the freight excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for nonmail freight actually flown by a carrier from the origination point to the destination point, divided by the value of the total nonmail freight excise taxes, as determined by reviewing the collected amount of base fares paid by or on behalf of all nonmail freight carriers providing service from the origination point to the destination point; or

"(ii) the amount of half of the nonmail freight excise tax paid by or on behalf of a carrier, as determined by reviewing the collected amount of base fares for nonmail freight actually flown by a carrier on the city pair route, divided by the value of the total nonmail freight excise taxes, as determined by reviewing the collected amount of base fares paid by or on

behalf of all nonmail freight carriers providing service on the city pair route.

"(B) To ensure accurate reporting of market share the Postal Service shall compare the resulting percentage under subparagraph (A) to the percent of nonmail freight carried on a city pair route as calculated from data provided pursuant to subsection (k), by dividing the revenue of, or weight of (as determined by the Postal Service), nonmail freight earned by or carried by a carrier from the transport of nonmail freight from an origination point to a destination point by the total amount of revenue earned, or the weight of, nonmail freight carried (as determined by the Postal Service) by all carriers from the transport of nonmail freight from the origination point to the destination point. Any carrier purposefully falsifying data or significantly misstating market share in an attempt to qualify for tender of nonpriority bypass mail may be subject to penalties described in subsection (o).

"(7) The percentage rate in paragraph (1) shall be 25 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

"(j)(1) Except as provided by paragraph (3), there shall be equitable tender of 10 percent of the nonpriority bypass mail to all carriers on each city pair route meeting

the requirements of subsection (g)(1) that do not otherwise qualify for tender under subsection (h) or (i).

"(2) If no carrier qualifies under this subsection with respect to a city pair route, the 10 percent of nonpriority bypass mail allocated under paragraph (1) shall be divided evenly between the pools described under subsections (h) and (i) to be equitably tendered among qualified carriers under such subsections, such that—

"(A) the amount of nonpriority bypass mail available for tender among qualified carriers under subsection (h) shall be 75 percent; and

"(B) the amount of nonpriority bypass mail available for tender among qualified carriers under subsection (i) shall be 25 percent.

"(3)(A) Except as provided by subparagraph (B), the percentage rate under paragraph (1) shall be 0 percent 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

"(B) The percentage rate under paragraph (1) shall remain 10 percent for equitable tender for 6 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002 for a nonpriority bypass mail carrier on bush routes originating from the main hub of the carrier designated under subparagraph (C), if the carrier seeking the tender of such mail—

"(i) meets the requirements of subsection (g)(1);

"(ii) is not qualified under subsection (h) or (i);

"(iii) operates routes originating from the main hub of the carrier designated under subparagraph (C); and

"(iv) has invested at least $500,000 in a physical hanger facility prior to January 1, 2002 in such a hub city.

"(C) For purposes of subparagraph (B), a carrier may designate only one hub city as its main hub and once such designation is transmitted to the Postal Service it may not be changed. Such selection and transmission must be transmitted to the Postal Service within 6 months of the date of enactment of the Rural Service Improvement Act of 2002. A carrier attempting to receive tender of nonpriority bypass mail under this subsection shall not be eligible for such tender after the carrier becomes qualified for tender of nonpriority bypass mail under subsection (h) or (i) on any route. The purchase of another carrier's hanger facility after such date of enactment shall not be considered sufficient to meet the requirement of subparagraph (B)(iv).

"(k)(1) Not less than every 2 years, in conjunction with annual updates, the Secretary shall review the need for a bush mail rate investigation. The Secretary shall use show cause procedures to speedily and more accurately de-

termine the cost of providing bush mail service. In determining such rates, the Secretary shall not take into account the cost of passenger insurance rates or premiums paid by the passenger carriers or other costs associated with passenger service.

"(2) In order to assure sufficient, reliable, and timely traffic data to meet the requirements of this subsection, the Secretary shall require—

"(A) the monthly submission of the bush carrier's data on T–100 diskettes, or any other suitable form of data collection, as determined by the Secretary; and

"(B) the carriers to retain all books, records, and other source and summary documentation to support their reports and to preserve and maintain such documentation in a manner that readily permits the audit and examination by representatives of the Postal Service or the Secretary.

"(3) Documentation under paragraph (2) shall be retained for 7 years or until the Secretary indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of shall be retained.

"(4) Carriers qualified to be tendered nonpriority bypass mail shall submit to the Secretary the number and type of aircraft in the carrier's fleet, the level of passenger

insurance covering its fleet, and the name of the insurance company providing such coverage.

"(5) Not later than 30 days after the last day of each calendar month, carriers shall report to the Secretary the excise taxes paid by city pair to the Department of the Treasury and the weight of and revenue earned by the carriage of nonmail freight. Final compiled data shall be made available to carriers providing service in the hub.

"(l) No qualified carrier may be tendered nonpriority bypass mail under subsections (h) and (i) simultaneously on a route unless no other carrier is tendered mail under either subsection.

"(m)(1) Carriers qualifying for tender under subsections (h) and (i) simultaneously shall be tendered nonpriority bypass mail under subsection (h).

"(2) A carrier shall be tendered nonpriority bypass mail under subsection (i) if that carrier—

"(A) was qualified under both subsections (h) and (i) simultaneously; and

"(B) becomes unqualified under subsection (h) but remains qualified under subsection (i).

"(n)(1) A carrier operation resulting from a merger or acquisition between any 2 carriers operating between points in Alaska shall have the passenger and nonmail freight of all such merged or acquired carriers on the appli-

cable route counted toward meeting the resulting carrier's minimum requirements to receive equitable tender of nonpriority bypass mail on such route for the 12-month period following the merger or acquisition.

