The House was not in session today. Its next meeting will be held on Monday, July 22, 2002, at 12:30 p.m. for morning hour debates.
budget request, that includes designation of $50,000,000 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.

RURAL DEVELOPMENT

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for “Rural Community Advancement Program” for emergency purposes as defined by the Congress 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 the Congress.

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including the cost of modifying loans as defined in section 502 of the Balanced Budget Act of 1974, $20,000,000 are rescinded.

For an additional amount for “Local Television Loan Guarantee Program Account”, $8,000,000, 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 the amounts provided under this heading, the Secretary shall allocate funds, notwithstanding section 17(i) of the Child Nutrition Act of 1966, as amended, in the manner and under a formula the Secretary deems necessary to respond to caseload requirements.

FOOD STAMP PROGRAM (RESCISSION)

Of funds which may be reserved by the Secretary for allocation to State agencies under section 387 of the Food Stamp Act of 1977, $34,000,000 are rescinded and returned to the Treasury.

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”, $17,000,000, 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 such Act: 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 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. 101. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended, provided under the heading, $104,000,000, of which not more than $33,000,000 shall be available in fiscal year 2002.

SEC. 102. ASSISTANCE TO AGRICULTURAL PRODUCERS WHO HAVE USED WATER FOR IRRIGATION FROM THE RIO GRANDE, (a) IN GENERAL.—The Secretary of Agriculture shall use $165,000,000 authorized by the Farm 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 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, in 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.

SEC. 103. 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 250(a) of the Food Security and Rural Investment Act of 2002 (Public Law 107–171).

SEC. 104. (a) RESCISSION.—The unobligated balances of authority available under section 208(a) of Public Law 107–29 are rescinded prior to the end of fiscal year 2002.

(b) APPROPRIATION.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balances of authority available under section 208(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 products in connection with dispositions abroad pursuant to section 2 of that Act.

SEC. 105. Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1416(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. 106. 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, 2001 (Public Law 106–387) to liquidate over-obligations and over-expenditures of the Food Safety and Inspection Service for previous fiscal 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” for emergency expenses resulting from the September 11, 2001, terrorist attacks, $37,900,000, 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 PRISONER DETENTION

(RESCISSION)

Of the amounts made available under this heading in Public Law 106–77, $30,000,000 are rescinded.

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

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, $175,000,000, 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 of the amounts made available under this heading, $165,000,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: Provided further, 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 used for the development, testing, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service (“Chimeras system”), to be managed by the Justice Management Division: Provided further, That the amounts made available under this heading, $1,000,000 shall only be for the Entry Exit System, to be managed by the Justice Management Division: Provided further, 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 used for the development, testing, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service (“Chimeras system”), to be managed by the Justice Management Division: Provided further, 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 used for the development, testing, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service (“Chimeras system”), to be managed by the Justice Management Division: Provided further, 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 used for the development, testing, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service (“Chimeras system”), to be managed by the Justice Management Division: Provided further, 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 used for the development, testing, and deployment of a standards-based, integrated, interoperable computer system for the Immigration and Naturalization Service (“Chimeras system”), to be managed by the Justice Management Division.

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, $81,250,000, to remain available until the end of fiscal year 2002: Provided, That the amounts made available under this heading, $25,000,000 shall only be available for the ICE Management Division: 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.
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 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, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for emergency expenses resulting from homeland security activities, $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 to the Congress.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

(RECISSION)

Of the amounts made available under this heading in Public Law 107–77 for buildings and facilities, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(INCLUDING RECISSION)

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 (Pub. L. 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, $151,300,000, to remain available until expended: 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: 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.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(RECISSION)

Of the amounts made available under this heading in prior fiscal years, excepting funds designated for the Sulliand Federal Center, $11,300,000 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, $37,100,000, of which $20,000,000 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 $33,100,000 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.

DEPARTMENT OF JUSTICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING RECISSION)

For an additional amount for “Operations, Research, and Facilities” for emergency expenses resulting from homeland security activities, $4,800,000, of which $2,000,000 is to address critical weather and environmental mapping and charting backlog requirements 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: Provided further, That $2,800,000 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.

DEPARTMENT OF STATE

RELATED AGENCIES

FOREIGN AFFAIRS AND DIPLOMATIC CONSULAR PROGRAMS

For an additional amount for “Diplomatic and Consular Programs”, for emergency expenses resulting from international terrorism, $12,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

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. 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

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 for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,900,000 for Pisciculture 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. 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, is transmitted by the President to the Congress.

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, $20,000,000, 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, $7,115,000, 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 $3,972,000 shall be available only to the extent that an official budget request that includes designation of the $3,972,000 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.
For an additional amount for “Educational and Cultural Exchange Programs”, for emergency expenses for activities related to combating international terrorism, $15,000,000, 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.

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” to respond to increased needs for enforcement and oversight of corporate finance, $30,900,000 from fees collected in fiscal year 2002, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

For an additional amount for “Salaries and 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.

CONTRIBUTIONS FOR INTERNATIONAL ORGANIZATIONS AND CONFERENCES

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.

INTERNATIONAL RESOURCES AND TECHNICAL COOPERATION

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, to remain available until expended: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

REMARKS

EAST ASIA

For an additional amount for “East Asia”, for emergency expenses for activities related to combating international terrorism, $7,400,000, to remain available until expended: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

RELIEF AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

FOR MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

ACCOUNT

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

SECURITIES AND EXCHANGE COMMISSION

For an additional amount for “Salaries and Expenses” to respond to increased needs for enforcement and oversight of corporate finance, $30,900,000 from fees collected in fiscal year 2002, to remain available until expended.

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 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 $5,000,000 shall be available only to the extent an official budget request that includes designation of the $5,000,000 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 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, $23,034,000: 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 funds appropriated by this paragraph shall be available notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

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. 14801(b), (c), (d), and (e)) shall apply to the televising of trial proceedings under this section.

SEC. 202. Public Law 106–77 is amended in the second undesignated paragraph under the heading “Department of Commerce, National Institute of Standards and Technology, Information 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. 203. None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to cover expenses, 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 22, 2000.

SEC. 206. Public Law 106–256 is amended in section 3(f)(1) by striking “within 18 months of the establishment of the Commission” and inserting “by June 30, 2001”.

SEC. 207. 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 Devil’s Lake project mentioned in Public Law 106–377.

SEC. 208. 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. 209. Of the amounts appropriated in Public Law 106–77, under the heading “Department of Commerce, National 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 conservation strategy of the United States Coral Reef Task Force.

SEC. 210. 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. 211. In addition to amounts appropriated or otherwise made available by this Act or any other Act, $5,000,000 shall be provided for a National Oceanic and Atmospheric Administration multi-disciplinary research program in the New England groundfish fishery, to be transmitted by the President to the Congress.

SEC. 212. None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to cover expenses, 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 22, 2000.

SEC. 213. None of the funds appropriated or otherwise made available by this Act or any other Act may be used by the Secretary of Commerce to purchase or otherwise acquire real property or impose any federal regulatory burden on a fishery or fishing activity to which such property may pertain.

SEC. 214. None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to finance any program, project, or activity that provides assistance, or otherwise complies with the requirements of section 1413 of the Foreign Assistance Act of 1961 (22 U.S.C. 2378e), 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 22, 2000.
of this amount $500,000 shall be for the cost of a reduction loan as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1279p) to carry out a New Bedford groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(a)) that shall—

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel (or persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are permanently ineligble to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 601.101(c) of title 50, Code of Federal Regulations.

SEC. 212. 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 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279p and 1279q) to carry out a New Bedford groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(a)) that shall—

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel (or persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are permanently ineligble to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 601.101(c) of title 50, Code of Federal Regulations.

SEC. 213. Amounts appropriated by title V of Public Law 107–77 under the heading “National Veterans Business Development Corporation” (115 Stat. 785) shall remain available until expended.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

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”, $299,000,000, 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 any $102,000,000 shall be available only to the extent that an official budget request, that includes designation of $102,000,000 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”, $48,750,000, 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 any $12,250,000 shall be available only to the extent that an official budget request, that includes designation of $12,250,000 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”, $11,901,900,000, to remain available for obligation until September 30, 2004: Provided, That the entire amount 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.

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.

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, 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”, $118,000,000, 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.
Budget and Emergency Deficit Control Act of 1985, as amended; Provided further, That $25,000,000 shall be available only to the extent that an official budget request, 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.

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”, $747,840,000, 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.

RESEARCH, DEVELOPMENT, DEFENSE, AND EVALUATION, ARMY

For an additional amount for “Research, Development, Defense, and Evaluation, Army”, $194,425,000, to remain available for obligation until September 30, 2004: Provided, That funds may be used to purchase two vehicles for the transportation of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed $175,000 per vehicle: 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, 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, 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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $9,900,000, 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”, $758,480,000, 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 $137,600,000 shall be available only to the extent that an official budget request, that includes designation of $137,600,000 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, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $52,500,000, 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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $56,500,000, 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 $115,000,000 shall be available only to the extent that an official budget request, that includes designation of $115,000,000 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.

SEC. 302. During the current fiscal year, the restrictions contained in subsection (d) of 22 U.S.C. 5952 and section 302 of the Freedom Support Act of 2001 shall 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 would be important to the national security interests of the United States.

SEC. 303. 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, as amended: 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 303 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 304. (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 not otherwise reimbursable by 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 of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department’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. 305. (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 of Colombia (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.

(2) The provision shall also apply to unexpended balances and assistance previously provided in prior fiscal years for purposes identified in subsection (a)(1).

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

(b) The authorities provided in subsection (a) shall not be exercised until the Secretary of Defense certifies to the Congress that the provisions of section 601(h) of this Act have been complied with.

(c) Sections 556, 567, and 568 of Public Law 107–115, section 4803 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).

(d) 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 chapter, except for the purpose of acting in self-defense for any United States citizen to include United States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

SEC. 306. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2002, supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–177), section 103(f)(4), and section 8093 of the Department of Defense Appropriations Act, 2002, as amended, is hereby appropriated to the Department of Defense under the heading “Chemical Agents and Munitions Destruction, Army” for Research and Development, for the purpose of accelerating chemical agent destruction at Department of Defense facilities: 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, is transmitted by the President to the Congress.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, $104,425,000, 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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $747,840,000, 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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $30,000,000; and “Procurement, Air Force”, $6,760,000, 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.

SEC. 308. During the current fiscal year and hereafter, section 2532a of title 10, United States Code, shall not apply to any transaction entered into to acquire or sustain aircraft under authority of section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2284).

SEC. 309. The Secretary of the Army shall obligate $137,600,000 and $25,000,000 appropriated for the Army by Public Law 107–117 for procurement of smokeless nitrocellulose under Activity
events in the District of Columbia: Provided, That the Chief Financial Officer of the District of Columbia shall provide a report, within 15 days of an expenditure, to the Committees on Appropriations of the House of Representatives and Senate, detailing any expenditure of these funds: Provided further, That $5,000,000 is for the Unified Communications Center: Provided further, That the construction of containment facilities and other activities to support the regional Bioterrorism Hospital Preparedness Program at the Washington Hospital Center: Provided further, That $700,000, to remain available until September 30, 2003, of which $200,000 shall be for completion of a plan by the Mayor in implementing the community with the Family Court of the Superior Court of the District of Columbia: Provided, That $500,000 of such amount provided to the Mayor shall be for the Child and Family Services Agency to be used for social workers to implement Family Court reform: Provided further, That the availability of these funds shall be subject to the reporting requirements under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 929).

PROVISIONAL APPROPRIATIONS FOR DISTRICT OF COLUMBIA

FEDERAL PAYMENT FOR FAMILY COURT ACT

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia:

For public safety expenses related to security events in the District of Columbia, $12,000,000, to remain available until December 31, 2003.

For construction of containment facilities and other activities to support the regional Bioterrorism Hospital Preparedness Program at the Washington Hospital Center, $6,000,000, to remain available until December 1, 2003.

For the Unified Communications Center, $5,000,000, to remain available until December 1, 2003.

For carrying out the District of Columbia Family Court Act of 2001, $700,000, to remain available until September 30, 2003.

GOVERNMENTAL, DISTRIBUTE, AND SUPPORT

The paragraph under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 933) is amended by striking: “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.” 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 SAFETY AND JUSTICE

Notwithstanding any other provision of law, of the local funds appropriated under this heading to the Department of Corrections for support of the Corrections Information Council in the District of Columbia Appropriations Act, 2002 (Public Law 107-96; 115 Stat. 925), $100,000 are rescinded.

CORRECTIONS INFORMATION COUNCIL

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

PUBLIC EDUCATION SYSTEM

Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year
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ending September 30, 2002, in the District of Columbia Appropriations Act, 2002, (Public Law 107–96; 115 Stat. 935), $73,000,000 are rescinded.

HUMAN SUPPORT SERVICES

For an additional amount for “Human Support Services”: Provided, That $37,000,000 from local funds are rescinded, that $11,000,000 shall be for the Child and Family Services Agency to address increased adoption case rates, higher case loads for adoption cases, and group home stabilization; and Further, That $26,000,000 shall be for the Department of Mental Health to address a Medicaid revenue shortfall.

REPAYMENT OF LOANS AND INTEREST

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 949), $7,500,000 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.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia:

For remote monitoring of water quality, $1,250,000, to remain available until September 30, 2002.

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 Appropriations Act, 2002, (Public Law 107–117; 115 Stat. 2390), 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 119 of the District of Columbia Family Court Act of 2001 from the District of Columbia funds: Provided, That such funds may be transferred to the “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. The District of Columbia Courts may expend up to $3,000,000 to carry out the District of Columbia Family Court Act of 2001 from the “Federal Payment to 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 to District of Columbia Courts” 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 to Family Court Act” account become available.

SEC. 406. Section 11–908a(4) of the District of Columbia Code (as added by Public Law 107–114) is amended by striking “section 11–1301(b)” and inserting “section 11–1301(b) and subsection (a) of section 11–1301”.


(b) Under the heading, “Federal Payment to Southeastern University and Public Broadcasting 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. Section 129 of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 950) is amended as follows:

(1) In the heading, by inserting “AND OTHER FUNDS” after “GRANTS”.

(2) In subsection (a), by inserting “and other funds” after “other grants”.

(3) By amending subsection (b) to read as follows:

“(b) Requirements.—

(1) CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL FOR GRANTS.—

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

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

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

(B) For purposes of subparagraph (A)(i), the Chief Financial Officer shall advise the Council of the receipt of a grant and approved the acceptance, obligation, and expenditure of a grant if—

(i) 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 subparagraph (A)(i); and

(ii) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of such grant not later than 30 calendar days after the date of the receipt of the report from the Chief Financial Officer under subparagraph (A)(i).; 

(C) CERTIFICATION OF CHIEF FINANCIAL OFFICER AND NOTIFICATION OF COMMITTEES FOR OTHER FUNDS.—No funds which are not grants may be accepted, obligated, or expended pursuant to subsection (a); and

(D) (A) until the expiration of the 14-day period which begins on the date the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate of the acceptance, obligation, and expenditure of such funds.”.

(4) In subsection (c), by striking “under subsection (b)(2) of this section” and inserting “or other funds under this section”.

(5) By inserting “other funds” after “or other grant”;

(6) By inserting “other funds” after “other grant”.

SEC. 409. Effective June 30, 2002, 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” for emergency expenses, $108,200,000, to remain available until September 30, 2003: Provided, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount is submitted to the request of emergency requirement pursuant to section 8) shall remain in effect as amended by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, was transmitted by the President to the Council within 30 calendar days of the receipt of the request as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, was transmitted by the President to the Council within 30 calendar days of the receipt of the request as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, was transmitted by the President to the Council within 30 calendar days of the receipt of the request as required by the Balanced
ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT (INCLUDING RECISSION)

For an additional amount for "Defence Environmental Restoration and Waste Management" for emergency expenses necessary to support safeguards and security activities, $16,000,000: 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 President as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES (INCLUDING RECISSION)

For an additional amount for "Weapons Activities" for emergency expenses, $138,650,000: Provided, That $138,650,000 is for the drilling of emergency wells in Santa Fe, New Mexico: Provided further, That $4,000,000 is to be used for the lease of up to 38,000 acre-feet of emergency water for the Rio Grande in New Mexico, in compliance with the existing biological opinion.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for "Defense Facilities Closure Projects" for emergency expenses necessary to support safeguards and security activities, $144,000,000: 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 the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEFENSE NONPROLIFERATION

For an additional amount for "Defense Nonproliferation" for emergency activities necessary to support the safeguarding of nuclear material and fuel, $14,000,000, to remain available until December 31, 2002.

OFFICE OF THE ADMINISTRATOR

For an additional amount for "Office of the Administrator" for emergency expenses, $1,175,000: 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, is transmitted by the President to the Congress: 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 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, 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, 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, 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 (INCLUDING RECISSION)

For an additional amount for "Defence Environmental Restoration and Waste Management" for emergency expenses necessary to support safeguards and security activities, $56,000,000: 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 the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Of the funds appropriated under this heading in Public Law 107–66 and prior Energy and Water Development Appropriations Acts, $15,540,000 of unexpended balances are rescinded.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for "Defense Facilities Closure Projects" for emergency expenses necessary to support safeguards and security activities, $144,000,000: 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, 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 NONPROLIFERATION

For an additional amount for "Defense Nonproliferation" for emergency activities necessary to support the safeguarding of nuclear material and fuel, $14,000,000, to remain available until December 31, 2002.

OFFICE OF THE ADMINISTRATOR

For an additional amount for "Office of the Administrator" for emergency expenses, $1,175,000: 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, is transmitted by the President to the Congress: 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 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, 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, 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.

ENFORCEMENT OF ECONOMIC SANCTIONS

REFERENCES TO TITLE 22

SEC. 105. The President shall ensure that the nonFederal interests in the biomass project at Wisconsin, Mississippi, before the date of enactment of this Act shall constitute full satisfaction of the cost-sharing requirement under section 3002—

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT (INCLUDING RECISSION)

For an additional amount for "Defence Environmental Restoration and Waste Management" for emergency expenses necessary to support safeguards and security activities, $16,000,000: 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

SEC. 501. The President shall ensure that the non-Federal interests in the biomass project at Wisconsin, Mississippi, before the date of enactment of this Act shall constitute full satisfaction of the cost-sharing requirement under section 3002—

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for "Defense Facilities Closure Projects" for emergency expenses necessary to support safeguards and security activities, $144,000,000: 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 HIV/AIDS, tuberculosis, and malaria, $200,000,000, to remain available until June 30, 2003: Provided, That such activities should include maternal health and related assistance in communities heavily impacted by HIV/AIDS: Provided further, That additional assistance should be provided for the prevention transmission of HIV/AIDS from mother to child: Provided further, That of the funds appropriated under this heading in this Act, not less than $100,000,000 should be made available for contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria: Provided further, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund as of December 31, 2002: Provided further, That of the cumulative amount of United States contributions to the Global Fund, $350,000,000 may be transferred to and merged with funds appropriated by this Act and used for costs directly related to international health: Provided further, That funds appropriated by
this paragraph shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any similar provisions of law, may not be used to transfer or allocate any part of such funds to any agency of the United States Government: 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 $3,000,000 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 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 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 as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MIGRATION AND REFUGEE ASSISTANCE
For an additional amount for "Migration and Refugee Assistance" for emergency expenses for activities related to combating international terrorism, $40,000,000, to remain available until June 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, is transmitted by the President to the Congress.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS
For an additional amount for "Nonproliferation, Anti-Terrorism, Deminering Programs" for emergency expenses for activities related to combating international terrorism, $88,000,000, to remain available until September 30, 2003: Provided, That of the funds appropriated by this paragraph, not to exceed $12,000,000 should be available only to the extent an official budget request, that includes designation of $5,000,000 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, 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, is transmitted by the President to the Congress.

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, $387,000,000, to remain available until June 30, 2003: Provided, That funds made available by this Act for assistance for the Government of Uzbekistan may be available if the Secretary of State determines and reports to the Committees on Appropriations that the Government of 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 $3,000,000 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.
an official budget request, that includes design- 
ign of $30,000,000 for the Philippines as an 
emergency requirement as defined in the Bal-
anced Budget and Emergency Deficit Control 
Act of 1985, as amended, is transmitted by the 
President to the Congress: Provided further, 
That the Secretary of State shall inform the 
Committee on Appropriations at least 15 days 
prior to the obligation of funds approved by this 
paragraph: Provided further, That funds 
appropriated under this heading, and funds ap-
propriated under this heading in prior Acts that 
are made available under 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 activ-
ties related to security in international terrorism, 
$20,000,000, to remain available until June 30, 
2003: Provided, That the entire amount is des-
ignated 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 
rights in areas under the effective control of 
paramilitary and guerrilla organizations.

BILATERAL ECONOMIC ASSISTANCE 
FUNDS APPROPRIATED TO THE PRESIDENT

(1) In fiscal year 2002, funds available to the 
Department of State for assistance to the 
Government of Colombia shall be available to sup-
port an anti-drug and anti-terrorism assistance 
program to the extent an official budget request 
that includes designation of the entire amount as 
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 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.

REPORTS ON AFGHANISTAN SECURITY AND 
CONSTRUCTION

in the Congress.

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: 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, 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”, $173,000,000, for emer-
gency 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 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.

For an additional amount for “Construction”, $3,125,000, to remain available until expended, 
for facility and safety improvements related to 
home 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: 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF LAND MANAGEMENT 
MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for “Management of Lands and Resources”, $2,000,000, for emer-
gency 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 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 require-
ment as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE 
RESOURCE MANAGEMENT

For an additional amount for “Resource Manage-
ment”, $2,000,000, for emergency security ex-
penses, 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 an official budget request that includes designation of the entire amount of the request as an emergency require-
ment as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.
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.

UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, $26,000,000, 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.

FOREST SERVICE
WILDLAND FIRE MANAGEMENT

For an additional amount to cover necessary expenses for wildfire suppression operations, $50,000,000, 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.

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, is transmitted by the President to the Congress. 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. 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.

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 guard against acts of terror, 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. 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, 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, $10,000,000, 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, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS
(INCLUDING RECUSION 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, 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, $10,000,000 are rescinded.

SEC. 703. In fiscal year 2002 and thereafter, 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 related safety and security improvement projects and costs related to the ongoing Cobell litigation or other litigation concerning the management of Indian trust funds: Provided, That funds made available hereunder 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.

DEPARTMENT OFFICES
DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $965,000, 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.

SEC. 704. The Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107–63), under the heading “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 seventh proviso “the Strategic Petroleum Reserve”.

SEC. 705. 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 with respect to which 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 agency) 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 providing wildfire services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and these remedies shall be considered, for purposes of tort liability, remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighting effort shall be subject to any process or proceeding pertaining to or arising out of fighting fires.