"(2) After the 12-month period described under paragraph (1), the carrier resulting from the merger or acquisition shall demonstrate that the carrier meets the minimum passenger or nonmail freight carriage requirements of this section to continue receiving tender of such mail.

"(o) In addition to any penalties applied to a carrier by the Federal Aviation Administration or the Secretary, any carrier that significantly misstates passenger or nonmail freight data required to be reported under this section on any route, in an attempt to qualify for tender of nonpriority bypass mail, shall receive—

"(1) a 1-month suspension of tender of nonpriority bypass mail on the route where the data was misstated for the first offense;

"(2) a 6-month suspension of tender of nonpriority bypass mail on the route where the data was misstated for the second offense;

"(3) a 1-year suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the third offense in the State; and

"(4) a permanent suspension of tender of all nonpriority bypass mail in the entire State of Alaska for the fourth offense in the State.

"(p)(1) The Postal Service or the Secretary, in carrying out subsection (g)(2), (h), or (i), may deny equitable tender to an otherwise qualified carrier who does not operate under this section in good faith or under the intent of the 'Rural Service Improvement Act of 2002'.

"(2) The Postal Service or the Secretary may waive any provision of subsection (h) or (i), if the carrier provides substantial passenger or nonmail freight service on the route where the carrier seeks tender of nonpriority mail and nonpriority bypass mail.

"(3) To ensure adequate competition among passenger and nonmail freight carriers on a mainline route the Postal Service or the Secretary may waive the requirements of subsection (g) (1)(D), (2)(E), (4), or (5), or any provision of subsection (h), if—

"(A) a 121 bush passenger carrier seeks tender of nonpriority mail or nonpriority bypass mail on a mainline route not served by a 121 mainline passenger carrier and the 121 bush passenger carrier provides substantial passenger or nonmail freight service on the route; or

"(B) a carrier meeting the requirements of subsection (g)(1)(D)(ii) seeks tender of nonpriority bypass mail and provides substantial nonmail freight service on the city pair route.

Waivers granted under this paragraph shall cease to be valid once a qualified mainline carrier begins providing service and seeks tender of nonpriority bypass mail in accordance with this section on the city pair route. The receipt of waivers and subsequent operation of service on a city pair route under this subsection shall not be counted toward meeting the requirements of any part of this section for any other city pair route. In granting waivers under this paragraph and offering equitable tender of nonpriority bypass mail the Postal Service or the Secretary shall give preference to passenger service needs over nonmail freight needs on a city pair route.

"(4) In granting waivers for or denying tender to carriers under this subsection, the Postal Service or the Secretary shall consider in the following order of importance—

"(A) the passenger needs of the destination to be served (including amount and level);

"(B) the nonmail freight needs of the destination to be served;

"(C) the amount of nonpriority bypass mail service already available to the destination;

"(D) the mail needs of the destination to be served;

"(E) the savings to the Postal Service in terms of payments made to carriers;

"(F) the amount or level of passenger service already available to the destination; and

"(G) the amount of nonmail freight service already available to the destination.

"(q) The Secretary shall make a regular review of carriers receiving, or attempting to qualify to receive, equitable tender of nonpriority bypass mail. If the Secretary suspends or revokes an operating certificate, the Secretary shall notify the Postal Service. Upon such notification, the Postal Service shall cease tender of mail to such carrier until the Secretary certifies the carrier is operating in a safe manner. Upon such receipt, the carrier shall demonstrate that it otherwise meets the minimum carriage requirements of this section before being tendered mail under this section.

"(r) The Postal Service shall have the authority to tender nonpriority bypass mail to any carrier that meets the requirements of subsection (g)(1) on any route on an emergency basis. Such emergency tender shall cease when a carrier qualifies for tender on such route under the terms of this section.

"(s) Notwithstanding any other provision of law, and except for written contracts authorized under subsections (b), (c) and (d) of this section, tender by the Postal Service of any category of mail to a carrier for transportation between any two points within the State of Alaska shall not give rise to any contract between the Postal Service and a carrier, nor shall any such carrier acquire any right in continued or future tender of such mail by virtue of past or present receipt of such mail. This subsection shall apply to any case commenced before, on, or after the date of enactment of this subsection.".

(d) ACTIONS OF AIR CARRIERS TO QUALIFY.—Beginning 6 months after the date of enactment of this Act, if the Secretary determines, based on the Secretary's findings and recommendations of the Postal Service, that an air carrier being tendered nonpriority bush bypass mail is not taking actions to attempt to qualify as a bush passenger or nonmail freight carrier under section 5402 of title 39, United States Code (as amended by this title), the Postal Service shall immediately cease tender of all nonpriority bypass mail to such carrier.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 39.—Section 5402 of title 39, United States Code, is amended—

(A) in subsections (b) through (e) (as redesignated by this title) and subsection (f) by striking "Secretary of Transportation" each place it appears and inserting "Secretary"; and

(B) in subsection (f)—

(i) by striking "subsections (a), (b), and (c)" and inserting "subsections (b), (c), and (d)"; and

(ii) by striking "subsection (d)" and inserting "subsection (e)".

(2) TITLE 49.—Section 41901 of title 49, United States Code, is amended in subsection (a), by striking "5402(d)" and inserting "5402(e)".

(f) REPORTS TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Postal Service and the Secretary of Transportation shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate on the progress of implementing this title.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(2) SELECTION OF CARRIERS.—Subsection (c)(5) shall take effect 15 months after the date of enactment of this Act.

This Act may be cited as the "2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States".

Passed the House of Representatives May 24, 2002.

Attest: JEFF TRANDAHL,
Clerk.

Passed the Senate June 7 (legislative day, June 6), 2002.

Attest: JERI THOMSON,
Secretary.