SEC. 706. (a) FINDINGS.—Congress finds that—
(1) forest health conditions within the Beaver Park Area and the Norbeck Wildlife Preserve within the Black Hills National Forest are deteriorating and immediate action to treat these areas is in the public interest;
(2) the existing settlement agreement in Biodiversity Associates v. Laverty, Civil Action No. 99–N–2173, filed in the United States District Court for the Colorado on September 12, 2000, (referred to in this Act as the “Settlement”) prevents timely action to reduce the risk of wildfire in the Beaver Park Roadless Area;
(3) pending litigation (Sierra Club v. U.S. Forest Service, Civ. No. 94–D–2273 (C. Colorado)) prevents timely action to reduce the risk of wildfire in the Norbeck Wildlife Preserve;
(4) existing administrative and legal processes cannot address the fire danger presented, and the Secretary of Agriculture to take action to reduce the danger;
(5) immediate action to address the fire danger in the Beaver Park Roadless Area is now environmentally supported by the State, local counties, local industry users, and some environmental groups;
(6) the addition of 3,600 acres to the Black Elk Wilderness in the Black Hills National Forest is in the public interest; 
(7) the State of South Dakota, Lawrence, Meade, and Pennington County fire officials are encouraged to identify “fire emergency zone” areas in which public safety may require a moratorium on issuance of new building permits, and indoors, the Secretary is authorized to create a fire break within state lands south and southeast of Sturgis.

(b) PURPOSE.—The purposes of this Section are—
(1) to authorize and direct the Secretary of Agriculture (in this Section referred to as the “Secretary”) to take actions to address promptly the risk of fire and insect infestation; and 
(2) to designate an area to address the Black Elk Wilderness Area in the Black Hills National Forest.

(c) FIRE AND BEETLE RISK REDUCTION IN EXISTING TIMBER SALE ANALYSIS AREAS.—
(1) GENERAL.—Subject to paragraph (2), the Secretary is authorized to take additional timber sales within or outside the existing cutting units for the Piedmont, Kirk, Redhill, Cavern, Deadman, Vanocker timber sales and within the analysis areas for these sales as necessary to reduce beetle infestation and fire hazards (1)(c)(6).

(2) CRITERIA.—In implementing additional treatments within the timber sale analysis areas referred to in paragraph (1), the Secretary shall use in order of priority the following criteria:
(A) any additional treatment for the Cavern, Kirk, and Piedmont timber sales shall comply with provisions of the “Phase I Amendment” and federal law; 
(B) any additional treatment for the Deadman and Vanocker sales shall be consistent with the Black Hills Forest Plan, including the “Phase I Amendment”; and 
(C) any additional treatment for the Redhill and Danno sales shall comply with the provisions of § 76, c, and g of the Settlement.

(3) ADDITIONAL CRITERIA.—In carrying out this subsection, the Secretary shall ensure that—
(A) any additional treatment for the Cavern, Kirk, and Piedmont sales shall comply with provisions of the “Phase I Amendment” and federal law; 
(B) any additional treatment for the Deadman and Vanocker sales shall be consistent with the Black Hills Forest Plan, including the “Phase I Amendment”; and 
(C) any additional treatment for the Redhill and Danno sales shall comply with the provisions of §76, c, and g of the Settlement.

(4) SKID TRAILS.—Notwithstanding the Settlement, the Secretary may authorize access by skid trails to the additional timber sale areas referred to in this subsection to remove or treat infested stands, except that the skid trails otherwise restricted by the settlement shall be stored to pre-existing conditions upon completion of treatment activities.

(5) TREATMENT ACTIVITIES.—The Secretary shall request timber purchasers to give priority to completing treatment within the Piedmont, Kirk, Redhill, Cavern, Deadman, Danno, Vanocker, timber sale areas to address fire issues and beetle outbreaks.

(6) OTHER TREATMENTS.—
(1) BUFFER ZONES.—The Secretary is authorized to reduce risk to private property adjoining the Black Hills National Forest by treating insect infested trees, dead trees, and downed woody debris, within National Forest System lands in TSN, RSE, BHM, Section 35, and T4N, RSE, BHM, Sections 1, 2, and 12 within 200 feet of adjacent private property. The treatments shall be limited to no more than 8,000 acres of National Forest System land, pending the issuance of a decision on the proposed Elk Bug and Fuel project.

(2) ADDITIONAL TREATMENTS.—The Secretary is authorized to treat additional timber sale areas to address the risk of fire and insect infestation and within the analysis areas for these sales as necessary to reduce beetle infestation and fire hazards.

(3) FUEL BREAKS.—The Secretary shall establish a 400-foot fuel breaks as depicted on the map entitled “Beaver Park Fuel Breaks and Fuel Treatment Areas,” dated June 11, 2002. In establishing the fuel breaks, the Secretary—
(A) shall not enter any 30-acre area around historic or active goshawk nests sites identified in Exhibit B1 of the Settlement; and 
(B) shall use best efforts to retain the largest green trees and large snags.

(4) LIMITATIONS.—TREATMENT ACTIONS OUTSIDE OF THE BEAVER PARK ROADLESS AREA.—
(A) any treatment for the Cavern, Kirk, and Piedmont timber sales shall comply with the provisions of the “Phase I Amendment” and federal law; 
(B) any additional treatment for the Deadman and Vanocker sales shall be consistent with the Black Hills Forest Plan, including the “Phase I Amendment”; and 
(C) any additional treatment for the Redhill and Danno sales shall comply with the provisions of §76, c, and g of the Settlement.

(5) USE OF FIRE TO BENEFIT GAME.—The Secretary is authorized to authorize and direct the Secretary of Agriculture to authorize fire to be used to benefit game and birds, as reflected in the memorandum known as the “Burns/Carter memorandum” dated November 10, 1999, and maintained in the Black Hills National Forest Supervisor’s office. The standards to which any road is constructed for the timber sale shall be the minimum necessary to access and remove firebreak materials.

(h) NORBEEK.—The Secretary is authorized to use the full spectrum of management tools including prescribed fire and silvicultural treatments to benefit game animal and bird habitat in meeting the purposes of the Norbeck Organic Act. The management actions required by subsections (f) and (g) are deemed consistent with the Norbeck Organic Act (16 U.S.C. 675–678b).

(i) NORBEEK MEMORANDUM OF UNDERSTANDING.—By December 10, 1999, and maintained in the Black Hills National Forest Supervisor’s office. The standards to which any road is constructed for the timber sale shall be the minimum necessary to access and remove firebreak materials.
and recommend as needed any changes to Norbeck Wildlife Preserve direction contained in the 1997 Revised Forest Plan and future plan amendments and revisions. The basis of the MOU will be the guidelines set forth in the May 21, 2002 memo by SD-F&P.

(i) PROCESS.—Due to the extraordinary circumstances present here, actions authorized by this section shall proceed immediately and to comply with any other Federal law of including, but not limited to, NEPA and the National Forest Management Act (16 U.S.C. 1601 et seq.). Such actions shall also not be subject to any notice, comment, and appeal requirements of the Appeals Reform Act, (16 U.S.C. 1612 (note), Pub. Law No. 102–381 sec. 322). Any action authorized by this Section shall not be subject to by any court of the United States. Except as provided by this Section the Settlement remains in full force and effect.

(k) EFFECT OF ACTIONS.—Except for those actions required by subsections (f) and (g), the Secretary shall disclose the effect of actions authorized by this section in the proposed Elk Bug and Fuels project cumulative effects analysis for public comment, and reasonably foreseeable future actions. The decision for the Elk Bug and Fuels project shall be issued not later than July 1, 2003.

(l) NATIONAL PARKS.—Except as provided in this Section, the Secretary shall authorize no additional ground disturbing or vegetation removal activities within the Beaver Park Roadless Area until completion of the Phase II amendment to the Black Hills National Forest Plan. The Secretary shall analyze the Beaver Park Roadless Area for suitability as a Research Natural Area, as required by the Settlement. The Secretary shall consider any of the actions authorized or required by this section to affect the suitability of the Beaver Park Roadless Area for designation as a Research Natural Area.

(m) ROADLESS CHARACTER.—The actions authorized by this section will not affect the determination of the Beaver Park Roadless Area’s wilderness capability, wilderness suitability, and/or roadless character.

(n) WILDERNESS DESIGNATION.—Section 103 of Public Law 96–560 is amended by—

(1) inserting “(1)” after “National Wilderness Preservation System;” and

(2) adding before “: Provided, That” the following: “; and” (certain lands in the Black Hills National Forest, South Dakota, which comprise approximately the thousand and six hundred acres, as described on a map entitled ‘Black Elk Wilderness Addition-Proposed,’ dated June 13, 2002, and which shall constitute an addition to the existing Black Elk Wilderness”.

(o) REPORTING.—The Secretary shall report to the Congress on the implementation of this section on or by November 30, 2002, June 30, 2003, and November 30, 2004.

CHAPTER 8

DEPARTMENT OF LABOR

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, not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2000 through December 31, 2001.

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 ‘$311,976,000’ and inserting ‘$315,333,000’.

The matter under this heading in Public Law 107–116 is amended by striking ‘$4,000,000 is for the Columbia Basin Medical Center in Washington, D.C. to support community outreach programs for children’ and inserting ‘$4,000,000 is for Children’s Hospital, St. Petersburg, Florida to support development of a pediatric clinical research center program’.

CENZERS 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 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 of the original 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.

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. Under this heading in Public Law 107–116, ‘$26,000,000’ is deleted and ‘$36,600,000’ is inserted.

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 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10416), $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 the entire amount shall be available only to the extent of the original 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.

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 and clinical examinations, long-term health monitoring and analysis for the emergency services personnel, 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 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, is transmitted by the President to the Congress.

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States for the AIDS Drug Assistance Program, $20,000,000, to remain available until expended, of which no less than $12,000,000 shall be available for current and retired firefighters. Provided further, That the entire amount is designated by the Congress 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.

In the statement of the managers of the committee of conference accompanying H.R. 3601 (Public Law 107–116: House Report no. 532), 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: “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 after school activities and a mobile science unit, $425,000”;

(2) 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”;

(3) the provision specifying $200,000 for the 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”;

(4) the provision specifying $250,000 for Education Service District 117 in Wenatchee, WA, to equip a technology center to expand technology-based training, $250,000; and

(5) 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 a system project to create a database that would improve the acquisition, analysis and sharing of student information, $1,000,000”;

(6) 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 after-school youth center and other family supports, $250,000”;

(7) 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”;

(8) 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 Commonwealth of Pennsylvania Department of Education to provide assistance, through subgrants, to 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 strengthen the management of the school districts; assist with curriculum development; provide after-school, summer and weekend programs; offer teacher and principal professional development and enhance the acquisition and effective use of instructional technology and equipment”;

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.

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 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’”.

and recommend as needed any changes to Norbeck Wildlife Preserve direction contained in the 1997 Revised Forest Plan and future plan amendments and revisions. The basis of the MOU will be the guidelines set forth in the May 21, 2002 memo by SD-F&P.
(9) 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 for $1,000,000”; (10) the provision specifying $150,000 for the American Theater Arts for Youth, Inc., Philadel-phia, PA, for a Mississippi Arts in Education Program, shall be deemed to read as follows: “American Theater Arts for Youth, Inc., for a $150,000 Mississippi Arts in Education program, $150,000”; (11) the provision specifying $340,000 for the Zero to Five Foundation, Los Angeles, Cali- forma, shall be deemed to read as follows: “Zero to Five Foundation, Los Angeles, California, to develop an early childhood education and parent- ing 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”; (14) the provision specifying $50,000 for the Lewiston-Auburn College/University of South- ern Maine shall be deemed to read as follows: “Lewiston-Auburn College/University of South- ern Maine to prepare teachers to meet the demands of Maine’s 21st century ele- mentary and middle schools, $50,000”; and (15) the provision specifying $50,000 for the Prairie Lakes Education Cooperative in Min- nesota, South Dakota to advance distance learning for Native Americans in BIA and tribal schools shall be deemed to read as follows: “Prairie Lakes Education Cooperative in Agency Village, South Dakota to advance distance learning for Native American students, $50,000”.

**EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT**

The matter under this heading in Public Law 107-116, is amended by inserting before the pe- riode the following: “and $1,000,000 shall be available fur- ther, That $5,000,000 shall be available to extend for one additional year the contract for the Bi- enhower National Clearinghouse for Mathe- matics and Science Education authorized under section 2102(a)(2) of the Elementary and Sec- ondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107-116.”

**GENERAL PROVISIONS—THIS CHAPTER**

**SEC. 801.** The Elementary and Secondary Edu- cation Act of 1965 is hereby amended in section 8003 by amending subsection (b)(2)(D)(i)(I)(III) to read as follows: “(I) 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 Edu- cation Act of 1965 is hereby amended in section 8003(b)(1) by adding the following as subpara- graph (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 sub- paragraph (C)(iv) for the previous year, the Sec- retary 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.** Amendment made by the No Child Left Behind Act of 2001 (Public Law 107-116) for an additional amount for an Education Improvement Grant Program, $20,000,000, to remain available until expended, is hereby amended by replacing the term “Education Improvement Grant Program” with “Early Childhood Education Investment Grant Program”,

**SEC. 804. (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 in subparagraph (A) or (B) the term “Ruth L. Kirschstein National Research Service Awards” or “Ruth L. Kirschstein National Re- search Service Award” as appropriate.

(b) Subsection (a) 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. 805.** None of the funds provided by this Act shall be used or obligated in any amount in support of any program specifically for the purpose of tutoring or remedial education that is provided to one student in a classroom setting.

**SEC. 806.** 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 Improve- ment of Secondary Education, in the heading “Higher Education”—

(1) the provision for Nichols State University, Thibodaux, LA, shall be applied by substituting “Intergenerational Program and Advanced Technology Program” for “Intergenerational Program”;

(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 scholarship students attending public schools in Maine to continue their education, $1,000,000”;

(3) the provision specifying $10,000,000 for the Shrimer Peace Worker Program, Inc. shall be deemed to read as follows: “Shrimer Peace Work- er Program, Inc. to establish the Sargent Shriver Peace Work 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”;

(4) the provision specifying $1,000,000 for Cleveland State University shall be deemed to read as follows: “Cleveland State University, Cleveland, Ohio, for a $1,000,000 16 Urban School Leadership initiative, $1,000,000”;

**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 Super- fund for additional expenses incurred for an- thrax investigations and cleanup actions, $1,600,000, to remain available until expended, is hereby amended by replacing the term “Capitol Police Board” with “their delegate.”

**LIBRARY OF CONGRESS**

**COPyRIGHT OFFICE**

**SALARIES AND EXPENSES**

For an additional amount for the Copyright Office, Salaries and expenses, $7,500,000, to remain available until expended.

**ADMINISTRATIVE PROVISIONS**

**SEC. 901.** The amount otherwise made avail- able under section 296 of the Emergency Supplemen- tal Appropriations Act, 1973 (2 U.S.C. 58) for fiscal year 2002 to any Senator from the Senators’ Off- icial Personnel and Office Expense Account shall be increased by an amount not in excess of $20,000 which the Senator certifies in a writ- ten request to the Secretary of the Senate made not later than September 30, 2002, as being nec- essary for the payment or reimbursement of expend- itures incurred or obligated during fiscal year 2002 that—

(1) are otherwise payable from such account, and

(2) are directly related to responses to the ter- rorist attacks of September 11, 2001, the dis- asters, and the displacement of Senate offices due to such dis- covery.

**SEC. 902.** (a) Chapter 9 of the Emergency Supple- mental Appropriations Act, 2002 (Public Law 107-117; 115 Stat. 2315), is amended—

(1) in section 901(a), by striking “buildings and facili- ties” and inserting “buildings and facilities, subject to the availability of appropria- tions”;

(b) Section 9 of the Act of July 31, 1946 (40 U.S.C. 223), is amended by redesignating the subsection (b) added by section 903(c)(2) of the Emergency Supplemental Act, 2002, as sub- section (c); and

(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) 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 buildings and facilities” at the end of subsection (c), and inserting “buildings and facilities,”;
(2) 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. 905. (a) The Architect of the Capitol is authorized to acquire, 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 official business of the Congress upon approval of an obligation plan by the appropriate committees of Congress.

(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;
(3) the Physical Security 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, shall be subject to the provisions of the Act entitled “Act to define the area of the United States Capitol Grounds, and 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.

SEC. 906. (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 and Grounds” (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 and grounds of the United States Capitol Police.

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

SEC. 907. (a) Subject to the approval of the House Committee on Rules and Administration 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 and upon approval of an obligation plan by the Committees on Appropriations of the House and Senate, 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.

CHAPTER 11
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION
AIR FORCE
For an additional amount for “Military Construction, Air Force”, $7,250,000, 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 of the amounts provided under this heading, $1,030,000,000 shall immediately upon enactment of this Act, be transferred to Federal Emergency Management Agency “Disaster Relief” for emergency expenses to respond to the September 11, 2001 terrorist attack on the United States; 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 of such amount, $480,000,000 shall be available only to the extent an official budget request for an additional 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:
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 detection and monitoring systems, $17,000,000; and
(2) Grants to airport authorities for pilot projects to improve airport terminal security, $17,000,000; and
(3) Grants and contracts for security research, development, and pilot projects, $10,000,000; and
(4) Replacement of magnetometers at airport passenger screening locations in commercial service airports, $22,000,000: 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.

CHAPTER 12
TRANSPORTATION SECURITY ADMINISTRATION
INCIDENT RESPONSE ACTIVITIES
transferred to the Transportation Security Administration for emergency expenses for homeland security and other purposes, $200,000,000, 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 of such amount, $11,000,000 shall be available only for emergency expenses for homeland security and other purposes, $200,000,000, 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 of such amount, $11,000,000 shall be available only for emergency expenses for homeland security and other purposes.

CHAPTER 13
TRANSPORTATION SECURITY ADMINISTRATION
OPERATING EXPENSES
For an additional amount for “Operating Expenses” for emergency expenses for homeland security and other purposes, $200,000,000, 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 of such amount, $11,000,000 shall be available only for emergency expenses for homeland security and other purposes.
to the extent an official budget request that includes designation of the $11,000,000 as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**FEDERAL AVIATION ADMINISTRATION**

**HPROGRAMS—INCLUDING TRANSFER OF FUNDS**

For an additional amount for "Operations"—$42,000,000, 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: Provided further, That such amount, $262,000,000 shall be available only to the extent an official budget request that includes designation of the $262,000,000 as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**FACILITIES AND EQUIPMENT**

**(AIRPORT AND AIRWAY TRUST FUND)**

For an additional amount for "Facilities and Equipment"—$7,500,000, 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: 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

**GRANTS-IN-AY FOR AIRPORTS**

**(AIRPORT AND AIRWAY TRUST FUND)**

For an additional amount for "Facilities and Equipment"—$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, is transmitted by the President to the Congress.

**FEDERAL HIGHWAY ADMINISTRATION**

**Emergencies Programs—(HIGHWAY TRUST FUND)**

For an additional amount for "Emergency Relief Program", as authorized by section 125 of title 23, United States Code, $98,000,000, 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 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, is transmitted by the President to the Congress.

**FEDERAL AID HIGHWAYS**

**(HIGHWAY TRUST FUND)**

For an additional amount for the "Emergency Relief Program", as authorized by section 125 of title 23, United States Code, $98,000,000, 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 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, is transmitted by the President to the Congress.

**FEDERAL RAILROAD ADMINISTRATION**

**Grants to the National Railroad Passenger Corporation**

For an additional amount for the National Railroad Passenger Corporation for expenses to ensure the continuation of rail passenger operations, $205,000,000.
September 11, 2001 terrorist attacks against the United States, $13,870,000, 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 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.

FINANCIAL MANAGEMENT SERVICE

SALES AND EXPENSES

(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 are rescinded.

UNITED STATES CUSTOMS SERVICE

SALES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $38,000,000, to remain available until expended at 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: 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCission)

Of the available balances under this heading, $10,000,000 are rescinded.

BUSINESS SYSTEMS MODERNIZATION

For an additional amount for “Internal Revenue Service, Business Systems Modernization”, $14,000,000, 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 clause (6) under such heading in Public Law 107–67.

UNITED STATES SECRET SERVICE

SALES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $1,000,000, to remain available until expended at 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.

INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $700,000 for unicameral 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 against the United States, $21,800,000: 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.

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 bioterrorism 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 ADMINISTRATION

SALES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $14,000,000, 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.

OFFICE OF MANAGEMENT AND BUDGET

SALES AND EXPENSES

(RESCission)

Of the funds made available under this heading in Public Law 107–67, $190,000 are rescinded.

ELECTION ADMINISTRATION AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the implementation of an Act authorizing funds for the improvement of election administration and related expenses, $400,000,000, to remain available until expended: Provided, That such amounts shall not be available for obligation until the enactment of such Act: 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.

EXECUTIVE OFFICE OF THE PRESIDENT—COMPENSATION AND PENSIONS

For an additional amount for “Compensation and pensions”, $1,000,000,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for “Medical care”, $4,000,000,000, to remain available until September 30, 2003: 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 Centers for Medicare and Medicaid Services to pay for services provided by the Department of Veterans Affairs: Provided further, That $275,000,000 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...
$275,000,000 shall be available only to the extent that an official budget request, that includes designation of the 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 Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING HOUSING CERTIFICATE FUND (RESCISSION)

Of the unobligated balances remaining from funds appropriated in 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 1999, $385,000,000 shall be rescinded. Provided, That this rescission shall apply first to such unobligated balances under this heading or the heading “Annual contributions for assisted housing”: Provided further, That any unobligated balances governed by re-allocation provisions under the statute authorizing the program for which the funds were originally appropriated may be available for this rescission subject to the first proviso.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community development block grant” in title II of Public Law 106–277 is deemed to be amended by striking “$250,000 for renovation, accessibility, and asbestos remediation at the Wellstone Neighborhood Center, St. Paul, Minnesota, for the construction thereof; $250,000 for the St. Louis Economic Council for design, infrastructure and construction related to the Enterprise Center-Wellstone in Wellstone, Minnesota.”

The referenced statement of the managers under the heading “Community development fund” in title II of Public Law 106–277 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 to expand revitalization activities in Louisville, Kentucky, as follows: $70,000 to the Christian Church Homes of Kentucky for facility upgrades at Chapel House, $500,000 to the 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 Fund 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 106–277 is deemed to be amended by striking “$1,000,000 for the Community Action Agency of Southern New Mexico—the National Food Bank and supporting offices” and inserting in lieu thereof “$1,000,000 for the Community Action Agency of Southern New Mexico for construction of a food bank and supporting offices”. The referenced statement of the managers under the heading “Community development fund” in title II of Public Law 106–277 is deemed to be amended by striking “$400,000 to the City of Reading, Pennsylvania for the development of the Morgantown Road Industrial Park on what is currently a brownfields site” and inserting in lieu thereof “$400,000 for the City of Reading, Pennsylvania 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 106–277 is deemed to be amended by striking “$300,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada for construction of a child care center” and inserting in lieu thereof “$250,000 to the City of Las Vegas, Nevada for construction of a child care center”.

The referenced statement of the managers under the heading “Community development fund” in title II of Public Law 106–277 is deemed to be amended by striking “$300,000 for Upper Darby Township, Pennsylvania to assist residents with homes that are sinking due to soil subsidence and to expand the development of the drilling area, including parking, at Shadeland Avenue.”

The referenced statement of the managers under the heading “Community development fund” in title II of Public Law 106–277 is deemed to be amended by striking “$150,000 to Winchester County, Virginia for the historic restoration of the Winchester County Courthouse” and inserting “$150,000 to Frederick County, Virginia for the historic restoration of the Old Frederick County Courthouse in Winchester, Virginia.”

The referenced statement of the managers under this heading in Public Law 107–3 is deemed to be amended with respect to the amount made available for Family Focus by striking “Family Focus’” and inserting “the Weisbrod-Holmes Family Focus Center” and by striking “Evansville” and inserting “Evans.”

The referenced statement of the managers under this heading in Public Law 107–3 is deemed to be amended by striking “$300,000 for the Reuben Ludwig Family Services in Minneapolis, Minnesota for facilities rehabilitation” and inserting in lieu thereof “$350,000 to the Plymouth Christian Youth Center in Minneapolis, Minnesota for facilities rehabilitation and $250,000 to Migizi Communications in Minneapolis, Minnesota to repair and renovate its Family Enrichment Center.”

HOME INVESTMENT PARTNERSHIPS PROGRAM (RESCISSION)

Of the funds made available under this heading in Public Law 107–3, $30,000,000 are rescinded from the Downpayment Assistance Initiative.

HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE (RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year (as determined by all costs of operations 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 216 budget authority resulting from the prepayment of mortgages subsidized under section 216 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 remain available until September 30, 2003, 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: 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount is deemed to be available only to the extent official budget requests that include 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, are transmitted by the President to the Congress.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY
TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For an additional amount for “Toxic substances and environmental public health”, $11,300,000, to remain available until September 30, 2003, of which $1,000,000 is for additional expenses incurred in response to the September 11, 2001, terrorist attacks on the United States, and of which $9,300,000 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: 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 in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount is deemed to be available only to the extent official budget requests that include 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, are transmitted by the President to the Congress.

ENVIRONMENTAL PROTECTION AGENCY
SCIENCE AND TECHNOLOGY

For an additional amount for “Science and technology”, $59,000,000, 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 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.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT
TRANSFER OF FUNDS

Of the amount appropriated under this heading in title III of Public Law 107–73 to develop engineering plans for addressing the wastewater infrastructure needs in Rosman, North Carolina, as identified in project number 67, $490,000 shall be transferred to the “State and tribal assistance grants” account to remain available until expended for grants for wastewater and sewer infrastructure improvements in the Town of Rosman, North Carolina.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER ASSISTANCE

The referenced statement of the managers under this heading in Public Law 106–229 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: Provided, That in administering these funds 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 an amount of actual cost of unmet needs as well as the commitment and ability of each State to provide its match requirement: Provided further, That the Director shall publish in the Federal Register for 30 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 estimated cost of unmet needs of each State: 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 this Act, the Director shall repurpose any funds so used, as determined by the Congress: Provided further, That the referenced statement of the managers under this heading and rules issued pursuant thereto, the Director shall recognize those people who were either employed in the Borough of Manhattan or had at least 75 percent of their wages coming from businesses located in 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 unmet needs grants to 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; and

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: Provided, That the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), $2,000,000, 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 businesses located in 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 unmet needs grants to 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; and

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, $447,200,000, to remain available until September 30, 2003, of which $150,000,000 is 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.); $54,200,000 for the existing national urban search and rescue system; and $30,000,000 for interoperable communications: 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 is deemed to 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 referenced statement of managers under this heading and rules issued pursuant thereto, the Director shall recognize those people who were either employed in the Borough of Manhattan or had at least 75 percent of their wages coming from businesses located in 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 unmet needs grants to 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: Provided further, That the entire amount is deemed to 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.
the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; Provided further, That $221,800,000 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. 

CERRO GRANDE FIRE CLAIMS

For an additional amount for “Cerro Grande fire claims”, $61,000,000 for claims resulting from the Cerro Grande fires, 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; Provided further, That the entire amount shall be available not later than September 16, 2002.

SEC. 1305. For purposes of facilitating the sale of Stafford Apartments (FHA Project No: 052–44163) for use as rental housing for the elderly, the Secretary of Housing and Urban Development shall renew the section 8 contract that was associated with such property and that expired during fiscal year 2001 at rent levels not to exceed market rents as determined by the Secretary, subject to annual operating cost adjustment factor increases, and subject to other applicable provisions of the Act, as such renewals are deemed to have taken effect as of: (1) prior to sale of the property for student housing, any funds remaining in the property's residual receipts and reserve for replacement accounts shall be used in connection with the relocation of tenants under this section, and any remaining amounts shall be returned to the Secretary; (2) upon the concurrence by the Secretary with the relocation plans and the payment in full of mortgages on this property pursuant to sections 230(a) and 241(a) of the National Housing Act and the result of any such relocation plan and the sale of such property that was in default for longer than 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 owners. In default financial data, including 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 and each local unit and the responsibility of loan guarantee modifications (as that term is defined in section 502 of the Congressional Appropriations Acts, any part of which 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, is transmitted by the President to the Congress.

National Science Foundation

For an amount for “Education and human resources” for emergency expenses to respond to emergent needs in cyber security, $19,530,000, 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; Provided further, That the entire amount shall be available not later than 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.

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”, any amounts made available for fiscal year 2002 for the cost of guaranteed loans, as authorized by sections 236 and 239 of the National Housing Act (12 U.S.C. 1715z–1, 1715z–2), shall be available to subside total loan principal, any part of which is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the National Housing Act and the result of any such relocation plan and the sale of such property that was in default for longer than 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 owners. In default financial data, including 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 and each local unit and the responsibility of loan guarantee modifications (as that term is defined in section 502 of the Congressional Appropriations Acts, any part of which 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, is transmitted by the President to the Congress.

General Provisions

SEC. 1401. Of the 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 Control Act of 1985 to the treaty can be exposed to the Court of Conciliation and Mediation 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.”

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”. This means whether 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 Council shall 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 the Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression. (4) During testimony before the Congress following 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 international 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.”

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(4) During testimony before the Congress following 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 international 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.”

SEC. 1403. (a) Of the amounts available to the agencies of the Federal Government from prior Appropriations Acts, $350,000,000 are hereby rescinded: Provided, That recissions pursuant to this subsection shall be taken only from administrative and travel accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the executive branch, including the Office of the President. (b) Within 30 days after the date of the enactment of this Act, the President shall, in consultation with the Committees on Appropriations of the House of Representatives and the Senate a listing of the agencies and programs and the amounts which the President considers pursuant to the provisions of subsection (a) of this section: Provided, That the Office of Management and Budget shall also include with such listing an explanation as to how it was used to identify the offices, accounts, and amounts to be reduced.

SEC. 1404. Any amount appropriated in this Act for which availability is made contingent by a provision of this Act on designation by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 shall not be available for obligation unless all such contingent amounts are designated by the President, within 30 days of enactment of this Act, as such emergency requirements.
(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 unique language 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) 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 under the Rome Statute 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.


(II) It is a principle of international law that a treaty is binding upon its parties only and that it does not create obligations with respect to nonparties, and that it cannot be binding upon them. 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 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 pursuant to subsection (a) 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 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.

(b) AUTHORITY TO TERMINATE 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 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) requests a 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 subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court;

(B) any member 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.

(C) it is in the national interest of the United States to prevent the International Criminal Court from exercising jurisdiction over a named individual.

(D) the United States will not recognize 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.

(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) 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 under the Rome Statute 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.


(II) It is a principle of international law that a treaty is binding upon its parties only and that it does not create obligations with respect to nonparties, and that it cannot be binding upon them. 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. 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 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 provide any assistance 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 1782 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, including any court, may provide any assistance in response to a request for the extradition of 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 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.

(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 any purpose to enter into or extend, or continue, any treaty or other obligations with legal effect with 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 other agreements for mutual legal assistance in international criminal, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution of 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.

(h) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States, any territory, or within 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 United States Armed Forces from participating in 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 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 United States personnel present in such country.

(2) the national interests of the United States are served by the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court.

(3) the national interests of the United States are served by using 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 United States Armed Forces from participating in 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.

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 1 year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President shall transmit to the appropriate congressional committees a certification described in subsection (b) with respect to each military alliance to which the United States is a party that may be exposed to greater incentives to induce the release of a person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of any person described in subsection (a), and the description of such military alliance shall be 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.

(b) CERTIFICATION.—The provisions of this section shall not be construed to prohibit any action permitted under subsection (a) to members of the Armed Forces of the United States when the President determines that such action is in the national interests of the United States to waive such prohibition.

(1) legally represented by the International Criminal Court, the President may, upon the request of such government, waive the prohibition to the extent that satisfactory assurance is provided that the actions taken while the individual was a member of the Armed Forces of the United States may not participate in the peacekeeping or peace enforcement operation.

(2) exculpatory evidence on behalf of that person.

(3) the national interests of the United States are served by the waiver.

(4) the national interests of the United States are served by the waiver.

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 in 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 in 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 in accordance with 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 BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—Subject to paragraph (2), 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 FREE.—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 under authority of subsection (a) who were 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 such person, and

(2) any other assistance that the President determines to be in the defense 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 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 inducements 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 1 year 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 a party that may be exposed to greater risks as a result of being placed under the command or operational control of foreign military forces subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(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 any modifications to any 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).

(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.

Not later than 1 year after the date of the enactment of this Act, the President shall withholds 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 H. 衣服 and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1001(a)(7) of Public Law 106-113; 113 Stat. 1501A-460), is authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 2011. APPLICATION OF SECTIONS 2004 AND 2006 TO OTHER 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 any action or actions described in section (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 interests 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 national security or 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.

(3) 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 other official or any Secretary of the Senate, 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 2001 and 2002—

(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 as a counterintelligence concern.

(3) COVERED ALLIED PERSONS.—The term ‘covered allied person’ means military personnel, elected or appointed officials, and other persons employed in an official capacity by or on behalf of any other provision of law, the United States or any other official or any Secretary of Defense, and if so delegated may not be subdelegated.

(4) COVERED UNITED STATES PERSONS.—The term ‘covered United States persons’ means any person or any other provision of law to which the term ‘United States or any other official or any Secretary of Defense, and if so delegated may not be subdelegated.

(5) EXTRADITION.—The term ‘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 extradition and surrender of persons that 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 designated as a major non-Nato ally by the President and determined to be in the national interest of the United States.

(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’ means to assign members of the Armed Forces of the United States or to render assistance to 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 in which those members of the Armed Forces of the United States are subject to the command of an international military command or operational control of one or more foreign military officers not appointed in conformity with article 127 of the Rome Statute.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ‘party to the International Criminal Court’ means a country that has ratified 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’ means any military operation to maintain or restore international peace. The term ‘peace enforcement operation under chapter VII of the charter of the United Nations’ means any military operation to maintain or restore international peace.


(12) SUPPORT.—The term ‘support’ means assistance of any kind, including financial support, training, or 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. 2351 et seq.); and

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans, grants, and other payments under section 2353 of the Arms Export Control Act (22 U.S.C. 2751).

SEC. 2014. REPEAL OF LIMITATION.


SEC. 2015. ASSISTANCE TO INTERNATIONAL EF FORTS.

Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosevic, Osama bin Laden, other members of Al Qaeda, leaders of Islamic extremist groups, nations accused of genocide, war crimes or crimes against humanity.
operating aircraft certificated within the payload capacity 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 destination’ 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’ means a combination of mainline and bush rates paid to a bus carrier for a direct flight from an acceptance point to a bush destination beyond a hub point; and

(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 between 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 subsection) that on January 1, 2001, was certified under part 121 and certificated within the payload capacity requirements of subsection (g)(1)(D)(i) on a given city pair route;

(11) the term ‘mainline carrier’ means a carrier operating an aircraft under part 121 and certified within the payload capacity requirements of subsection (g)(1)(D)(i) on a given city pair route;

(12) the term ‘mainline route’ means a city pair in which a mainline carrier is tendered nonpriority bypass mail;

(13) the term ‘new carrier’, when referencing a carrier, means a carrier that—

(a) meets the respective requirements of clause (i) or (ii) of subsection (g)(1)(D), 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 in the State of Alaska after January 1, 2001;

(14) the term ‘part 121’ means part 121 of Code of Federal Regulations;

(15) the term ‘part 135’ means part 135 of Code of Federal Regulations;

(16) the term ‘scheduled service’ means—

(A) flights operated in common carriage available to the general public under a published schedule;

(B) flight schedules are announced in advance in systems specified by the Postal Service, in addition to the domestic flight guide or the air cargo equivalent of that guide;

(C) flights depart whether full or not; and

(D) customers contract for carriage separately from the transportation service.

(17) the term ‘Secretary’ means the Secretary of Transportation;

(18) the term ‘121 bush passenger carrier’ means a bush passenger carrier providing passenger service on bus routes under part 121;

(19) the term ‘121 mainline passenger carrier’ means a mainline carrier providing passenger service through scheduled service on routes under part 121;

(20) the term ‘121 passenger aircraft’ means an aircraft certificated within the payload capacity requirements of subsection (g)(1)(D)(i) on a city pair route that is operated under part 121;

(21) the term ‘121 passenger carrier’ means a passenger carrier that provides scheduled service under part 121;

(22) the term ‘135 bush passenger carrier’ means a bush passenger carrier providing pas-
senger service through scheduled service on bus routes under part 135; and

(23) the term ‘133 passenger carrier’ means a passenger carrier that provides scheduled service under part 133.

(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 before the semicolon; and

(C) in subparagraph (D) by inserting ‘‘with at least 3 scheduled (noncontract) flights per week between two points’’ after ‘‘schedules’’.

(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 inserting at the end the following—

‘‘(C) shall offer a bush passenger carrier providing service on a route in the State of Alaska 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 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 in the State of Alaska 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); and

(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;

(III) the carrier continues to provide 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 bypass mail to a mainline carrier; and

(E)(ii) may tender nonpriority bypass mail at bus rates to a bush carrier from an acceptance point to a hub point in the State of Alaska, except as described in subparagraph (C); and

(F) may tender nonpriority bypass mail at bus rates to a bush carrier from an acceptance point to a hub point in the State of Alaska if the Postal Service determines that—

(i) the bus line meets the requirements of paragraph (1); and

(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 (as determined under paragraphs (a)(1)(i) and (a)(1)(ii) of this section).
(2) 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 if the carrier meets the conditions of subparagraph (A);

(ii) may not count the passenger service provided by that carrier towards the maximum requirements of the State of Alaska if the carrier meets the conditions of subparagraph (A), and

(iii) shall provide at least 20 percent of the nonpriority mainline bypass mail to a hub point in the State of Alaska if the carrier meets the requirements of subparagraphs (A), (C), and (D) of paragraph (1) and subsection (h)(2)(B) and—

(i) all qualified 121 mainline passenger carriers discontinue service on the city pair route; or

(ii) no 121 mainline passenger carrier serves the city pair route.

(D) A carrier operating under a code share arrangement on such route if the code share arrangement terminates. That carrier shall continue to provide at least 20 percent of the nonpriority mainline bypass mail to a hub point in the State of Alaska if the carrier meets the conditions of subparagraph (A).

(2) To remain eligible for equitable tender under paragraph (1), a 135 carrier—

(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 mainline bypass mail with 121 passenger aircraft on the city pair route.

(3)(A) Except as provided under subparagraph (B) and paragraph (3), the Postal Service shall select only existing mainline carriers to provide nonpriority mainline bypass mail service to any 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 such a notice under clause (i), the existing mainline carriers determine that deficiencies in service to the hub point have not been eliminated.

The tender of nonpriority mainline bypass mail shall—

(i) be on an equitable basis in proportion to passenger and nonmail freight carriers discontinue service on the city pair route; or

(ii) not later than 4 years after the 121 passenger aircraft begins carrying nonpriority bypass mail on a city pair route for which the carrier is seeking the tender of nonpriority mainline bypass mail to a hub point in the State of Alaska if the carrier meets the requirements of subparagraphs (A), (C), and (D) of paragraph (1) and subsection (h)(2)(B) and—

(i) all qualified 121 mainline passenger carriers discontinue service on the city pair route; or

(ii) no 121 mainline passenger carrier serves the city pair route.

(D) A carrier operating under a code share arrangement on the city pair route in the State of Alaska may count the passenger service provided under the code share arrangement on such route if the code share arrangement terminates. That carrier shall continue to provide at least 20 percent of the nonpriority mainline bypass mail to a hub point in the State of Alaska if the carrier meets the conditions of subparagraph (A).

(6)(A) Notwithstanding paragraph (1)(B), a 135 passenger carrier that fails to convert to part 121 operations on that route shall—

(i) 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) The Postal Service shall tender 20 percent of the nonpriority mainline bypass mail under subparagraph (A) to the passenger carrier or a nonmail freight carrier that fails to convert to part 121 operations within 12 months after the 121 passenger carrier being tendered such mail under this paragraph.

(7) Qualification for the tender of mail under this section, 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 in the State of Alaska, the Postal Service shall tender 20 percent of the nonpriority mainline bypass mail described under paragraph (1) to the passenger carrier or aircraft providing the highest level of passenger service on such route.

(8) Qualification for the tender of mail under this section shall not be counted toward the minimum qualifications necessary to be tendered nonpriority bypass mail on any other route.

(9)(A) In this section, the percent of passenger service shall be a percentage calculated using data collected under subsection (k).

(i) To ensure accurate reporting of market share the Postal Service shall compare the reporting percentage under clause (i) to the lesser of—

(ii) the amount of the passenger excise tax paid by or on behalf of a carrier, as determined by reviewing the collection of taxes and fares, with Pasenger 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 between the origination point and the destination point.

(B) The Secretary shall establish a bush rate based on data collected under subsection (k) from 121 bush passenger carriers. Such rates shall be published by the Secretary for passenger carriers operating on city pair routes in the State of Alaska 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 published by the Secretary for passenger carriers operating on bush city pair routes in the State of Alaska 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 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 in the State of Alaska where only water landings are available.

(7) The rate in paragraph (1) shall be 75 percent beginning 3 years and 3 months after the date of enactment of the Rural Service Improvement Act of 2002.

(8)(A) A nonmail carrier on a city pair route in the State of Alaska, 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 such mail.

(B) To remain eligible for equitable tender under this subsection, a freight carrier shall continue to transport at least 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, the freight carrier shall meet the minimum requirements of subsection (g)(1) and shall operate for 12 months on a city pair route in the State of Alaska before being eligible for equitable tender of nonpriority bypass mail on that route.

(4) If no carrier qualifies for tender of nonpriority bypass mail on a city pair route in the State of Alaska under this subsection, such mail to be divided under this subsection, as determined in paragraph (1), shall be tendered to the nonmail freight service (in terms of revenue or weight as determined by the Post-office Service as calculated under paragraph (6)) on the city pair route. If no nonfreight carrier present on a city pair route in the State of Alaska to receive tender of nonpriority bypass mail, the nonpriority bypass mail to be divided under paragraph (1) shall be divided equitably among carriers qualified under subsection (h).

(5) Qualification for 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 percent of the total passenger 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.

(B) To ensure accurate reporting of market share the Postal Service shall compare the revenue per passenger as calculated under subparagraph (A) to 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 origin point to the destination point, divided by the value of the 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 from the origin 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.

(C) If a new freight carrier enters a market, the Secretary shall offer tender of such mail.

(D)(i)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 in the State of Alaska meeting the requirements of subsection (g)(1) that do not otherwise qualify for tender under subsection (h) or (i).

(ii) 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 6 percent beginning 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.

(C) The percentage rate under paragraph (1) shall be 0 percent beginning 3 years and 3 months after the date of enactment of the Postal Service Improvement Act of 2002. (D) The Secretary shall have the passenger and nonmail freight of any passenger and nonmail freight on any other route.

(4) A carrier operation resulting from a merger or acquisition between any 2 carriers operating between points in the State of Alaska shall have the passenger and nonmail freight of any passenger and nonmail freight on any other route.
all such merged or acquired carriers on the applicable route counted toward meeting the result carrier's minimum requirements to receive equitable tender of nonpriority bypass mail on such route for the 12-month period following the date of the merger or acquisition.

"(2) After the 12-month period described under paragraph (1), the carrier resulting from the merger shall demonstrate that the carrier meets the minimum passenger or nonmail freight carriage requirements of this section to continue receiving tender of such mail.

"(3) In addition to any penalties applied to a carrier by the Federal Aviation Administration or the Secretary, any carrier that significantly misstated the nonmail freight carriage requirements 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 that does not operate under this section in good faith or under the intent of this section.

"(2) The Postal Service or the Secretary may waive any provision of subsection (b) or (i), if the carrier meets the minimum needs of the community.

"(3) To ensure adequate competition among passenger carriers on a mainline route in the State of Alaska the Postal Service or the Secretary shall not grant any nonmail freight carrier under section 121 bush passenger carrier provides substantial passenger service on the route. Waivers granted under this subsection shall cease when a carrier qualifies for tender on such route under the terms of this section.

"(q) The Secretary shall make a regular review of carriers receiving, or attempting to qualify to receive, equitable tender of nonpriority bypass mail on a city pair route in the State of Alaska. If the Secretary suspends or revokes an operating certificate, the Secretary shall notify the Postal Service. 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 Postal Service shall consider any data that 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 city pair route in the State of Alaska. If the Secretary suspends or revokes an operating certificate, the Postal Service 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), tender by the Postal Service of any category of mail to a carrier for transportation between any two points in 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 the date of enactment of this subsection.

"(d) ACTIONS OF AIR CARRIERS TO QUALIFY.—

Beginning 6 months after the date of enactment of this title, the Secretary determines, based on the Secretary's findings and recommendations of the Postal Service, that an air carrier being tendered nonpriority bypass mail is not taking action to attempt to qualify as a bush passenger or nonmail freight carrier under section 5002 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) Section 5002 of title 39, United States Code, is amended—

(A) in subsections (a), (b), and (c) and inserting "Secretary"; and

(B) in subsection (f)—

(i) by striking "subsection (d)" and inserting "subsections (b), (c), and (d)"; and

(ii) by striking "subsection (d)" and inserting "subsections (b), (c), and (d)";

(2) In title 39, United States Code, is amended by striking "5002(d)" and inserting "5002(e)";

(ec) REPORTS TO CONGRESS.—Not later than 18 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.

(ef) 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.—The amendments made by subsection (c)(5) shall take effect 15 months after the date of enactment of this Act.
The conference agreement provides an additional $18,000,000 for the Office of the Secretary, as proposed by the Senate, with a contingent emergency designation. The House bill did not include funding for this account.

Agricultural Research Service

Salaries and Expenses

The conference agreement provides an additional $2,000,000 for the Agricultural Research Service, instead of $18,000,000 as proposed by the Senate, with a contingent emergency designation. The funds shall be used as follows: $1,500,000 for transmissible spongiform encephalopathy, including chronic wasting disease; $3,000,000 for plant genome sequencing; and $3,000,000 for cattle genome sequencing. The House bill did not include funding for this account.

Buildings and Facilities

The conference agreement provides an additional $25,000,000 for the ARS Buildings and Facilities account instead of $50,000,000 as proposed by the Senate, without an emergency designation. The House bill did not include funding for this account. The conference agreement provides funding for continued facility consolidation and modernization at Ames, Iowa.

Cooperative State Research, Education, and Extension Service

Extension Activities

The conference agreement provides an additional $6,000,000 for the Cooperative State Research, Education, and Extension Service for one-time costs, instead of $18,000,000 as proposed by the Senate, with a contingent emergency designation. The House bill did not include funding for this account.

Animal and Plant Health Inspection Service

Salaries and Expenses

The conference agreement provides an additional appropriation of $35,000,000 for the Animal and Plant Health Inspection Service for one-time costs, instead of $10,000,000 as proposed by the Senate, with an emergency designation. The House bill did not include funding for this account.

Food and Drug Administration

Salaries and Expenses

The conference agreement provides an additional $13,000,000 for FSIS, instead of $15,000,000 as proposed by the Senate, and $2,000,000 as proposed by the House, with a contingent emergency designation. The conferred direct that the funds be used for non-recurring costs associated with the import inspection and control technology system equipment and services so that FSIS can better communicate with other agencies to identify entry and assess risk of imported products.

Natural Resources Conservation Service

Watershed and Flood Prevention Operations

The conference agreement provides an additional $134,000,000 for Watershed and Flood Prevention Operations, of which $50,000,000 is designated as a contingent emergency. Instead of $100,000,000, of which $27,000,000 is designated as an emergency, as proposed by the Senate. The House bill did not include funding for this account.

Rural Development

Rural Community Advancement Program

The conference agreement provides an additional $20,000,000 for the Rural Community Advancement Program, instead of $25,000,000 as proposed by the Senate, with a contingent emergency designation. The House bill did not include funding for this account.

Rural Utilities Service

Local Television Loan Guarantee Program (INCLUDING RESCission)

The conference agreement provides a rescission of $20,000,000 for the Local Television Loan Guarantee Program as proposed by the Senate. The House bill did not include this rescission.

The conference agreement provides an additional $8,000,000 for the Local Television Loan Guarantee Program, instead of $20,000,000 as proposed by the Senate, without an emergency designation. The House bill did not include funding for this account.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

The conference agreement provides an additional $75,000,000 for the Women, Infants, and Children Program (WIC), to remain available until June 30, 2003, without an emergency designation. These funds are provided to finance rising participation and other increased costs. These funds are to be distributed in the manner and formula that the Secretary deems necessary to respond to caseload requirements, notwithstanding section 17(a) of the Child Nutrition Act of 1966, as amended. The conference directs that these funds be made available to the States for identified needs as quickly as possible. Further, the conference requests a report from the Secretary with respect to the spending of the additional funds, describing the process and formula by which these funds were distributed.

Food Stamp Program

(REScission)

The conference agreement rescinds $24,000,000, instead of $33,000,000 as proposed by the Senate. The House bill did not include a rescission for this account.

Department of Health and Human Services

Food and Drug Administration

Salaries and Expenses

The conference agreement provides $17,000,000, to remain available until expended, for Food and Drug Administration, Salaries and Expenses, instead of $18,000,000 as proposed by the House, with a contingent emergency designation. The Senate bill did not include this provision.

The conference agreement provides for non-recurring costs related to safety activities in the area of medical devices and radiological health, including the events occurring in the area of medical devices and radiological health, as a consequence of the events occurring in the area of medical devices and radiological health on September 11, 2001, such as further work on safety standards for radiation scanners, development and marketing of decontamination devices and equipment, and other importation of medical devices. In addition, the conferees note that the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107–188, imposed new requirements on the FDA to protect our Nation’s food and drug supplies. The conference directs that the funds provided in this Act be available for non-recurring costs related to those responsibilities.

General Provisions—This Chapter

House Section 101.—The conference agreement includes a limitation (Section 101) of $83,000,000 for the Export Enhancement Program in fiscal year 2002, instead of a limitation of $25,000,000 as proposed by the House. The Senate bill did not include this limitation.

Senate Section 101.—The conference agreement includes $10,000,000 (Section 102) as proposed by the Senate, with a contingent emergency designation, for agriculture assistance to producers along the Rio Grande who 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 water utilization treaties. The House bill contained no similar provision.

Senate Section 102.—The conference agreement includes a provision (Section 103) that the Secretary shall carry out the transfer of $200,000,000 under section 2507(a) of the Food Security and Rural Investment Act of 2002 (P.L. 107–171) not later than 14 days after the enactment of this Act, as proposed by the Senate. The House bill contained no similar provision.

Senate Section 103.—The conference agreement does not include Sense of the Senate language regarding compensation for losses related to avian influenza. The conference is aware of substantial losses to poultry producers in Virginia, West Virginia, and other states due to the spread of this disease. The conference expects the Secretary to expediently use resources of the Commodity Credit Corporation to compensate producers for losses related to avian influenza and to promote the timely containment of this disease. The House bill contained no similar provision.

Senate Section 104.—The conference agreement does not include Sense of the Senate language regarding the use of surplus non-fat dry milk for assistance in areas suffering from HIV/AIDS. The conference is aware that more than 1 billion pounds of non-fat dry milk are currently in Commodity Credit Corporation (CCC) inventory, for which storage costs are accruing. The conference also notes the human suffering in many nations resulting from the spread of HIV/AIDS and strongly encourage the Secretary to utilize CCC surplus commodities in the form of non-fat dry milk, to support programs that provide relief to those suffering from this disease, and for other humanitarian purposes. The House bill contained no similar provision.

Senate Section 105.—The conference agreement includes a provision (Section 104) that...
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The conference agreement includes a re-appropriation of $50,000,000, the amount of which is for a one-time appropriation to the Federal Bureau of Investigation’s (FBI) Technical Support Unit. The FBI shall submit to the Committees a list of proposed new Legal Attaché offices no later than August 16, 2002. As directed in the Senate report, this list should also include a review of and sight-size proposal for existing offices to ensure that resources are deployed to the highest priority needs. The proposal should be coordinated with the State Department and other relevant Federal agencies, such as the National Security Council, to ensure that FBI plans and activities are consistent with other diplomatic and foreign policy overseas presence priorities.

Immigration and Naturalization Service

Salaries and Expenses

Enforcement and Educational Affairs

The conference agreement includes $81,250,000 for the Immigration and Naturalization Service “Salaries and Expenses” account, including $46,700,000 for emergency requirements. Of the total amount, $12,500,000 is provided for computer and software equipment, and $2,000,000 for language translation services.

The conference agreement includes $175,000,000 for the Federal Bureau of Investigation (FBI) “Salaries and Expenses” account, including $165,000,000 as a contingent emergency requirement.

Of the total amount, $12,500,000 is provided for the Foreign Terrorist Tracking Task Force; and $2,000,000 for language translation services.

The conference agreement includes funds for the request to speed implementation of information technology enhancements. Funds include $8,000,000 for software and hardware support; and $40,121,000 for investigative data warehousing; and $19,445,000 for information assurance; and $7,560,000 for collaborative capabilities; and $1,400,000 for fusion center operations; and $8,000,000 for digital storage and retrieval of digital documents related to counterterrorism investigations; and $5,444,000 for data mining and visualization; and $19,400,000 for the National Infrastructure Protection Center, Information Technology Operations Unit. The FBI shall brief the Committees on Appropriations prior to obligation of these funds to ensure that these information technology investments and activities of the Joint Terrorism Task Forces, the Foreign Terrorist Tracking Task Force, Trilogy, and the FBI’s Information Assurance Program.

The conference agreement also provides, as directed in the Senate report, $8,000,000 for white collar crime squads; and $5,100,000 for Computer Analysis and Response Team equipment. This funding will provide the FBI with technical resources to combat corporate corruption and the growing threat of cyber crime.

In addition, the conferees direct the FBI to use $4,200,000 to develop a cyber terrorism early warning system. This funding will be used to develop a Cyber Terrorism Early Warning System as proposed by the Senate and modified by the House.

The conference agreement also includes $46,250,000 as a contingent emergency requirement.

The conference agreement also includes provision (Section 106) that allows the Secretary of Agriculture to use an amount of $12,000,000, of the total amount previously appropriated to the Food Safety and Inspection Service under P.L. 106-387 to liquidate over-obligation and over-expenditures of the Food Safety and Inspection Service incurred during previous fiscal years. The House bill contained no similar provision.
to ensure that sufficient staff are hired and information technology enhancements are provided as directed in the fiscal year 2002 Appropriations Act. To support the INS homeland security mission with regard to enforcing deportation orders, $25,000,000 is provided for the Asylum Center Initiative. To address chronic vehicle shortfalls, $25,000,000 is provided for fleet management. The conferees note that the Congress provides base funding every year to the INS for both new and replacement vehicles, and the INS is expected to use these appropriations for both new and replacement vehicles instead of directing these resources to other areas. The conferees direct the INS to submit a spending plan for any of the funding provided under this heading.

To improve retention of Border Patrol Agents and Immigration Inspectors, the conference agreement includes $95,000,000 for pay upgrades for Border Patrol Agents and Immigration Inspectors for the remainder of fiscal year 2002. The conferees are concerned that the Administration has failed to address law enforcement pay equity issues in a comprehensive manner, and expects it to develop and implement an equitable pay scale plan. The conferees direct the INS to submit a plan for the equitable pay scale plan for any of the funding provided under this heading.

The conference agreement includes $32,100,000 as a contingent emergency requirement for the 2002 rescission of $5,000,000 for the development of the National Intelligence Database, $10,000,000 to enhance the Department of State’s effort to ensure that sufficient staff are hired and quickly implement an equitable pay scale plan, and $20,000,000 for the development of the Department’s multi-State information sharing system, and the Real-time Analytical Intelligence Database; (3) a description of how the Department’s various communication systems interact to ensure information in each system is up to date and accurate; (4) a description of the Department’s plans to eliminate or consolidate systems while making sure all first responders have a description of the future year costs of the Department’s communication systems; (5) a description of how the Department communicates with State and local officials expected to at least one of the Department’s various systems; (6) a description of the FBI’s National Intel Share Project and how this project will enhance the functionality of CapWIN; (7) a description of whether its necessary for State and local communities to develop their own information systems; and (8) a description of how the Department communicates with State and local governments that have developed local information sharing systems to ensure they are interoperable with the Department’s information system. The conferees adopt, by reference, language in the Senate report regarding matching requirements.

The conference agreement includes $15,300,000 as a contingent emergency requirement for the 2002 rescission of $5,000,000 for the development of the National Intelligence Database, $10,000,000 to enhance the Department of State’s effort to ensure that sufficient staff are hired and quickly implement an equitable pay scale plan, and $20,000,000 for the development of the Department’s multi-State information sharing system, and the Real-time Analytical Intelligence Database; (3) a description of how the Department’s various communication systems interact to ensure information in each system is up to date and accurate; (4) a description of the Department’s plans to eliminate or consolidate systems while making sure all first responders have a description of the future year costs of the Department’s communication systems; (5) a description of how the Department communicates with State and local officials expected to at least one of the Department’s various systems; (6) a description of the FBI’s National Intel Share Project and how this project will enhance the functionality of CapWIN; (7) a description of whether its necessary for State and local communities to develop their own information systems; and (8) a description of how the Department communicates with State and local governments that have developed local information sharing systems to ensure they are interoperable with the Department’s information system. The conferees adopt, by reference, language in the Senate report regarding matching requirements.

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The conference agreement includes $15,300,000 as a contingent emergency requirement for the 2002 rescission of $5,000,000 for the development of the National Intelligence Database, $10,000,000 to enhance the Department of State’s effort to ensure that sufficient staff are hired and quickly implement an equitable pay scale plan, and $20,000,000 for the development of the Department’s multi-State information sharing system, and the Real-time Analytical Intelligence Database; (3) a description of how the Department’s various communication systems interact to ensure information in each system is up to date and accurate; (4) a description of the Department’s plans to eliminate or consolidate systems while making sure all first responders have a description of the future year costs of the Department’s communication systems; (5) a description of how the Department communicates with State and local officials expected to at least one of the Department’s various systems; (6) a description of the FBI’s National Intel Share Project and how this project will enhance the functionality of CapWIN; (7) a description of whether its necessary for State and local communities to develop their own information systems; and (8) a description of how the Department communicates with State and local governments that have developed local information sharing systems to ensure they are interoperable with the Department’s information system. The conferees adopt, by reference, language in the Senate report regarding matching requirements.
COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $50,000,000 as a contingent emergency requirement for a new Office of Community Oriented Policing Services (COPS) Interoperable Communications Technology program, to be designed and implemented by the COPS Office, in consultation with the Office of Science and Technology (OS&T) of the National Institute of Justice, and the Bureau of Justice Assistance (BJA). The conferees seek to utilize the expertise of all three organizations so as to create a grant program that is highly flexible and immediate, sensitive to the immediate needs of the State and local law enforcement community and that takes full advantage of the expertise and lessons learned from OS&T and BJA in the development of the new Interoperable law enforcement communications, particularly project AGILE. In addition, the conferees are aware that the Office of Science and Technology (NIST) have significant experience in law enforcement communications, and recommend that NIST or its grantee agencies, or other appropriate organizations, provide recommendations to these agencies when designing and implementing this program.

This program should address the critical need of law enforcement to improve cross-jurisdictional communication and information sharing. The conferees direct the COPS Office to develop and submit proposed guidelines for the program to the Committees on Appropriations no later than 45 days after enactment of this Act. Consistent with the COPS Office’s existing grant programs, the COPS Interoperable Communications Technology program should include a 25 percent local match requirement. The conferees are aware that the Federal Emergency Management Administration (FEMA) has a similar program. For purposes of developing the requirements, the conferees expect the report to the Committees on Appropriations no later than September 15, 2002, to address the Supreme Court buildings, as requested by the Architect of the Capitol to submit a spending plan for this funding no later than September 15, 2002. The conferees adopt, by reference, language in the Senate report regarding the coordination of the Court's security efforts with other security enhancements being implemented in the U.S. Capitol complex.

The conference agreement includes $7,115,000, including $5,900,000 as a contingent emergency requirement, for the increased costs associated with terrorist-threat related activities. Of the total amount provided, $5,200,000 is for perimeter security enhancements such as protective window film, for courts with upcoming terrorist threats, as described in the House and Senate reports. In addition, $1,915,000 is provided to fund the costs associated with closed circuit transmission of the Moussaoui trial to victims of the September 11th attacks. The conferees adopt, by reference, language in the Senate report regarding a report on the court security radio conversion program.

The conference agreement adopts, by reference, language in the House report regarding enhancements to closed circuit television systems, video conferencing systems, and electronic methods of taking the record in new and existing Federal courtrooms, as well as the procurement of portal monitors and audio/visual equipment for use in courtrooms without permanent equipment. The conferees understand that these technologies can reduce trial time, lower litigation costs and enhance the understanding of information.

The conferees also understand that Department of Justice attorneys have developed a similar low cost, portable suite of computers and audiovisual equipment for the courtroom that enhances the presentation of information to juries on complex issues such as how a cyber attack is launched.

The conferees direct the Administrative Office of the United States Courts and the Executive Office of United States Attorneys (EOUSA) to provide a report to the Committees on their plans to expand the use of courtroom technologies in Federal courthouses. The report should describe the courts' plans to expand installation of courtroom technologies in new and existing courtrooms and to use of multipurpose courtroom technologies. The report should compare the costs and benefits of each program. The report should also describe how the Federal Judiciary and the EOUSA coordinate efforts to ensure that duplicative equipment is not purchased. The conferees expect the report...
to be submitted no later than September 1, 2002.

DEPARTMENT OF STATE AND RELATED AGENCY
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $47,450,000 in this account as an emergency appropriation. This amount includes $20,300,000 for costs of opening and securing diplomatic posts in Kabul, Afghanistan, and Dushanbe, Tajikistan. The conference directs the Department to submit bimonthly reports on the planned and actual obligation and expenditure of this funding through completion of the projects.

The conference agreement also includes $1,500,000 for domestic preparedness needs, $5,300,000 for chemical/biological emergency supplies, $1,600,000 for increased domestic guard requirements, $550,000 for immunization requirements, and $11,000,000 for mail and pouch processing requirements. The conferees note that $10,000,000 was provided for security upgrades of mail and pouch facilities in Public Law 107–167. Should additional funding beyond the total of $21,000,000 be required for this purpose, the conferees expect the Department to submit a reprogramming from funding provided for other purposes.

The conference agreement also includes in this chapter a public diplomacy initiative to engage foreign Arab and Muslim publics totaling $40,100,000, including $10,000,000 under this account. The conference directs the Department to submit a report to the Congress including, by reference, language in the Senate report regarding the American Corners initiative. Funding is included under this account to support, for public diplomacy programs and activities:

Broadcast Rights ................................ $1,150,000
Crimes Against Humanity Programs ................... 1,000,000
Regional Outreach Programs ........................... 1,500,000
Iran-Iraq Programs ................................... 1,000,000
Translations ........................................ 150,000
Democraticization .................................... 1,050,000
English Teaching Programs ............................ 2,550,000
Educational Reform (Gulf & S Asia) .................. 500,000
Educational Reform Small Grants ...................... 600,000
Educational Reform Small Grants ...................... 500,000

Total ................................................. 10,000,000

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $15,000,000, including $5,000,000 as a contingent emergency requirement, for a public diplomacy exchange initiative for foreign Arab and Muslim publics. This initiative includes funding levels of $50,000 for educational and cultural exchange programs and projects to increase mutual understanding with Arab and Muslim audiences worldwide:

Values/Religious Tolerance Programs .................. $2,100,000
English Language Programs ......................... 4,000,000
American Studies .................................... 1,000,000
Youth Exchanges .................................... 1,000,000
Media Training ...................................... 500,000
US/Afghan Women's Council ........................ 2,400,000
Fulbright Exchanges ................................ 4,000,000

Total ................................................ 15,000,000

The conferees agree that Fulbright Exchanges funded in this Act will focus on the themes of values/religious tolerance, American studies, media training and US-Afghan women’s issues. The conference agreement also includes, by reference, language in the House report regarding the allocation of this funding for countries not already covered under the Freedom Support Act.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $210,516,000, including $10,000,000 as a contingent emergency requirement. This includes $130,516,000 for the construction and renovation of diplomatic facilities in Kabul, Afghanistan, and $80,000,000 for Dushanbe, Tajikistan. The amount provided above the request reflects adjusted Department estimates for this account as described for the Senate report. The conference directs the Department to submit bimonthly reports on the planned and actual obligation and expenditure of funding until the completion of the projects. In addition the conferees direct that the bimonthly reports on the Kabul, Afghanistan, facility contain detailed information, including cost estimates, on compound security.

The conferees also direct the Department to submit a report on, and justification of, proposed staffing levels at both posts before the obligation of funds, as described in the House report. The conferees intend that the amount provided for facilities in Kabul will support the costs of all agencies at post on a secure compound.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $7,000,000 as an emergency requirement for anticipated United Nations assessments to support a United Nations mission in Afghanistan.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $23,034,000 as an emergency requirement for the United Nations peacekeeping mission in the Democratic Republic of the Congo (MONUC). The conference agreement provides for additional fiscal year 2002 assessments based on the current force level and does not assume any increase or decrease to that level, nor any change in the mission. Should actual assessments for MONUC exceed the increased funding level, the Department may propose to reprogram funds from allocations for other missions.

RELATED AGENCY
BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $7,400,000 as an emergency requirement for operational costs to continue surrogate radio broadcasting of Radio Free Europe/Radio Liberty to the people of Afghanistan in languages spoken in Afghanistan. The Broadcasting Board of Governors (BBG) shall provide the Committees a quarterly status reports on ongoing broadcasting initiatives in the Middle East, Afghanistan and Africa, with the first such report due no later than October 31, 2002. In addition, the conferees expect the BBG to carry VOA Farsi and Radio Free Europe/Radio Liberty’s Radio Free Iraq broadcasts on the medium-wave transmission facilities until such time as alternative AM transmission capabilities with equivalent power and reach are in place. The conferees note that the BBG, to date, has not submitted such an alternate proposal to the Committees on Appropriations.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $7,700,000 for the “Broadcasting Capital Improvements” account, for capital requirements associated with installation of a medium-wave transmission facility to support the Arabic broadcasting initiative, as described in the House report.

RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM (RESCISSION)

The conference agreement includes a re-ssission of $5,000,000 from unobligated balances under this heading.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $82,200,000 for the Securities and Exchange Commission, including $9,300,000 as a contingent emergency requirement. The total amount is $92,500,000 above the request, and $10,900,000 above the level provided in the House and Senate bills.

The conferees are concerned that the Administration has not requested sufficient resources for the Commission to adequately protect investors from corporate abuses. In this regard, the conferees note that the Administration has been providing more than double its request for this agency.

The conference agreement includes $25,000,000 for 125 additional staff including associated pay parity costs, and $5,900,000 to allow the Commission to begin to address critical information technology needs such as an integrated document management system, advanced analytical tools, and E-Filing. In addition, $9,300,000 is provided for recovery costs for the New York Regional Office where office space was destroyed in the September 11th attacks.

GENERAL PROVISIONS

Sec. 201.—The conference agreement includes modified language waiving a provision of existing law requiring authorizations to be in place for the broadcast of the Moussaoui trial for victims of the September 11, 2001, attacks.

Sec. 202.—The conference agreement includes language amending existing law regarding the collection of immigration inspection fees.

Sec. 203.—The conference agreement includes language authorizing the closed circuit televising of the Moussaoui trial for victims of the September 11, 2001, attacks.

Sec. 204.—The conference agreement includes language requiring that funds provided in fiscal year 2002 for a certain grant program be used before the end of the current fiscal year.

Sec. 205.—The conference agreement includes language prohibiting the use of funds in this or any other act to carry out a certain memorandum of agreement between the Federal Trade Commission and the Department of Justice. The conference agreement adopts by reference the semi-annual reporting requirement included in the Senate report.

Sec. 206.—The conference agreement includes modified language extending the statutory deadline for submission of the final reauthorizing recommendations of the Ocean Policy Commission.

Sec. 207.—The conference agreement includes language authorizing the International Joint Commission to access funds from the U.S. Army Corps of Engineers for purposes related to a certain project.
Sec. 208.—The conference agreement includes language clarifying the definition of wild fish in the Agricultural Marketing Act of 1946, as amended.

Sec. 209.—The conference agreement includes language clarifying Congressional intent regarding a cooperative agreement.

Sec. 210.—The conference agreement includes language providing economic assistance to certain fishermen and fishing communities. The conference agreement includes, by reference, language in the Senate report regarding the allocation, by State, of previously appropriated funding for the cost of a cooperative agreement.

Sec. 211.—The conference agreement includes modified language and funding for a cooperative research program and a capacity reduction loan program for the New England groundfish fishery.

Sec. 212.—The conference agreement includes modified language designating previously appropriated funding for the costs of a capacity reduction loan program for the West Coast fishery.

Sec. 213.—The conference agreement includes language amending Public Law 107–77 under the heading “National Veterans Business Development Corporation” to make fiscal year 2002 appropriations available until expended.

The conference agreement provides $390,000,000 for reimbursements to Pakistan, Jordan, and other key cooperating countries for the cost of goods, services, or use of facilities provided in direct support of United States military forces in connection with the global war on terrorism. The conferees expect the Secretary of Defense to establish financial management guidelines and documentation requirements providing assurance

### MILITARY PERSONNEL

The conference agreement recommends $206,000,000 as proposed by the House and the Senate for functions funded in title I, Military Personnel, of the Department of Defense Appropriations Act, as follows:

```
<table>
<thead>
<tr>
<th>Program</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Personnel, Air Force Personnel Readiness</td>
<td>206,000</td>
<td>206,000</td>
<td>206,000</td>
<td>206,000</td>
</tr>
</tbody>
</table>
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### OPERATION AND MAINTENANCE

The conference agreement recommends $1,092,225,000 as proposed by the House, and $923,500,000 as proposed by the Senate, as follows:

```
<table>
<thead>
<tr>
<th>Program</th>
<th>Request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation and Maintenance, of the Department of Defense Appropriations Act, instead of $1,092,225,000 as proposed by the House, and $923,500,000 as proposed by the Senate, as follows:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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### DEPARTMENT OF DEFENSE—MILITARY

Chapter 3 of the conference agreement recommends $14,352,900,000 for the Department of Defense, instead of $13,769,462,000 as proposed by the House and $14,022,000,000 as proposed by the Senate to support the global war on terrorism. This amount includes $14,966,000,000 in new budget authority, and $613,100,000 in offsets (rescissions) from existing appropriations.

The following table provides details of the emergency supplemental appropriations in this chapter.

```
<table>
<thead>
<tr>
<th>[In thousands of dollars]</th>
<th>Budget request</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Total</td>
<td>14,022,000</td>
<td>15,769,462</td>
<td>14,022,000</td>
<td>14,352,900</td>
</tr>
</tbody>
</table>
```

### OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement provides $300,000,000 for reimbursements to Pakistan, Jordan, and other key cooperating countries for the cost of goods, services, or use of facilities provided in direct support of United States military forces in connection with the global war on terrorism. The conferees expect the Secretary of Defense to establish financial management guidelines and documentation requirements providing assurance
that those reimbursements are fully justified. The conferees expect that the first “15-day” written notification submitted to the congressional committees will include a detailed description of the financial management guidelines and documentation requirements established by the Secretary under the authority provided, and an explanation as to the adequacy of this documentation in ensuring that taxpayer interests are adequately protected.

DEFENSE EMERGENCY RESPONSE FUND
The conference agreement recommends $11,900,000,000 for the incremental costs of military operations and mobilization to conduct the global war on terrorism, instead of $12,693,972,000 as proposed by the House, and $11,300,000,000 as proposed by the Senate, as follows:

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Conference</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Personnel, Army:</td>
<td></td>
</tr>
<tr>
<td>Active and Reserve Pays and Allowances</td>
<td>1,389,700</td>
</tr>
<tr>
<td>Mobilization Costs</td>
<td>245,000</td>
</tr>
<tr>
<td>Military Personnel, Navy:</td>
<td></td>
</tr>
<tr>
<td>Active and Reserve Pays and Allowances</td>
<td>414,200</td>
</tr>
<tr>
<td>Mobilization Costs</td>
<td>285,000</td>
</tr>
<tr>
<td>Military Personnel, Marine Corps:</td>
<td></td>
</tr>
<tr>
<td>Active and Reserve Pays and Allowances</td>
<td>206,800</td>
</tr>
<tr>
<td>Mobilization Costs</td>
<td>2,000</td>
</tr>
<tr>
<td>Military Personnel, Air Force:</td>
<td></td>
</tr>
<tr>
<td>Active and Reserve Pays and Allowances</td>
<td>1,848,500</td>
</tr>
<tr>
<td>Mobilization Costs</td>
<td>268,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Army:</td>
<td></td>
</tr>
<tr>
<td>Personnel Support Operations Costs</td>
<td>348,600</td>
</tr>
<tr>
<td>Airlift and Sealift</td>
<td>1,034,400</td>
</tr>
<tr>
<td>Operation and Maintenance, Navy:</td>
<td></td>
</tr>
<tr>
<td>Flying Hours</td>
<td>140,000</td>
</tr>
<tr>
<td>Ship Operations</td>
<td>225,000</td>
</tr>
<tr>
<td>Ship Maintenance</td>
<td>412,000</td>
</tr>
<tr>
<td>U.S.S. Scranton DMP</td>
<td>90,000</td>
</tr>
<tr>
<td>Aircraft Maintenance</td>
<td>137,000</td>
</tr>
<tr>
<td>Combat Support Forces</td>
<td>150,000</td>
</tr>
<tr>
<td>Operational Support Costs</td>
<td>367,000</td>
</tr>
<tr>
<td>Operation and Maintenance, Marine Corps:</td>
<td></td>
</tr>
<tr>
<td>Combat Support Force Operations</td>
<td>51,000</td>
</tr>
<tr>
<td>Transportation and Airlift Costs</td>
<td>626,800</td>
</tr>
<tr>
<td>Operation and Maintenance, Air Force:</td>
<td></td>
</tr>
<tr>
<td>Operations and Personnel Support</td>
<td>1,323,200</td>
</tr>
<tr>
<td>Veterans’ Task Force</td>
<td>0</td>
</tr>
</tbody>
</table>

The conference agreement reallocates $301,000,000 from funds requested for SOCOM and Homeland Defense to the providing the support. The recommendation also reallocates $100,000,000 from the Defense Health Program to other requirements based on the Department’s reporting of lower than expected expenditures for medical services provided to reservists called to active duty.

The conferees agree with funding directives in House of Representatives Report 107–480 with respect to body armor; Naval Air Station, North Island historical facility renovation; NAIC Threat Representation and Validation project; and Predator B flying hours. Further, the conferees agree with the quarterly reporting requirements for Defense Emergency Response Fund (DERF) obligations as directed by the House, and the Senate’s directive that the Department of Defense notify the Committees on Appropriations prior to transferring DERF funds to appropriations accounts or for purposes or amounts other than those specified in the table above.

REALIGNMENT OF DERF FUNDS FOR FISCAL YEAR 2002 FUNDING SHORTFALLS

The Department of Defense has identified $500,000,000 previously made available to the Defense Emergency Response Fund (in Public Laws 107–38 and 107–117) that are not being obligated by the military services as quickly as originally anticipated. The categories to which these funds had been allocated are as follows:

[In thousands of dollars]

- Increased situational awareness: $153,823
- Enhanced force protection: $161,150
- Increased worldwide posture: $49,407
- Initial crisis response: $125,620
- Airport and border security: $10,000

Given that funds previously made available to the DERF were for near term, extraordinary costs of the war on terrorism that would be obligated and expended quickly, it is clear that these funds are for relatively lower priority activities. In order to help offset the additional funding for military personnel and other time-sensitive, mobilization-related costs provided in the conference agreement, the conferees recommend a general provision (section 312) rescinding $262,000,000 of these funds. As for funds which remain from those cited above, the conferees direct that they be realigned to address additional fiscal year 2002 military personnel and other high priority operational and readiness funding requirements that will not be fully covered by the funding in this measure. The conference agreement includes authority for the Secretary of Defense to make such transfers, 15 days after notification to the congressional defense committees.

PROCUREMENT

The conference agreement recommends $1,455,265,000 for functions funded in title III, Procurement, of the Department of Defense Appropriations Act, instead of $1,454,265,000 as proposed by the House, and $1,429,800,000 as proposed by the Senate, as follows:
CONGRESSIONAL RECORD—HOUSE
July 19, 2002

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RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement recommends $282,600,000 for functions funded in title IV, Research, Development, Test and Evaluation, of the Department of Defense Appropriations Act, instead of $189,000,000 as proposed by the House, and $162,700,000 as proposed by the Senate, as follows:

<table>
<thead>
<tr>
<th>Program</th>
<th>Request (in thousands of dollars)</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research, Development, Test and Evaluation, Army:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weapons and Munitions—NLOS—Cannon Artillery</td>
<td>8,200</td>
<td>8,200</td>
<td>8,200</td>
<td>8,200</td>
</tr>
<tr>
<td>C3I Classified</td>
<td>10,000</td>
<td>10,000</td>
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CRUSADER NEXT GENERATION ARTILLERY SYSTEM

The conferences strongly oppose the process employed by the Defense Department in proposing to terminate the Crusader artillery system. The usual practice for making a policy decision of this type would be for the Executive Branch to propose it in the initial President’s budget submission to allow Congress sufficient time to hold hearings and fully scrutinize its merits. This process was not followed in the case of the Crusader. Instead, after requesting $475,600,000 in the fiscal year 2003 President’s Budget, a budget amendment was submitted on May 29, 2002 to immediately terminate the Crusader program. This proposal gave the Congress virtually no time to properly examine the merits of the Administration’s proposal.

The conferences recognize that the proposed termination of the Crusader system may present a higher degree of risk for Army soldiers, given that the precision munitions and rocket systems proposed as alternatives to the Crusader’s capabilities are unproven from technical, cost, and tactical perspectives. However, the conferences have concluded that since the Army has reported to the Congress on its plans to exclude the Crusader from its Objective Force, and since the Army has chosen to accelerate the fielding of the Next Generation Objective Force NLOS Cannon artillery system in the 2008 timeframe, the justification for the Crusader has diminished significantly.

The Army’s deficiency in heavy artillery capability cannot continue to be deferred irrespective of the development of precision guided munitions. The gap left by the termination of the Crusader artillery system must be filled.

The conferences believe it is imperative that the Army accelerate its plan to develop a next generation artillery cannon for the Objective Force to take full advantage of the $2 billion investment in state-of-the-art artillery technology developed under the Crusader program. The conferences direct the Army to enter into a follow-on contract immediately to leverage the Crusader technology to the maximum degree possible in order to develop and field a next generation Non-Line-of-Sight (NLOS) Cannon artillery system in the 2008 timeframe.

Finally, the conferences direct the Army to carefully review its requirements for this Objective Force NLOS Cannon artillery system to ensure that the desire for high mobility and speed of deployment is properly balanced against future needs of lethality and combat overmatch.

UNDERSEA WARFARE SUPPORT EQUIPMENT

The conferences direct that of the funds provided in the fiscal year 2002 Defense Appropriations Act under “Research, Development, Test and Evaluation, Navy” for Fleet Telecommunications (tactical), $2,000,000 shall be reallocated as follows: $1,000,000 shall be transferred to “Other Procurement, Navy” Undersea Warfare Support Equipment only to procure new improvements to the AN/SLQ 25A system and $1,000,000 shall be reprogrammed within “Research, Development, Test and Evaluation, Navy” to Fleet Telecommunications (tactical), $1,000,000 shall be transferred to other appropriations accounts.

REMOTE CHEMICAL AND BIOLOGICAL AGENT VAPOR DETECTION SYSTEM

The conferences agree with the House language concerning the remote chemical and biological agent vapor detection system and recommend $15,000,000 for this purpose.

CLASSIFIED PROGRAMS

The recommendations of the conferences regarding classified programs are summarized in a classified annex accompanying this statement.

GENERAL PROVISIONS—THIS CHAPTER

The conferences agree to retain section 301 as proposed by the House and Senate, which permits funds in “Research, Development, Test and Evaluation, Navy” to be used for the Special Operations Forces requirements related to the V-22 aircraft.

The conferences agree to delete language proposed by the House concerning obligation of funds in the Defense Cooperation Account to be transferred to other appropriations accounts.

The conferences agree to retain section 302, as proposed by the Senate, and delete language proposed by the House, which allows the Defense Department to continue to provide assistance to Russia and the Former Soviet Union states provided the President certifies that it is important to the national security interests of the United States.

The conferences agree to delete language as proposed by the Senate which authorizes the use of funds for military construction projects.

The conferences agree to delete language as proposed by the Senate which permits the Secretary of Defense to waive current restrictions on the establishment of a field operating agency.

The conferences agree to retain section 303, as proposed by the House and Senate concerning funds for intelligence related programs.

The conferences agree to delete language as proposed by the House which changes the deadline for submitting a request for multiple reprogramming to the Congress.

The conferences agree to retain section 304, as proposed by the House and Senate which makes funds available for the payment of certain expenses for international inspectors.

The conferences agree to retain and amend section 305, as proposed by the House which allows broader authority to the Department of Defense for assistance to Colombia.

The conferences agree to delete language as proposed by the House providing $93,000,000 to acquire three MH-47 helicopters for the Special Operations Command. The conferences do not agree to include this provision because the specific airframes that were to be procured through this effort are no longer available. However, the conferences concur with the direction provided in House Report 107–480 requiring the Secretary of Defense to provide a report to the defense committees later than 30 days after enactment of this act outlining the Department’s plans to acquire additional MH-47 helicopters to meet...
FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

The conferees provide a Federal payment of $10,000,000 to the Children's National Medical Center instead of $13,770,000 as proposed by the Senate. This reduction is included under section 337 of the Appropriation Act, 2002.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

The conferees provide a Federal payment of $23,000,000 to the District of Columbia to implement the Emergency Operations Plan instead of $24,730,000 as proposed by the Senate. The House bill contained no similar provision. Included in this amount is $1,700,000 for the expansion of quarantine facilities and $2,000,000 for the construction of a decontamination facility for children and families.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conferees provide a Federal payment of $5,000,000 to the Washington Metropolitan Area Transit Authority instead of $5,000,000 as proposed by the Senate. The House bill contained no similar provision. This funding is intended to contribute to the creation of a regional transportation back-up operations control center. Funding of this center is primarily a regional responsibility; therefore the conferees direct the General Manager of the Washington Metropolitan Area Transit Authority to submit by February 5, 2003 a plan for how this project will be financed. If it is determined that sufficient local funds cannot be dedicated to this project, the General Manager shall submit a plan that details how the agency proposes to expend the funds provided under this Act. The conferees do not intend to provide additional Federal funding for this project.

The conferees note that a number of the largest mass transit systems around the country have modified their vending systems to both accept and dispense the Sacajawea “Golden Dollar” coins. This is a coin which was created by congress and depicts an important Native American woman from American history. Regrettably, many mass transit systems around the country, including in the Nation’s Capital, have declined to modify their vending systems to make use of the coin. These transit systems have thus far missed a chance to educate the millions of people who annually use transit systems around both the Golden Dollar coin as well as this important American. As we approach the bicentennial celebration of Lewis and Clark’s “Year of Discovery,” the conferees direct the Washington Metropolitan Area Transit Authority to report to the Committees on Appropriations of the House of Representatives and Senate by February 1, 2003 on its efforts to make its vending machines “Golden Dollar” capable.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

The conferees provide a Federal payment of $700,000 for the Mayor of the District of Columbia. The House and Senate bills contained no similar provision.

From rescinded funds referenced in the paragraph above, the conferees provide a Federal payment of $700,000 to the Mayor of the District of Columbia. These funds are available for the same purposes and subject to the same reporting and availability requirements that were identified under this heading in the District of Columbia Appropriations Act, 2002. The House and Senate bills contained no similar provision.

CERTIFICATES OF PARTICIPATION

From funds rescinded under page 79 of the Senate Appropriations Bill, the conferees provide an allowance of $79,000,000 for operations of the Corrections Information Council as proposed by the Senate. The House bill contained no similar provision.

HUMAN SUPPORT SERVICES

From funds rescinded under page 79 of the Senate Appropriations Bill, the conferees provide $3,000,000 for operations of the Corrections Information Council as proposed by the Senate. The House bill contained no similar provision.

REPAYMENT OF LOANS AND INTEREST

The conferees rescind $7,260,000 from repay-ment of loans and interest as proposed by both the House and the Senate.

CERTIFICATES OF PARTICIPATION

From funds rescinded under page 79 of the Senate Appropriations Bill, the conferees provide $7,260,000 for operations of the Corrections Information Council as proposed by the Senate. The House bill contained no similar provision.
$7,950,000 to be used for certificates of participation as proposed by both the House and the Senate.

**Enterprise and Other Funds**

WATER AND SEWER AUTHORITY

Language is included to allow the District government to use and spend federal payments appropriated earlier in this chapter to the District government's general fund.

**General Provisions, This Chapter**

Sec. 401. Use of Emergency Supplemental Funds. The conferees include a provision as proposed by both the House and the Senate that amends language contained in the District of Columbia Appropriations Act, 2002 to clarify that the D.C. Courts are allowed to transfer 50 percent of the fund balance from the Governmental Reimbursement fund to the District’s newly established Crime Victims Fund for outreach activities.

The Senate amendment would authorize the District of Columbia to expend other funds if the Chief Financial Officer certifies that the funds are available and are not required to address potential deficits and with prior notification to the Committees on Appropriations of the House and Senate of the acceptance, obligation, and expenditure of such funds.

Sec. 402. Crime Victims Compensation Fund. The conferees include a provision as proposed by both the House and the Senate that provides for safeguards and security be used for commercial insurance against catastrophic risks; therefore this language is no longer needed.

The conferees also modify a provision proposed by the Senate that allows any funds designated by the Congress as an emergency requirement activities on various projects at the National Center for Combating Terrorism. Safeguards and security.—Additional funding of $37,150,000 has been provided for increased safeguards and security needs at the Department’s nuclear weapons facilities. Of the total, $18,000,000 is for emergency response activities as requested by the Administration. Additional funding of $18,000,000 has been provided for secure transportation of nuclear weapons and materials.

For counter-terrorism activities and preparedness, $33,500,000 has been provided for in the supplemental and/or continuing resolutions on emergency response activities as requested by the Administration.

The conference agreement includes $7,000,000 for the Water and Related Resources Administration Weapons Activities (Including Rescission). The conference agreement provides $158,050,000 for Weapons Activities instead of $125,400,000 as proposed by the House and $181,650,000 as proposed by the Senate. These funds are available for obligation through September 30, 2002.

The recommendation includes $19,400,000 for nuclear weapons incident response and emergency response activities as requested by the Administration. Additional funding of $18,000,000 has been provided for secure transportation of nuclear weapons and materials.
(RESCISSION)

The conference agreement includes a rescission of $14,460,000 of funds appropriated to the National Nuclear Security Administration (not including the nuclear non-proliferation reactors programs) in Public Law 107–66 and prior Energy and Water Development Appropriations Acts.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement includes $100,000,000 for the Defense Nuclear Nonproliferation as proposed by the Senate instead of $5,000,000 as proposed by the House. The funds are available for obligation through December 31, 2002.

Funding of $35,000,000 is provided for non-proliferation and verification and development to develop sensors and other technologies to prevent nuclear and other deadly materials from entering this country, detect these substances elsewhere in the nation, and enhance preparedness in the event of an attack. Of these funds, not less than $20,000,000 is provided for the International Materials Protection, Control and Accounting program to plan and initiate nuclear materials protection and control activities consistent with the former Soviet Union and to accelerate current programs in Russia.

Funding of $15,000,000 is provided for the Arms Control program. Of this amount, $6,000,000 is to implement the U.S.-DPRK Agreed Framework; $1,000,000 is for additional International Atomic Energy Agency (IAEA) safeguards and nonproliferation support for specific countries under safeguards; and $5,000,000 is for nuclear materials security programs in IAEA member countries.

Elimination of Weapons-Grade Plutonium Production.—Funding of $10,000,000 is provided to accelerate the transfer of the Elimination of Weapons-Grade Plutonium Production in Russia program to the Department of Energy from the Department of Defense by the Administration for fiscal year 2003. The total amount for this program is almost $500,000,000, and the current completion date of 2006 may be difficult to achieve.

The conferees note that this is a very complicated procurement, implementation, involving substantial contributions by and coordination with the Russian Government. Accordingly, the conferees direct the Administrator of NNSA to require the application of the Department’s established directives or project management, to include acquisition planning, alternative analysis, and critical decisions for these programs at the level prescribed by the Department’s directives, before expenditure of funds appropriated by this Act.

The conferees are aware that the Department allowed its contractor to initiate program activities in advance of receiving funds for this program. None of the funds provided in this Act may be used to repay expenses incurred by the Department or its contractors for activities conducted prior to enactment of this Act.

Return of Domestic Sealed Sources.—The conference agreement provides $10,000,000 to accelerate the recovery of excess radioactive material in the United States through the Department’s Offsite Source Recovery program. With this funding, it should be possible to compress the recovery schedule to 18 months for over 5000 excess sealed sources.

The conferees direct the Secretary to submit to the House and Senate Committees on Appropriations by October 31, 2002, a program plan detailing the activities, with costs, schedules and deliverables, to be accomplished in this program.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $1,750,000 for the Office of the Administrator as proposed by the Senate instead of no funding as proposed by the House. The funds are available for obligation through September 30, 2002.

The availability of these funds is contingent upon receipt request from the President designating the funds as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(INCLUDING RESCission)

The conference agreement provides $56,000,000 for Environmental Restoration and Waste Management to enhance environmental quality and increase security at several Department of Energy environmental management cleanup sites not funded by the President in FY2002 and for activities consistent with the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides $14,000,000 for Defense Facilities Closure Projects to enhance safeguards and security at several closure sites instead of $16,600,000 as proposed by the House and no funding as proposed by the Senate. These funds are available for obligation through September 30, 2002.

The availability of these funds is contingent upon receipt of a budget request from the President designating funds as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides $10,000,000 for Defense Facilities Closure Projects to enhance safeguards and security at several closure sites instead of $16,600,000 as proposed by the House and no funding as proposed by the Senate. These funds are available for obligation through September 30, 2002.

The availability of these funds is contingent upon receipt of a budget request from the President designating funds as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEFENSE ACTIVITIES

The conference agreement provides $7,000,000 for Other Defense Activities for critical energy security and insurance activities as proposed by the House and the Senate and the same as the budget request. These funds are available for obligation through September 30, 2002.

Sec. 500. The conference agreement includes a provision proposed by the Senate regarding a biomas project in Winona, Mississippi.

Sec. 502. The conference agreement includes a provision proposed by the Senate requiring the Secretary of Energy to award a contract for two depleted uranium hexafluoride facilities.

Provisions not adopted.—The conference recommendation modifies a provision proposed by the Senate including $3,000,000 for the Bureau of Reclamation to drill five wells in New Mexico. Funding for this activity has been included in the Bureau of Reclamation, Water and Related Resources Appropriations.

CHAPTER 6
REPORTING AND NOTIFICATIONS

The managers direct the Administration to submit a financial plan to the Committees on Appropriations regarding the use of funds for Presidential designations or emergency designations by the President as a result of the enactment of this Act. Further, the managers direct the Department of State and the United States Agency for International Development to implement programs, projects and activities recommended in this chapter consistent with the budget justification material submitted to the Committees on Appropriations.

EMERGENCY DESIGNATIONS

The conference agreement includes an emergency designation pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for each of the appropriations paragraphs recommended in this chapter. Appropriations that exceed the President’s request include a rescission of $30,000,000 as proposed by the Senate to rescind $30,000,000 from various Department of Energy accounts. The conference agreement provides alternative funding sources for this rescission.

The conference recommendation does not include a provision proposed by the Senate providing $3,000,000 for the Bureau of Reclamation to drill five wells in New Mexico. Funding for this activity has been included in the Bureau of Reclamation, Water and Related Resources Appropriations.

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

The conference agreement appropriates, subject to the regular notification procedures of the Committees on Appropriations, $200,000,000 to remain available until June 30, 2003, for emergency expenses for activities related to combating AIDS, tuberculosis, and malaria. Additional assistance to be provided for mother-to-child transmission of HIV/AIDS and for maternal health and other assistance to communities significantly affected by HIV/AIDS.

The conference agreement provides that not less than $100,000,000 under this heading in this Act should be made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria (Global Fund). Language similar to the House bill also provides that the cumulative amount of funds made available in this Act for prior years under the heading “Child Survival and Disease Programs Fund” for the Global Fund may not exceed the total resources provided to all donors to the Global Fund for calendar year 2002.

In addition, the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and shall be
available only to the extent an official budget request that includes designations of the entire amount of the request as an emergency requirement as defined in said Act is transmitted by the President to the Congress.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $184,000,000, instead of $190,000,000 as proposed by the House and $185,000,000 as proposed by the Senate. These funds include up to $134,000,000 for activities in Afghanistan, including repairs of houses damaged during military operations, and $50,000,000 for activities in the West Bank and Gaza. Funds are available for obligation until September 30, 2003, as proposed by the House instead of March 31, 2003, as proposed by the Senate.

The managers note that while the situation of women in Afghanistan has improved since the Taliban era, serious obstacles, including illiteracy, joblessness, violence against women, lack of access to health care, and lack of clearly defined rights continue to hinder the progress of Afghan women. The managers understand the difficulties inherent in implementing assistance programs in Afghanistan but are nonetheless concerned about the rapid and relatively large amount of assistance devoted specifically to improving the lives and opportunities of Afghan women. The Afghan Ministry of Women's Affairs is positioned to provide the primary center of capacity to carry out women-focused development in Afghanistan, and the managers commend USAID for the support it has given to the Ministry thus far. The managers strongly recommend that not less than $2,500,000 from this account be provided to enable the Ministry to establish multi-service women's centers throughout Afghanistan for the purpose of implementing programs to improve women's and girl's health and expand economic opportunities through educational and literacy training.

The conference agreement includes $50,000,000 for humanitarian assistance for the West Bank and Gaza, which must be designated by the President as emergency spending. The House bill and the Senate amendment included similar provisions, except that the House bill would have appropriated $50,000,000 for an account under "Economic Support Fund" and transferred them to "International Disaster Assistance". In addition, the conference agreement includes language that designates $20,000,000 for emergency repair of houses damaged during military operations in the West Bank and Gaza. This issue is addressed under "International Disaster Assistance". Funds may remain available for obligation until June 30, 2003. The conference agreement does not include language in the Senate amendment that would have provided that $50,000,000 should be made available for the Middle East Economic Initiative (MEEI). The House bill did not address this matter. The managers agree the initiative should receive an allocation of $50,000,000, which amount should be administered by the Bureau of Democracy, Human Rights, and Labor, Department of State. However, it is the manager's understanding based on information provided by the Coordinator of Assistance to Europe and Eurasia that not less than $10,000,000 will be made available for democracy and human rights programs in Central Asia. The managers expect that within 30 days of enactment of this Act, the Coordinator will provide the Committees on Appropriations with a description of the activities in the democracy and human rights programs and activities to be conducted in Central Asia with funds appropriated by this Act, including language similar to that in the Senate amendment that would not exceed $25,000,000 for democracy and human rights programs and activities to be conducted in Central Asia, and expect that a significant amount of the additional resources provided in this Act will be allocated to these sectors. Because of the special needs in Afghanistan, emphasis should be placed on microcredit and clean water programs.

The conference agreement includes language similar to that in the Senate amendment that would require that the Committee on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act. The House bill did not address this matter.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $117,000,000 instead of $120,000,000 as proposed by the House and $104,000,000 as proposed by the Senate. These funds would remain available until September 30, 2003, as proposed by the House and $104,000,000 instead of $120,000,000 as proposed by the Senate. These funds include up to $2,500,000 for training, equipment, and other assistance for park rangers for the Colombian National Park Service. However, the managers are aware of Colombia's extraordinary system of national parks and reserves and of the grave threats to these areas posed by coca farmers, illegal loggers, and armed conflict. The managers recognize the importance of environmental and eco-tourism importance of these parks and reserves. The managers intend to provide assistance to the Colombia National Park Service to protect these areas with funding in fiscal year 2003 from the Andean Counterdrug Initiative.
The conference agreement includes language similar to that in the Senate amendment that not to exceed $1,000,000 should be available for police training in Indonesia. The House did not address this matter.

The conference agreement includes language similar to that in the Senate amendment that would require that the Committees on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act. The House bill did not address this matter.

The conference agreement provides that $6,000,000 under this heading may be made available for assistance for the Colombian Armed Forces for purposes of protecting the pipeline from terrorist activities. The managers are aware that the majority of people living in Arauca department, where the Cano Limon pipeline is located, remain impoverished despite the extraction of oil worth billions of dollars from that area. The conference agreement provides that prior to the obligation of funds appropriated under this heading in this Act the Secretary of State shall submit a report describing oil revenues by the Government of Colombia from the pipeline during the preceding 12 months and estimates of the government and private oil companies with a financial interest in the pipeline for programs to improve the lives of the people in Arauca department, and to increase exports of medicinal and agricultural commodities to increase their income. The report should be provided if deemed necessary.

The conference agreement does not include language in the Senate amendment that would subject the funds to the regular notification procedures of the Committees on Appropriations. The House bill did not address this matter.

The conference agreement provides that funds appropriated under this heading in this Act shall be available to support a unified campaign to eradicate narcotics crop and drug laboratories and for the development of social self-help programs that provide for community control of drug abuse in the Philippines. The House did not address this matter.

The conference agreement includes Senate language that would require that funds provided under this heading would be exempt from the provision of law that would require the $10,000,000 for humanitarian demining activities. However, the managers strongly support humanitarian demining and strongly support this activity. The House did not address this matter.

The conference agreement does not include Senate language that would require the obligation of funds for Antiterrorism Assistance Mobile Emergency Training Teams, the Defense Department to report on Appropriations of the amount of such funds that would be made available for administrative costs. In addition, the managers recognize that funds appropriated under this heading in this Act must be designated by the President to presumably support a unified campaign to eradicate narcotics crop and drug laboratories and for the development of social self-help programs. The House bill did not address this matter.

The conference agreement includes Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House and March 31, 2003 as proposed by the Senate.

The conference agreement does not include language in the Senate amendment that would subject the funds to the regular notification procedures of the Committees on Appropriations. The House bill did not address this matter.

The conference agreement includes a rescission of $60,000,000 from funds appropriated to carry out the provisions of parts I and II of the Foreign Assistance Act of 1961, and the Arms Control and Disarmament Act of 1961, as contained 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. Of these funds, not more than a total of $25,000,000 may be rescinded from funds appropriated under the heading “Development Assistance,” in addition to rescissions required by law, and that may be made available for obligations with respect to Afghanistan under this title in the event of an emergency situation, such as kidnappings, that is determined by the President to be in the national interest. The managers strongly support humanitarian demining and strongly support this activity. The House did not address this matter.

The conference agreement includes Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House.

The conference agreement includes Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until September 30, 2003 as proposed by the House. The House did not address this matter.

The conference agreement includes Senate language that would require that funds provided under this heading would be available for obligation only until March 31, 2003 as proposed by the Senate.

The conference agreement includes language that would subject the funds to the regular notification procedures of the Committees on Appropriations. The House bill did not address this matter.

The conference agreement includes Senate language that would require that the Committees on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act. The House bill did not address this matter.

The conference agreement includes language that would require that the Committees on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act. The House bill did not address this matter.

The conference agreement does not include Senate language exempting only Afghani- stan from the provisions of section 512 of the Foreign Assistance Act of 1961, as contained 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. Of these funds, not more than a total of $25,000,000 may be rescinded from funds appropriated under the heading “Development Assistance.” In addition, no rescission may be made from funds appropriated under this heading for the purposes of protecting the Cano Limon pipeline.

The conference agreement does not include Senate language that would require the obligation of funds under this heading in this Act.

The conference agreement does not include Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House.

The conference agreement includes Senate language requiring that funds provided under this heading in this Act shall be subject to the regular notification procedures of the Committees on Appropriations. The House bill did not address this matter.

The managers request that prior to the obligation of funds for Antiterrorism Assistance Mobile Emergency Training Teams, the Defense Department to report on Appropriations of the amount of such funds that would be made available for administrative costs. In addition, the managers recognize that funds appropriated under this heading in this Act must be designated by the President to presumably support a unified campaign to eradicate narcotics crop and drug laboratories and for the development of social self-help programs. The House bill did not address this matter.

The conference agreement does not include Senate language exempting only Afghanistan from the provisions of section 512 of the Foreign Assistance Act of 1961, as contained 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.

The conference agreement does not include Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until September 30, 2003 as proposed by the House.

The conference agreement does not include Senate language that would require the obligation of funds under this heading in this Act.

The conference agreement does not include Senate language that would require that the Committees on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act.

The conference agreement does not include Senate language requiring a rescission of $60,000,000 from funds appropriated under this heading in this Act. The House did not address this matter.

The conference agreement does not include Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House.

The conference agreement does not include Senate language that would require the obligation of funds under this heading in this Act.

The conference agreement does not include Senate language that would require that the Committees on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act.

The conference agreement does not include Senate language requiring a rescission of $60,000,000 from funds appropriated under this heading in this Act. The House did not address this matter.

The conference agreement does not include Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House.

The conference agreement does not include Senate language that would require the obligation of funds under this heading in this Act.

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The conference agreement does not include Senate language requiring a rescission of $60,000,000 from funds appropriated under this heading in this Act. The House did not address this matter.

The conference agreement does not include Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House.

The conference agreement does not include Senate language that would require the obligation of funds under this heading in this Act.

The conference agreement does not include Senate language that would require that the Committees on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act.

The conference agreement does not include Senate language requiring a rescission of $60,000,000 from funds appropriated under this heading in this Act. The House did not address this matter.

The conference agreement does not include Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House.

The conference agreement does not include Senate language that would require the obligation of funds under this heading in this Act.

The conference agreement does not include Senate language that would require that the Committees on Appropriations be informed 15 days prior to the obligation of funds provided under this heading in this Act.

The conference agreement does not include Senate language requiring a rescission of $60,000,000 from funds appropriated under this heading in this Act. The House did not address this matter.

The conference agreement does not include Senate language that would require that funds provided under this heading would be available for obligation only until June 30, 2003 instead of until March 31, 2003 as proposed by the House.

The conference agreement does not include Senate language that would require the obligation of funds under this heading in this Act.
the use of United States assets may be required to protect human health and welfare before the affiliation of the perpetrators has been determined. The managers expect this authority to be continued in fiscal year 2003 unless the new government of Colombia fails to make good faith efforts to fulfill the commitments made in subsections (b) and (c). They intend these authorities to continue to be in effect in the event a continuing resolution is necessary for a portion of fiscal year 2003.

The report requires the Secretary of State to report that the newly elected President of Colombia has made several commitments, in writing, regarding policy reforms, and the allocation of Colombian financial resources. The managers expect the Secretary to provide copies of these written commitments to the Committees on Appropriations.

Although section 603 of the House bill requiring a report on Andean security strategy is not included in the conference report, the managers are concerned that the Administration has inadequately articulated clear objectives of U.S. policy in Colombia, what actions would be required, and what it would cost to achieve those objectives. Therefore, the managers direct that within 90 days of enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, submit to the Committees on Appropriations, describing in detail—(1) the President’s policy toward Colombia; the objectives of that policy; the actions required by and the expected financial costs to the United States, Colombia, and any other country or entity to achieve those objectives; and the expected time schedule for achieving those objectives; (2) specific benchmarks for measuring progress toward achieving the objectives of the President’s policy; (3) the expected reduction, if any, in the amount of cocaine and heroin entering the United States as a result of the President’s Andean Counterdrug Initiative within the expected time schedule; and (4) the mission and objectives of United States Armed Forces personnel and civilian contractors employed by the United States in connection with such assistance, and the threats to their safety in Colombia.

Under section 603, the conference agreement includes a general provision similar to section 201 of the Senate amendment regarding Afghanistan security and the delivery of assistance. The conference agreement requires the President to transmit two reports, the first on immediate security needs, and the second security strategy.

The conference agreement does not include Senate language that would have earmarked $34,000,000 for the United Nations Population Fund (UNPA). The managers note that $34,000,000 was provided for this purpose in P.L. 107-107, and are concerned that the funds have not yet been made available for obligation. The managers note that a Presidential determination regarding UNPA activities in China, together with the accompanying State Department report on its investigation of those activities in China, has not been made or transmitted to Congress, contrary to written assurances by the Director of the Office of Management and Budget.

CHAPTER 7
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $58,000,000 for Management of Lands and Resources as proposed by the House. The Senate had proposed $7,030,000 for Departmental Management, including $43,780,000 for law enforcement costs under Departmental Management.

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT

The conference agreement provides $1,038,000 for Resource Management, instead of $1,443,000 as proposed by the House and $412,000 as proposed by the Senate. The amount recommended includes the $1,412,000 for continuity of operations as proposed by both the House and Senate and $626,000 for the repayment of law enforcement costs. The Senate had proposed the repayment of service law enforcement costs under Departmental Management.

CONSTRUCTION

The conference agreement provides $3,125,000 for Construction as proposed by the Senate instead of no funding as proposed by the House.

NATIONAL PARK SERVICE
OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,173,000 for Operation of the National Park System as proposed by the Senate. The Senate had proposed funding the repayment of Service law enforcement costs under Departmental Management.

The conference agreement provides $17,651,000 for Construction as proposed by the Senate instead of $23,700,000 as proposed by the House.

UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $26,000,000 as proposed by the House and $25,700,000 as proposed by the Senate. The conference agreement conforms to the Senate recommendation except the $776,000 for an improved backup power system is not included.

BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS
(INCLUDING RESCSSION OF FUNDS)

The conference agreement provides $134,000 for the Operation of Indian Programs as proposed by the Senate. The Senate had proposed funding the repayment of Bureau law enforcement costs under Departmental Management.

The conference agreement also rescinds $5,000,000 from the San Carlos Irrigation project as proposed by the Senate instead of a rescission of $5,000,000 as proposed by the House. The conference agreement also includes language as proposed by the House redirecting excess funds (after the rescission) from the San Carlos Irrigation Project for trust reform costs related to the ongoing Cobell and other litigation related to management of Indian trust funds.

DEPARTMENTAL OFFICES
DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

The conference agreement provides $865,000 for Salaries and Expenses as proposed by the House instead of $7,030,000 as proposed by the Senate.

DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WILDLAND FIRE MANAGEMENT

The conference agreement provides $50,000,000 as an emergency contingent appropriation for Wildland Fire Management instead of no funds as proposed by both the House and the Senate.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $3,500,000 for Capital Improvement and Maintenance as proposed by the Senate instead of no funding as proposed by the House.

CHAPTER 8
DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES

The conference agreement deletes funding provided in both bills for Training and Employment Services. The conference agreement provides $10,000,000 for Salaries and Expenses instead of $11,000,000 as proposed by the House and no funding as proposed by the Senate.

CONSTRUCTION

The conference agreement provides $2,000,000 for Construction as proposed by both the House and the Senate.

GENERAL PROVISIONS, THIS CHAPTER
Section 701 retains the text of House section 701 mandating the release of previously appropriated emergency firefighting funds to the Forest Service.

Section 702 provides that no funds, except funds appropriated to the Office of Management and Budget, can be spent to study the transfer of research functions from the Smithsonian Institution to the National Science Foundation.

Section 703 modifies the text of House section 703 dealing with the collection and retention of fees at Midway Atoll National Wildlife Refuge. The modification allows the Secretary of the Interior to charge reasonable fees for services at Midway Atoll National Wildlife Refuge, including fuel sale, and retain those fees for operation and maintenance of infrastructure and staff required for non-refundable special-needs, including, but not limited to, activities and equipment required for airport operating certification and the purchase of fuel. The Fish and Wildlife Service has an airport operating certificate as provided in 49 U.S.C. 4706. The Service should continue to maintain certification and recoup costs from organizations that directly benefit from airfield certification, as well as charging fees for services. The Service also should establish cooperative agreements to facilitate continued airfield operations.

Section 704 retains the text of Senate section 701 providing authority to the MMS to recover transportation and administrative costs associated with filing the Strategic Petroleum Reserve.

Section 705 makes a technical modification to the text of House section 705 involving reciprocal authority for treatment of foreign and U.S. firefighters. The Senate addressed this issue in section 702. The balance of Senate section 702, dealing with the Black Hills National Forest, is addressed in section 706. Section 706 replaces the text of Senate section 702 dealing with the Black Hills National Forest. The managers have agreed to bill language, which allows the Forest Service to undertake actions to address promptly the risk of fire and insect infestation in the Black Hills National Forest. SD. In addition, the language designates a small addition to the existing lack Elk Wilderness area on the forest.

The conference agreement does not include language proposed by the House in section 705 prohibiting the Department of Defense from being held responsible for civilian water consumption outside the boundaries of a military installation and beyond the direct authority and control of the Secretary of Defense for purposes of the Endangered Species Act.
that these funds should be considered during the regular fiscal year 2003 appropriations process.

The conferees understand that the Department is currently seeking support for capacity building efforts of national community based organizations. The conferees urge the Department to reconsider its support for these organizations in total enrollment over the past year. The conferees strongly urge that special attention be given to the employment needs of young adult dislocated workers in utilizing available funds for dislocated worker assistance. The conferees were pleased to learn from the Administration that it had established an interagency effort to address our nation's nursing shortage. The shortage is especially critical in rural America and within various ethnic minority populations.

The Department is strongly urged to work with nursing programs that work with these affected populations and, in particular, to ensure that there are adequate opportunities exist for nursing students.

The conferees concur with language contained in the Senate report directing the Department to implement the grantee accountability measures and competition for states as authorized on an emergency contingent basis. The conferees were pleased to learn from the Administration that it had established a performance plan for the Early Head Start program from Columbia Hospital for Women within the Maternal and Child Health grant. The conferees urge the Labor Department to also implement performance measures for the Early Head Start program.

The conference agreement provides a similar provision.

The conference agreement does not include a rescission of $39,000,000, as proposed by the House and Senate, to be taken from the two sources identified in the House and Senate reports.

The conference agreement does not include bill language to clarify the original intent of the conference to provide in Public Law 107–116 $36,600,000 within this account for the John Edward Porter Neuroscience Research Center, as requested by the Administration in justifying the accompanying the budget request. This funding would support both Phase I of the project and the design of Phase II.

The conference agreement does not include $72,000,000 in emergency funding for NIH campus security enhancements as proposed in the Senate bill. The House bill did not include a similar provision.

The conference agreement does not include the provision in the Senate bill specifying $1,000,000 for the Johns Hopkins School of Medicine for a study of chest oscillation therapy for chronic obstructive pulmonary disease as proposed in the Senate bill. The House bill did not include a similar provision.

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The conference agreement includes $1,000,000 to accelerate and expand work related to prion diseases, the same as provided by the House. The Senate bill included no funds for this purpose.

The conferees concur in language included in the House report concerning the inclusion of all relevant Centers in the development and implementation of the health-tracking network.

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The conferees agree to the House report language regarding the Medicare appeals process established by the Benefits Improvement and Protection Act of 2000 with the following modifications. The requested report should focus on implementing the appeals process and the Department's plans for that implementation.

The conferees have been very pleased with the efforts of CMS under its demonstration authority to address the extraordinary adverse health status of Native Hawaiians in Waimanalo, Hawaii. The conferees urge an increased focus on residents in that geographical area utilizing the expertise of the Waimanalo Health Center and its Maui Ola Program.

The conference agreement does not include the provision in the Senate bill specifying $1,000,000 for the Johns Hopkins School of Medicine for a study of chest oscillation therapy for chronic obstructive pulmonary disease as proposed in the Senate bill. The House bill did not include a similar provision. These funds are provided on an emergency contingent basis.

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personnel and rescue and recovery personnel exposed to environmental contaminants in the wake of the terrorist attacks of Sep- tember 11, 2001 at the World Trade Center in New York City the same amount as provided in the Senate bill. The House bill included no similar provision. These funds are provided on an emergency contingency basis. The conference concur in the guidance in- cluded in the Senate report, with the further understanding that activities undertaken are to include clinical examination and evaluation as appropriate. The conference requested an implementation plan to be provided to both Committees within six months of the enact- ment of this Act, and annual reports there- after on accomplishments, funds obligated, funds expended, and balance.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes lan- guage relating to the expenditure of funds for digital programming in the Ready to Teach program as proposed by the Senate. The House bill contained no similar lan- guage. The conference agreement includes a tech- nical correction relating to the amounts of funding available for the Fund for the Im- provement of Education and the Cooperative Civic Education program as proposed by both the House and the Senate. The conference agreement also in- cludes technical corrections to various projects.

STUDENT FINANCIAL ASSISTANCE

The conference agreement includes $1,000,000,000 to help relieve a shortfall in the enhanced grant program and provides that these funds shall be available until September 30, 2003, as proposed by the House. The Senate bill provided $1,000,000,000 for the same purpose but designated that amount as an emer- gency.

HIGHER EDUCATION

The conference agreement includes technical corrections to various projects as proposed by the House and the Senate.

EDUCATIONAL RESEARCH, STATISTICS, AND ASSESSMENT

The conference agreement includes a technical correction allowing the con- tract for the Eisenhower National Clearinghouse for Mathematics and Science Education to be continued for one additional year. The House bill contained no similar language.

GENERAL PROVISIONS

Section 801. The conference agreement in- cludes a permanent change to section 803(b) of the Elementary and Secondary Education Act of 1965, as amended, that modifies the number of students required in a portion of the payment formula for heavily impacted districts as proposed by the Senate. The House bill contained no similar provision.

Section 802. The conference agreement in- cludes a permanent change to section 8003(b)(1) of the Elementary and Secondary Education Act of 1965, as amended, that modifies the provision on determining a school district’s local contribution rate as proposed by the Senate. The House bill contained no similar provision.

Section 803. The conference agreement in- cludes the $45,000,000 rescission in adminis- trative and related expenses in the Depart- ment of Labor, Health and Human Services, and Education included in the Senate bill, amended to remove the language requiring that these funds be spent on a multi-year basis. The House bill contained no similar provision. Specific rescission amounts are to be determined and distributed by the Office of Management and Budget. The conference agreement directs the Office of Management and Budget to distribute this administrative reduction in such a manner as to ensure and furthers of departmental personnel do not occur.

Section 804. The conference agreement includes the language specifying the new distribution of Title I funds within the New York City public school system as proposed by the Senate. The House bill contained no similar provi- sion.

CHAPTER 9

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

The conference agreement includes $1,600,000 for Standing Committees, Special and Select for the Permanent Select Committee on Intelligence.

JOINT ITEMS

CAPITOL POLICE BOARD, GENERAL EXPENSES

The conference agreement provides $16,000,000 for general expenses for the United States Capitol Police. Of this amount, $12,500,000 is provided for reimbursement to the Environmental Protection Agency for anthrax investigations and cleanup to the Capitol Complex.

LIBRARY OF CONGRESS

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The conference agreement provides an additional direct appropriation of $7,500,000, as requested, to offset the increased level of receipts resulting from months of mail suspen- sion.

ADMINISTRATIVE PROVISIONS—THIS CHAPTER

Sec. 901. The conference has included an administrative provision regarding Senators’ Office Personnel and Office Expense Acc- ount.

Sec. 902 and Sec. 903. The conference has included two provisions making a technical correction regarding a House item and a Senate item to P.L. 107-117.

Sec. 904. A provision has been included pro- viding Economic Act authorization to the CAO of the House of Representatives.

Sec. 905. The conference has included a provision authorizing the Architect of the Capit- ol to procure space for an alternate com- puter center for the legislative branch.

Sec. 906. A provision has been included which establishes an account for the Archi- tect of the Capitol to be titled “Capitol Po- lice Buildings and Grounds.”

Sec. 907. A provision has been included au- thorizing the Architect of the Capitol to ac- quire Property for the use of the Capitol Po- lice.

CHAPTER 10

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes $7,250,000 for this account instead of $8,505,000.
as proposed by the House. The reduced amount is based on the Air Force’s revised execution strategy for the projects provided in the House-passed bill. The Senate did not have similar instruction included in the account. The following are the account of the following projects:

<table>
<thead>
<tr>
<th>Location/Installation</th>
<th>Project title</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diego Garcia</td>
<td>Communications Switching Facility</td>
<td>$3,450,000</td>
</tr>
<tr>
<td>Diego Garcia</td>
<td>Staffing/Unstaffing Pad</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>Worldwide</td>
<td>Planning and Design</td>
<td>$200,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$7,250,000</td>
</tr>
</tbody>
</table>

These funds are designated as contingent emergency requirements.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conference agreement includes $21,500,000 for this account as proposed by the House. The Senate did not include a similar provision. Of this amount, $19,600,000 is provided for the Army, $800,000 for the Navy, and $500,000 for the Air Force. The remaining $1,900,000 is provided for planning and design of the projects.

The conference agreement includes a contingent emergency requirement.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes one general provision.

The conference agreement includes a provision, Section 1001, as proposed by the Senate, which allows funds made available in this Act for the military construction projects with a requirement to provide Congress a 15-day prior notification. The House did not include a similar provision.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

(LIMITATION ON OblIGATIONS)

The conference agreement increases the fiscal year 2002 obligation for the Transportation Administrative Service Center from $116,023,000 to $128,123,000 to accommodate additional security needs of the Department, as proposed by the House. The Senate bill also included this obligation, but in a general provision. The conference agree not to concur with language included in the Senate report on the simultaneous termination of visas and domestic flight checks.

TRANSPORTATION SECURITY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The recommendation includes $3,850,200,000 for activities of the Transportation Security Administration (TSA), instead of $3,850,000,000 as proposed by the House and $4,702,525,000 as proposed by the Senate. Of the total, the bill provides that $480,200,000 is designated as a contingent emergency appropriation, and $1,900,000 is to be transferred to the Federal Emergency Management Agency (FEMA) for reimbursement of “bridge loans” made to TSA out of Emergency Response Fund resources previously set-aside for FEMA activities in New York City. Funds are available until expended, as proposed by the Senate, instead of until September 30, 2003, as proposed by the House.

The conference agreement includes, and the bill specifies, additional funding for critical infrastructure transportation security improvements which were not included in the request, as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants to port authorities and other entities for security enhancements and port incident training at U.S. ports</td>
<td>$125,000,000</td>
</tr>
<tr>
<td>Procurement of air-ground communications systems for federal air marshals</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Intercity bus security</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Operation safe commerce</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Airport terminal</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Radiation detection system test and evaluation</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Security research and development of passenger and baggage screening projects</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

TSA reprogramming procedures. — The conference is concerned that, including funds in this bill, $6,200,000,000 is being provided to TSA in fiscal year 2002, with no reprogramming guidelines or clearly-defined programs, projects, and activities (PPAs) established or proposed by the administration. TSA’s budget requests include a mixture of operating and capital expenses, which would normally involve separate appropriations with strict controls over transfers. In addition, TSA’s budget information has sometimes been contradictory, and not submitted in a common format allowing useful budgetary comparisons or an appropriate level of detail to be used for reprogramming controls. Consequently, the conference directs TSA to follow the existing reprogramming procedures for the Department of Transportation. These guidelines establish the following minimum thresholds for reporting proposed funding shifts to Congress:

- Proposed actions involving funding shifts of more than 15 percent of new budget authority for the benefitting or providing PPA, or $1,000,000, whichever is lower; or
- Proposed actions of any size that deviate from high priority Congressional interests and requirements, as reflected in report language and documented in DOT’s annual Base for Reprogramming Actions.

To implement these procedures, a list of PPAs must be developed against which the reprogramming thresholds apply. To establish this, the conference directs TSA to provide a fiscal year 2002 reprogramming baseline to the House and Senate Committees on Appropriations no later than August 9, 2002. This document shall serve as the baseline document against which future budget requests, as well as the agency’s annual reprogramming actions, and shall include, at a minimum, the following PPAs:

- Third Party Screening Contracts, National Guard Costs, State and Local Law Enforcement Officers, Office Costs
- ACS Field Staff Salary and Benefits and Other Costs
- ACS Research/IFT Staff Salary and Benefits and Other Costs
- ACS Security Specialists, Benefits and Other Costs
- Explosive Detection Research and Development, Human Factors Research, Aircraft Hardening and Airport Security Technology Research and Development, Research Pilot and Demonstration Projects
- Frontline Passenger Screener Salary and Benefits and Other Costs, Supervisor Passenger Screener Salary and Benefits and Other Costs
- Frontline Passenger Screener Salary and Benefits and Other Costs, Supervisor Passenger Screener Salary and Benefits and Other Costs
- TSA Cargo Inspectors Salary and Benefits and Other Costs
- Law Enforcement Officer Salary and Benefits, Law Enforcement Officer Other Costs, Law Enforcement Supervisor Salary and Benefits, Law Enforcement Supervisor Other Costs
include, at a minimum: (1) a description of each job series; (2) the number of individuals employed in each job series; (3) the total annual salary cost, average and median salary costs, and the percentage change for each job series; and (4) the degree to which the agency has fulfilled the diversity goals as articulated by the Under Secretary. Every two months, the report should include a comparison of average salary costs and the percentage change for each job series during the two month period. The report should also indicate the volume of undefinitized contract actions that will be provided regarding federal air marshals, even if such data is transmitted separately due to regulations.

Contract oversight.—TSA is currently budgeting over $3,000,000,000 for start-up contract costs in fiscal year 2002. These include contract acquisition, hiring, and training TSA’s workforce; purchasing and deploying equipment; and administrative support. Given that TSA is exempt from most federal acquisition requirements and is undergoing rapid growth, the conferees are concerned that contracts may be let and managed without sufficient internal controls to monitor contractor performance and guard against waste, fraud, and abuse. Accordingly, the conferees direct that, for each contract the agency enters into, the contractor shall set aside a percentage of the total contract costs for contract oversight activities. These activities should include, but are not limited to: (1) overseeing contractor performance with respect to cost, schedule, and quality; (2) monitoring billings; (3) providing independent cost audits by the Defense Contract Audit Agency; and (4) overseeing the volume of undefinitized contract actions and the timely definitization of contracts. TSA is directed to report to the House and Senate Committees on Appropriations at the beginning of each fiscal quarter on the number and dollar amount of all contracts let, including task orders placed under existing contracts, the dollars allocated for contract oversight and the nature of oversight activities undertaken. At the time this information is submitted to Congress, TSA should also provide such information to the Department of Transportation Inspector General for his review and analysis. At the request of the Committees on Appropriations, the Inspector General is being conducting an overview of TSA’s budget and financial management. Because this information has been useful in determining appropriate funding levels, the conferees are directed to provide detailed reports on its efforts and report to the Appropriations Committees as necessary.

Veteran’s preference in hiring.—Within the next two months, TSA plans to hire over 40,000 people. The Aviation and Transportation Security Act requires that “the Under Secretary shall provide a preference for the hiring of an individual as a security screener if the individual is a member or a former member of the armed forces.” The conferees are concerned with the implementation of this requirement. TSA screener hiring, veterans who “passed” the TSA test were offered jobs 83% of the time, while non-veterans who “passed” the TSA test were offered jobs 88% of the time. The conferees direct the Inspector General to review TSA’s implementation of the veterans preference requirement and submit a report to the House and Senate Committees on Appropriations by August 31, 2002.

DOT credentialing project.—Recently the Transportation Security Administration announced the implementation of the DOT credentialing project. This project’s major goal is the development and provision of a standardized transportation worker identification credential for all personal and commercial service, commercial, non-profit and others—requiring access to secure facilities in any mode of transportation nationwide. TSA’s view is that such a system must include a single type of card with access to a single, secure network of databases. This project was envisioned at the time the fiscal year 2003 budget request was submitted. The conferees have several concerns with this project as currently proposed by the Administration. TSA appears to have selected a particular type of identification card, with inadequate justification or consultation with Congress on affected industries concerning the cost or requirements. Security vulnerabilities of the system have not been adequately explained; TSA has not explained the program’s costs or how such a large effort, spanning several industries, will be financed; and the agency has provided no details on how much funding is included in the fiscal year 2002 or 2003 budgets for this effort or details on anticipated pilot projects at airports. Given the inadequate planning and consultation on this effort, the conferees direct TSA not to obligate further funding for this effort except through reprogramming the FY 2002 budget. Upon notification to the Congress and approval of the expenditure, the conferees will work with TSA in development of the fiscal year 2003 budget and OMB and authorizing agencies to consider and authorize any funding that may be awarded in as wise and expeditious a manner as possible, using merit-based criteria.

Pulsed Fast Neutron Analysis (PFNA).—The conferees believe that the Pulsed Fast Neutron Analysis technology shows extraordinary promise as a higher speed alternative to existing technologies for detecting explosives and other contraband in baggage. The conferees direct the Under Secretary to use funds provided for security research and development and pilot projects to demonstrate and implement the PFNA technology for this application in the field.

Biometrics.—The conferees expect the Under Secretary to use funds provided for security research and development and pilot projects to demonstrate the use of biometric technology to improve security.

Reconciliation of aviation security costs and responsibilities.—The conferees direct that the final report of the Under Secretary and the DOT General Counsel regarding aviation security costs and responsibilities be submitted to the House and Senate Committees on Appropriations no later than August 15, 2002.

U.S. COAST GUARD OPERATING EXPENSES

The conference agreement includes $200,000,000, to be available until September 20, 2003, instead of $210,000,000 as proposed by the Senate. Of the total, $11,000,000 is designated as a contingency emergency appropriation. Increases above the requested amount are as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain reserves</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Port vulnerability assessments</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>PACAREA ship refueling capability</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

Pacific Area ship refueling capability.—The conferees concur in the House proposal to provide $1,000,000 to address at-sea refueling needs for drug interdiction activities in the Eastern Pacific. These funds are specifically to be under the control of the Commander, Joint Interagency Task Force (JAITF)—East for the immediate procurement of at-sea refueling capability and the range and endurance of drug interdiction assets in the region.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $228,000,000 instead of $78,000,000 as proposed by the House and $477,000,000 as proposed by the Senate. Funds are available until September 20, 2004, as provided in this section. Of the total, $262,000,000 is designated as a contingent emergency appropriation. The conference agreement includes the following funding:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding and escort patrol boats (CPBs)</td>
<td>$36,000,000</td>
</tr>
</tbody>
</table>
Authority available to the states under the five core formula highway programs, as proposed by the Senate. The House included no such rescission. This rescission will have no impact on the fiscal year 2002 highway construction activities, because such funds are above annual limitations on obligations and are therefore not available for obligation during fiscal year 2002.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Border Enforcement Program

(HIGHWAY TRUST FUND)

The conference agreement includes $19,300,000 for the new border enforcement program within the Federal Motor Carrier Safety Administration, as proposed by both the House and Senate. The conference agreement provides, $4,200,000 is to be used to fund the implementation of section 1012 of the USA PATRIOT Act, which includes up to 34 additional federal personnel; $8,000,000 is for driver's license fraud detection and prevention projects, including $600,000 for a contract effort to develop a unique identifier for commercial drivers’ licenses; $2,000,000 is to develop a homeland security material and education outreach program and to conduct a national border safety task force; and $5,100,000 is for coordinating state drivers’ license registration and social security number verification.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

Emergency Relief Program

(HIGHWAY TRUST FUND)

As proposed by the House and the Senate, the conference agreement includes $147,000,000 from the highway trust fund to fully fund the restoration and reconstruction of Federal-Aid Highwaybridge and local roads in New York City damaged by the September 11th terrorist attacks. It also waives the local match for these funds and the $110,000,000 per-disaster cap in emergency relief funding. The conference agreement also includes $96,000,000, designated as a contingent emergency relief program for the high-value ports facilities. Funds are to be derived from the airport and airway trust fund as proposed by the Senate, instead of from the general fund as proposed by the House, and are designated as a contingent emergency appropriation.

FEDERAL HIGHWAY ADMINISTRATION

Federal-Aid Highways

Emergency Relief

(HIGHWAY TRUST FUND)

As proposed by the Senate and the House Committees on Appropriations on the specific line items and activities to be funded and the rationale for each proposed expenditure.

FEDERAL AVIATION ADMINISTRATION

operations

The conference agreement includes $4,700,000 instead of 100,000,000 as proposed by the Senate. These funds are designated as a contingent emergency, and are for rehabilitation of ARSR-4 long range radar systems, which are being kept in service due to security concerns following the terrorist attacks of September 11, 2001. The House bill included no similar appropriation.

GRANTS-IN-OTHER AIRPORTS

(APORT AND AIRWAY TRUST FUND)

The conference agreement includes $135,000,000 instead of $200,000,000 as proposed by the House and $100,000,000 as proposed by the Senate. These funds are to be used to fund the Administrator to compensate airports for a portion of the long range radar systems that are being kept in service due to security concerns following the terrorist attacks of September 11, 2001. The conference agreement includes $175,000,000 for the specific line items and activities, including $200,000,000 for aircraft and construction, and improvement activities, $75,000,000 for air traffic control systems, $40,000,000 for fire protection, $30,000,000 for fire damage repair, and $30,000,000 for employee safety. The conference agreement includes $36,000,000 for procurement of additional 87-foot Barracuda class coastal patrol boats. Along with the 110-foot Island class, these boats are the backbone of Coast Guard’s homeland defense in our ports, waterways, and territorial waters. The conferees believe these additional homeland security assets are needed as a top priority.

Ports and waterways safety systems. The conference agreement includes $22,929,000 to upgrade the port surveillance and vessel tracking systems in the high-value ports of New York, New York; Houston-Galveston, Texas; and Port Arthur, Texas.

Priority initiatives. The conference agreement includes $22,929,000 for critical acquisition, construction, and improvement activities, including $200,000,000 for aircraft and $50,000,000 for shore facilities. The conferees direct the House and Senate Committees on Appropriations on the specific line items and activities to be funded and the rationale for each proposed expenditure.

FEDERAL RAILROAD ADMINISTRATION

Grants to the National Railroad Passenger Corporation

The conference agreement includes $205,000,000 for operating assistance to the
The conference agreement includes the Senate provision clarifying the alignment of a highway project in Mississippi made eligible for enhancement funding in the fiscal year 2003 Department of Transportation and Related Agencies Appropriations Act. The House proposed no similar provision.

The conference agreement includes the Senate proposal for a direct loan of $100,000,000, which the agreement contemplates will be repaid by Amtrak's fiscal year 2003 appropriation. As part of the agreement, Amtrak agreed to provide the DOT with certain operational and financial data. Such data includes: All revenue and expenses related with rail projects made possible by a direct loan; budgeted and actual expenditures for all capital investments; monthly performance reports; a report on Amtrak's operating relationships with computer rail systems; and an inventory and valuation of Amtrak's assets as well as a timetable for obtaining an updated valuation of those assets.

The conferees note that the United States Customs Service and the Federal Bureau of Investigation are not included in the conference agreement. The conferees agree to rescind $10,000,000 as proposed by the Senate instead of no rescission as proposed by the House.

The conferees agree to provide $28,530,000 instead of $6,750,000 as proposed by the House and $17,200,000 as proposed by the Senate. The funding includes $17,224,000 to fund the startup of establishment of electronic crimes task forces, as authorized under the USA PATRIOT Act of 2001, $7,491,000 for SI positions required for additional protective details pursuant to Executive Order, and $3,815,000 in support of the workforce stabilization and retention initiative.

The conferees agree to provide $7,000,000 for emergency expenses of the Postal Service as proposed by both the House and Senate.

The conferees agree to provide $71,000,000 for election administration reform instead of $55,000,000 as proposed by the House and no rescission as proposed by the Senate.

The conferees agree to provide $500,000,000 for election administration reform instead of $550,000,000 as proposed by the House and the Senate. The conference agreement makes these funds available to the appropriate Federal entities upon enactment of legislation for the Office of Management and Budget, as proposed by House, and with
technical modifications, instead of being provided to the Office of Justice Programs, as proposed by the Senate.

**Federal Election Commission**

**Salaries and Expenses**

The conferees agree to provide $750,000 as approved by the House instead of no funding as proposed by the Senate.

**Independent Agencies**

**General Services Administration**

**Federal Buildings Fund**

The conferees agree to provide $21,800,000 instead of $51,800,000 as approved by both the House and the Senate.

**General Services Administration**

**Policy and Operations**

The conferees agree to provide no funding as proposed by the House instead of $2,500,000 as approved by the Senate.

**General Provisions, This Chapter**

Section 1201. The conferees agree to include a provision prohibiting the use of funds to transfer the functions, missions, or activities of the United States Customs Service to the Department of Justice.

Section 1202. The conferees agree to include a provision granting the Federal Law Enforcement Training Center the authority to hire federal retirees for a period of up to five years.

Section 1203. The conferees agree to include a provision deeming the Eisenhower Exchange Fellowship Program to be an executive agency for certain purposes, modified from Section 1101 of the Senate to make the provision permanent.

The conferees agree not to include a provision related to the Alaska Mall Delivery; this provision is included as a new Title in this Act.

The conferees agree not to include a provision establishing the position of Director of Homeland Security, as proposed by the Senate.

The conferees agree not to include Section 1201 as proposed by the House regarding a rescission of funds from the Financial Management Service and an appropriation of funds to the Internal Revenue Service.

**Chapter 13**

**Department of Veterans Affairs**

**Veterans Benefits Administration**

**Compensation and Pensions**

The conferees have provided $1,100,000,000 for compensation and pensions as proposed by the Senate. The House did not include funding for this account.

**Veterans Health Administration**

**Medical Care**

The conferees have provided $147,000,000 for medical care as proposed by the House and the Senate.

The conferees have included language proposed by the House directing VA to distribute all of the funds to the VISNs according to VERA and directing the Centers for Medicare and Medicaid Services (CMS) to issue each VA health care facility a provider number, which in no way obligates CMS to reimburse VA for services. The Senate made no similar provisions.

The conferees reiterate report language proposed by the House prohibiting the funds to be used for any purpose other than direct health care services for priority 1–6 veterans and language proposed by the Senate directing the Secretary to report to the Committees on Appropriations on measures taken to ensure accurate workload and resource needs estimates in future budget justifications.

**Department of Housing and Urban Development**

**Public and Indian Housing**

**Housing Certificate Fund**

The conference agreement rescinds $866,500,000 from unobligated balances remaining available in the House Certificate’s Fund, instead of $300,000,000 as proposed in the House and Senate bills. Modified language is included, similar to language proposed by the House, allowing the Department to apply the rescission against the Section 8 program or any other program in the Department, instead of limiting the rescission to only the Section 8 program as proposed in the Senate bill. The conference agreement does not include language proposed by the House bill prohibiting the release of any funds associated with statutory reallocation provisions, but instead includes language to allow the rescission to be applied against any program. Should the amounts available in the Section 8 program be insufficient to meet the required rescission, the Department is directed to notify the Committee of its plan to meet the rescission target, with such notification being provided at least seven days prior to implementation of the rescission.

**Community Planning and Development**

**Community Development Fund**

The conference agreement includes an emergency supplemental of $33,000,000 for assistance to properties and businesses, including restoration of damaged infrastructure, and for economic revitalization activities in the areas of New York City affected by the September 11, 2001 terrorist attacks, instead of $750,000,000 as proposed by the House and Senate.

The conferees recognize the tremendous human losses suffered by those businesses located in the World Trade Center, particularly the firms which suffered the greatest loss of life in the attacks. Because of the conferees’ strong desire to support the redevelopment of the areas of New York City affected by the attacks and to encourage those businesses most devastated by the attacks to remain in New York City, the conferees have provided a $33,000,000 increase over the request. The conferees believe that these additional funds will be made available to assist those firms located in New York City at the time of the terrorist attacks which suffered disproportionate losses and firms who intend to re-establish their operations in New York City.

The conferees concur with the language included in the House report encouraging the Lower Manhattan Development Corporation to consider the needs of utility companies and other institutions affected by the World Trade Center attacks.

The conference agreement includes modified language, similar to language proposed by the House and Senate, making technical corrections to the grants funded in prior appropriations Acts.

**Home Investment Partnerships Program**

**Rescission**

The conference agreement rescinds $50,000,000 from fiscal year 2002 funds made available contingent upon enactment of an authorization, as proposed by the Senate. The House did not include a similar rescission.

**Housing Programs**

**Rental Housing Assistance**

**Rescission**

The conference agreement rescinds $390,000,000 from contract authority in excess of amounts required to subsidize mortgage payments pursuant to section 236 of the National Housing Act, as proposed by the House.

Language proposed by the Senate is not included directing the Department to use the excess contract authority to implement a rehabilitation grant program. The House did not include a similar provision.

**Independent Agencies**

**Department of Health and Human Services**

**National Institutes of Health**

The conferees have provided $6,000,000 to undertake and continue research and worker programs related to the events of September 11, 2001 terrorist attacks as proposed by the House. Of this amount, the conferees agree that $4,000,000 is available for the research program and $1,000,000 is available for worker training.

**Agency for Toxic Substances and Disease Registry**

**Toxic Substances and Environmental Health Services**

The conferees have provided $11,300,000 for direct and indirect costs of the Agency associated with the terrorist attacks of September 11, 2001 as well as for further efforts of the Agency to respond to chemical terrorism events, as proposed by the House. Of this amount, the conferees agree that $3,000,000 is available for additional direct and indirect costs related to the events of September 11, 2001 which were not assumed in the fiscal year 2002 appropriation.

The conferees further agree that $9,500,000 is expected to be used to enhance the capacity of the States to respond to chemical terrorism events. In this regard, the conferees note that these and similar expenses are expected to be “one time only” costs of the Agency to assist the States and are not to become recurring costs in support of new State personnel.

**Environmental Protection Agency**

**Science and Technology**

The conference agreement provides $50,000,000 to perform security vulnerability assessments of small water systems and drinking water systems instead of $100,000,000 as proposed by the Senate and no funds as proposed by the House.

**Environmental Programs and Management**

**Transfer of Funds**

The conferees have included language which transfers $400,000 appropriate in fiscal year 2002 from the Environmental Programs and Management account to the State and Tribal Assistance Grants account for waste-water and sewer infrastructure improvements in the Town of Rosman, North Carolina.

**Hazardous Substance Superfund**

The conferees have included $12,500,000 for reimbursement to the Environmental Protection Agency for costs associated with the investigation and cleanup of Anthrax within the United States Capitol and Congressional building complex and the Legislative Branch appropriations in this legislation as proposed by the House instead of providing this reimbursement directly to the EPA as proposed by the Senate.

**State and Tribal Assistance Grants**

The conferees have included bill language making technical corrections to seven specific grants proposed in fiscal years 2001 and 2002 instead of five such corrections as proposed by the House and one such correction as proposed by the Senate.
The conference agree to provide $2,650,700,000 in emergency funding for disaster relief, instead of $2,750,000,000 as proposed by the Senate. The amount appropriated includes a reduction of $99,300,000 from the original supplemental request. The conference agreed to provide all House Language that provides for the funds to be used to carry out the Federal Fire Prevention and Control Act of 1975. Additionally, the conference agreed to include language proposed by the Senate which will establish criteria for the Mortgage and Rental Assistance Program for victims of September 11, 2001, and for other Federal programs to which victims had previously been denied benefits. The conference agreement does not include House language with regard to the Texas Medical Center.

For the purposes of the September 11, 2001 attack on the World Trade Center, measures taken by eligible private non-profit colleges and universities to provide the safety and security of students and faculty residing in areas affected by the disaster will be eligible for reimbursement.

The conferees agree that FEMA is directed to provide compensation to the New York City School system for costs stemming from the September 11, 2001 terrorist attacks for activity (1) additional classroom instruction time, mental health, trauma counseling, and other support services; guidance and grief counseling; clean-up and structural inspections and repairs of school facilities; and student relocations, lost textbooks and perishable food.

The conferees agree with the direction contained in conference report 107-480 with regard to the FEMA Inspector General review of FEMA's statutory authorities and identification of any gaps in coverage which may exist in dealing with disasters such as the terrorist attacks of September 11, 2001.

The conferees agree to provide $25,000,000 for disaster assistance for unmet needs, instead of $23,320,000 as proposed by the Senate. The House allocated the funding to additional clients, small businesses, and non-profit organizations in the areas that were affected by the terrorist attacks of September 11, 2001.

The conferees agree to provide $61,000,000 in contingent emergency appropriations for claims resulting from the Cerro Grande fire, for operational planning. The program will be subject to the same limitations in accordance with the conditions of the CERRO GRANDE FIRE CLAIMS.

The conference agree to provide $51,000,000 for the Federal Cyber Service: Scholarships for Service to provide scholarships, including full tuition and living expenses, for the Federal Cyber Service for Federal employees and for the children of Federal employees.

The conferees have agreed to provide $23,200,000 for State and local all hazards preparedness, instead of no funds as proposed by the House. In light of the apparent need for increased Federal assistance to States and localities to improve emergency management infrastructures, the Conference agrees to provide $23,320,000 to allow for additional staffing, training, and equipment. The conferees expect the Federal Emergency Management Agency's New York Governor's Office and other such programs, to be funded under the Federal Emergency Management Assistance Grant Program (FEMA-900), to provide the necessary assistance and training to meet the needs identified by the conferees.

The conferees have agreed to provide $19,300,000 for the Federal Cyber Service: Scholarships for Service to provide full tuition and living expenses for the children of Federal employees. The funds will be used to provide scholarships for Federal employees to complete degrees in cybersecurity.

The conference agreement includes language, modified from language included in the Senate bill, to remove the restrictions on a property in Baltimore, Maryland, that the property not be converted to student housing, the use restrictions would remain in effect. The House bill did not include a similar provision.

The conference agreement includes a provision as proposed by both the House and the Senate that limits the availability of funds provided in this Act.

The conference agreement includes the House provision that fully offsets the revenue aligned budget authority reduction required by TEA-21 in fiscal year 2003 by raising the highway category guarantee limitation in fiscal year 2002 from $27,653,143,000 to $30,000,000,000.

The conferees have agreed to include a provision directing that the federal-aid highway obligation limitation, for a total obligation limitation of $30,000,000,000.

The conference agreement includes a provision reserving $500,000,000 of previously appropriated funds made available for administrative and travel expenses in all federal agencies and offices. The provision specifies that individual rescissions to implement this reduction shall be applied on a pro rata basis to each office, agency, and Department. The conference agreement appears as an amendment to the conference report that requires the Director of the Office of Management and Budget shall provide a report to the Committee on Appropriations that contains an explanation of the estimated costs of the reductions in obligations under this Act and shall submit a report to the Committee on Appropriations with respect to the impact of the reduction on any programs under this Act that have been funded by the Committee.
Department; and (2) the methodology used to identify the offices, accounts, and amounts to be rescinded. Neither the House nor the Senate bill included a similar provision.

The conference agreement modifies language proposed in Title II of the Senate bill relating to the availability of emergency appropriations in this Act. The conference agreement provides that any amount in this Act for which availability is made contingent upon an emergency designation by the President shall not be available unless all such contingent amounts are designated by the President. The designation must be made within 30 days of enactment of this Act. The conference agreement deletes a provision as proposed in Title II of the Senate bill relating to a sense of the Senate on the reorganization of the FBI.

TITLE II
AMERICAN SERVICE MEMBERS’ PROTECTION ACT

The conference agreement includes the American Service Members’ Protection Act as proposed by the House and the Senate. The conference agreement also includes a provision, as proposed by the Senate, relating to assistance to international efforts to bring certain individuals to justice.

TITLE III
OTHER MATTERS

The conference agreement includes a provision as proposed by the House relating to adjustments to the Caribbean Basin Economic Recovery Act with respect to textiles. The conference agreement includes a provision relating to mail delivery in Alaska, as proposed by the Senate, with technical modifications. The House bill included a related provision as section 1406.

The conference agreement includes a provision, as proposed by the Senate, relating to amendments to the Alaska Native Claims Settlement Act. The House bill contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2002 budget estimates, and the House and Senate bills for 2002 follow:

<table>
<thead>
<tr>
<th>Budget estimates of new (obligational) authority, fiscal year 2002</th>
<th>House bill, fiscal year 2002</th>
<th>Senate bill, fiscal year 2002</th>
<th>Conference agreement, fiscal year 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>$29,512,519</td>
<td>28,775,894</td>
<td>32,614,644</td>
<td>30,010,699</td>
</tr>
</tbody>
</table>

Conference agreement compared with:

<table>
<thead>
<tr>
<th>Budget estimates of new (obligational) authority, fiscal year 2002</th>
<th>+498,180</th>
<th>+1,234,805</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conference agreement, fiscal year 2002</td>
<td>-2,603,945</td>
<td></td>
</tr>
</tbody>
</table>


ROBERT C. BYRD, DANIEL K. INOUYE, ERNEST F. HOLLINGS, PATRICK J. LEAHY, TOM HARKIN, BARBARA A. MIKULSKI, HARRY REID, HIBB KOHL, PATTY MURRAY, BYRON L. DORGAN, DIANNE FEINSTEIN, RICHARD J. DURBIN, TIM JOHNSON, MARY L. LANDRIEU, JACK REED, TED STEVENS, THAD COCHRAN, PETE V. DOMENICI, CHRISTOPHER S. BOND, MITCH MCCONNELL, CONRAD BURNS, RICHARD C. SHELBY, JUDD GREGG, ROBERT P. BENNETT, BEN NIGHTHORSE CAMPBELL, LARRY CRAIG, KAY BAILEY HUTCHISON, MIKE DEWINE, MANAGERS ON THE PART OF THE SENATE.
The Senate met at 9:30 a.m. and was called to order by the Honorable Daniel K. Akaka, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our morning prayer is like being amazed by deposits in our checking account from unexpected sources. We are astounded by Your goodness. You know what we will need for today and You deposit the required amounts of insight, discernment, and vision in our minds. You fill the wells of our hearts to overflowing with the added courage and determination that are necessary for the demands of today. Even now, we feel the fresh strength of Your Spirit energizing our bodies. We should not be surprised. You have promised that, “As your days, so shall your strength be.”—(Deuteronomy 33:25).

Bless the women and men of this Senate and all who work with and for them that this will be a day in which we draw on Your limitless resources for dynamic leadership. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Daniel K. Akaka, a Senator from the State of Hawaii, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Daniel K. Akaka, a Senator from the State of Hawaii, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mr. AKAKA thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The Acting President pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The Acting President pro tempore. Under the previous order, there will be a period for the transaction of morning business, not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time to be equally divided between the two leaders or their designees.

In my capacity as the Senator from the State of Hawaii, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The Acting President pro tempore. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. Enzi pertaining to the introduction of S. 2760 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

21ST CENTURY MEDICARE ACT OF 2002

Mr. ENZI. Mr. President, since I still have time remaining under morning business, I will comment on another issue that I am sure will be commented on throughout the day and later next week. Later this morning I will be at a conference meeting on the accounting reform bill. I have had a considerable role in that process and will be doing that when we get to the actual debate on this bill. I see that as a top priority as well.

Today I rise in support of the tripartisan 21st Century Medicare Act, which was introduced on July 15 by Senators Grassley, Snowe, Jeffords, Breaux, and Hatch. This bill is a giant step forward for seniors in this country and it demonstrates a sincere commitment to future beneficiaries, by taking steps to preserve, improve, and modernize the Medicare Program. No other proposal before the Senate can deliver on such a promise.

Some of them have not been introduced yet. In fact, we have been a little disappointed that bills have not been introduced so that a more direct discussion can be done on that.

I should say, not only no other proposal is before the Senate, no other proposal that is being talked about out there can deliver on the promise that this bill does.

This bill very likely has the support of the majority of the Senate. Of course, we would need a supermajority, or support of 60 Members, to adopt the bill. It raises a very important and interesting question. It is a budget question, because the score of the tripartisan bill exceeds by $70 billion the $300 billion Congress reserved last year for Medicare; there is a budget point of order that can be raised against the bill.

Essentially, if a Senator votes against removing or bypassing the budget point of order, they will be saying this bill costs taxpayers too much.
so I will not support it. But what is really interesting is that many of those who oppose this bill are actually supporting a proposal that is significantly more costly to the taxpayers. So I suggest people take a look to see who voted against this bill on the basis that it exceeds the amount of money we have set aside by $70 billion and then perhaps votes for a bill that is $700 billion, $800 billion, $900 billion—or a trillion dollars—perhaps twice or three times the cost of the bill.

Beyond cost to taxpayers, there are other important policy differences between the two Medicare drug benefit proposals. I believe the most important is that the tripartisan bill stretches Federal dollars further than any other proposal. It provides seniors with the option of an expanded fee-for-service plan, including:

- Federal dollars further than any other plan.
- The Democtat plan only costs two or three times more costly. So I suggest my colleagues could find themselves in the position of voting against one bill because it causes too much only to turn around and support a competing bill that is two or three times more costly.

Next, the opponents of the tripartisan bill—tried to address the other problems with Medicare. The foundation of the program desperately needs reinforcement; simply building on its weak foundation the way the Daschle bill does is dangerous and falls short of our obligation to do our best for seniors where all of their health care is concerned. Where the tripartisan bill has an enhanced fee-for-service option and improvements to the existing Medicare Plus Choice option, the Daschle bill is eerily silent. Such an absence of respect for our seniors is a way more money in patch jobs down the road.

Lastly, while Medicare managed care plans have Medicare Plus Choice plans—not serving Wyoming, millions of seniors across the country made the ‘choice’ to enroll in those plans, and this bill makes long overdue improvements to how those plans compete for seniors’ business. My colleagues from more populous and urban states undoubtedly know that seniors who have Medicare Plus Choice plans as an option now want to keep that option and want to see it expanded and improved.

All of this sounds like a lot. And it is. But I won’t stand here and tell my constituents in Wyoming that this is everything they might dream of in a prescription drug benefit. It is a giant step forward and it will absolutely reduce the drug costs seniors bear today. It won’t make those costs disappear, but it will dramatically reduce them.

And, it’s a benefit we can afford to enact for seniors today and keep our promise about it in 2005. The proponents of the Daschle bill are also making seniors promises about a great new drug benefit. Except we can’t afford it, so it’s a hollow promise.

The opponents of the tripartisan bill will say that our bill doesn’t provide a real benefit to seniors. Well, here’s the skinny on our bill and what it will save seniors in out-of-pocket costs. The Congressional Budget Office (CBO) determined that Medicare beneficiaries will spend an average of $3,059 per year on drugs. Under this law, the proponents of the Daschle bill would cut those costs by 53%—a savings of over $1600. That is real money. CBO also determined that the bill would cut costs for lower-income beneficiaries at or below 135% of poverty by 98%, a savings of $2,986! The estimated out-of-pocket cost per prescription among the 50 most-prescribed medications would be $21. And, every beneficiary from the plan is to choose from when selecting the plan that best fits their health care needs.

The Democrat bill, on the other hand, has a statutorily prescribed cost sharing for all drugs that the government decides to include in the plan, and every senior must participate in that one-size-fits-all plan. That’s a concerning and very significant difference from the tripartisan bill. All of us in this body have numerous choices of health plans both at and above the standard benefit package under the Federal Employees Health Benefit Program. I do not believe seniors should be—by law—without a choice in their own health coverage. Unlike the tripartisan bill, the Daschle bill completely eliminates the opportunity to improve Medicare through expanded choices for seniors when selecting the right drug coverage.

To restate another distinction I raised earlier, the tripartisan bill has been officially scored by the CBO to cost $370 billion over 10 years. The sponsors of the Daschle bill have not provided us with an official score, but the unofficial scores are as high as $1 trillion over 10 years. More importantly, the drug benefit is not permanent under the Daschle bill. It would sunset in the year 2040. That is to hold costs down as much as possible. There are rumors of a 4th iteration of the bill that would not sunset the benefit, but that bill has not been introduced and will be much more costly.

Since I’m talking about the cost of the Daschle bill to taxpayers, I would be remiss if I did not talk about the cost of the bill to seniors themselves. Because the Democratic Medicare Plus Choice option is a Federal law fixed co-payment amounts for all drugs, seniors will actually pay more for certain drugs than they would if the bill allowed drug plans to offer lower co-payments. The CBO analysis and score of the tripartisan bill proves that it employs this logic and essentially proved that drugs will be provided in a more cost-effective way under the tripartisan model.

I have mentioned it before, but I just want to say again that it is not permanent under the Daschle bill. It would cement in Federal dollars further than any other plan. Where the tripartisan bill has many other shortcomings. It is crying out for updating and improvements. No one in this chamber can possibly be satisfied with the program’s status quo. Every day—literally—I either meet with or hear from my constituents who interact with the Medicare program or beneficiaries. They are all complaining, and rightly so. The program was created with the best of intentions. In some 40 years ago, the rest of the health care world has evolved and improved, from standards of care to technology to dis-
disappointment that we have not passed a budget. It has been 27 years since we have had this budget process in place in the Senate. This is the first time we have not had a budget plan passed out of the Senate.

If we are going to begin to talk about the need for various programs, it would certainly be helpful if we had some idea of where our limits were. I happen to believe we need to work to eliminate our deficit spending. We need to work to make sure we are trying to hold down the growth in our total debt.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. ALLARD. Mr. President, I think it is vitally important that the Senate pass a Medicare prescription drug benefit plan now. Our seniors need it, our seniors have been waiting for years for it, and they deserve it now.

Medicare is a health care entitlement program for the elderly. Since Medicare was established in 1965, Congress has considered adding a prescription drug benefit to the program. In the 106th Congress, the Senate got serious about enacting a benefit but was unsuccessful in their efforts.

I hope the Senate is successful now. I am concerned, however, that the legislative process has been delayed. The majority leader decided to bring to the floor S. 812, the Greater Access to Affordable Pharmaceuticals Act. This legislation did not proceed through the Committee on Finance. In order for a revenue measure to not face a Pay-as-You-Go Act point-of-order, legislation must proceed through the Committee on Finance. S. 812 did not. As a result, the Senate is left with assuming budget points-of-order against any and all revenue legislation as we continue to debate this week.

This is unacceptable. Seniors need drug coverage now. But the Senate majority has stalled the process. I hope seniors and the United States realize what has happened. This faulty procedure is robbing seniors of their drug benefit, which Congress and the President support but which the Senate is denying. Politics is superseding policy and that is simply unacceptable.

Because S. 812 did not proceed through the Committee on Finance, next week the Senate will take up the Graham-Miller, tripartisan, Hagel-Ensing, Hagel-Ensing, and Smith-Allard amendments in an attempt to provide a prescription drug benefit. We can only hope that the Senate will waive the budget point-of-order raised against these measures.

I have serious concerns about the legislation introduced by Senators Granholm, Hagel, and Graham-Miller to be a temporary drug benefit, without secure financing. Graham-Miller would raise drug prices significantly, and Graham-Miller would not be able to be implemented as proposed. Graham-Miller would have an unmeasurable and possibly unlimited cost.

Senator Graham’s bill does not even have a CBO score. That is another concern I have. Preliminary estimates are that it would cost at least $400 billion to $800 billion over only 6 years. With two-thirds of seniors already obtaining their prescription drugs independent of Government, the Graham plan, frankly, is too generous at a time when Social Security solvency is at risk. According to CBO, Medicare beneficiaries will utilize $1.8 trillion worth of drugs over the next 10 years. But $1.1 trillion of this $1.8 trillion will be paid by third parties, such as State and Medicare+Choice plans. Drug benefit proposals should focus on reducing the $700 billion that will be paid by beneficiaries, not shifting the remaining $1.1 trillion to the Federal budget. Seniors and taxpayers need a plan that provides a benefit that does not blanket seniors with costs completely covered and that does not break the Nation’s bank. Graham-Miller’s cost alone is reason to oppose it.

Other Senate drug proposals are less expensive. The House-passed Medicare Modernization Act of 2002, introduced by Senators Grassley, Snowe, Breaux, Jeffords, and Hatch, is estimated to cost about $350 billion from the years 2005 to 2012. For days, weeks, and months, the Finance Committee members and staff have worked tirelessly to write a bill that expands drug plan options for seniors and refines and enhances Medicare+Choice, Medigap, and other programs. This bipartisan bill is universal, voluntary prescription drug benefit with affordable premiums and special protections for low-income seniors. The tripartisan bill would add a new voluntary fee-for-service option to fit modern health benefit packages, and it will strengthen another drug option under Medicare+Choice.

I am pleased that this tripartisan group of Republican, Democrat, and Independent Senators have joined together to provide prescription drug benefit. The tripartisan plan expands drug options for seniors so they can choose a plan that fits their needs.

I also laud the work of Senators HAGEL, ENSIGN, GRAMM, and LUGAR who introduced the Medicare Prescription Drug Discount and Security Act. The Hagel-Ensing plan would offer beneficiaries a voluntary drug discount card that they could use to purchase prescription drugs. The Smith-Allard plan would work as a stand-alone drug benefit or as a complementing, additional drug benefit in conjunction with the other drug options about which I talked earlier. Our plan has a number of features that both the Graham-Miller plan and the House-passed Medicare Modernization and Prescription Drug Act do not have.

I would like to take a minute to go over a chart I put together on Smith-Allard. This is the Smith-Allard proposal as compared to current law, as compared to the Democrat plan referred to as Graham-Kennedy, and as compared to the House GOP plan for prescription drugs.

This is assuming the senior has Medigap supplemental insurance. Under current law, there is no deductible with the doctor or the hospital when they have Medigap insurance coverage.

With the Smith-Allard plan, there would be a $50 deductible that would cover catastrophic drug costs for beneficiaries under 600 percent of the Federal poverty level, so that seniors making less than about $33,000 will pay no more than $1,500 to $5,500 in out-of-pocket expenses. The bill also does not require monthly premiums, deductibles, or benefit caps. This bill is financially responsible, costing about $150 billion over 10 years. I commend Senators HAGEL and ENSIGN for their work in offering this voluntary plan for seniors who need the security.

Senator Smith and I also have introduced an amendment to S. 812 that would provide a Medicare prescription drug benefit. Under our plan, the voluntary Medicare prescription drug plan, a Medicare beneficiary already enrolled in Medicare Parts A and B will have the option of choosing a new, voluntary prescription drug plan called Rx Plus. This plan would cover 50 percent of the prescription drug cost toward the first $5,000 worth of prescriptions that the senior purchases.

Currently, Medicare Part A has a $812 deductible and Part B has a $100 deductible. The Smith-Allard plan would complement the House plan and Part B of $675 that would apply to all hospital costs, doctor visits, and prescription drug costs. Once this $675 deductible is met by the Medicare recipient, Medicare will pay 50 percent of the cost toward the first $5,000 worth of prescription drugs that the senior purchases.

In addition, there is no benefit premium that would be required. Our plan is revenue-neutral. It is voluntary and will lower Medigap premiums by $550 per year.

According to the National Bipartisan Commission on the Future of Medicare, the Federal Government pays about $1,400 more per senior if the senior has a Medigap plan that covers his Part A and Part B deductibles. This generally is attributed to the fact there is over-utilization of hospital and doctor visits by the senior because no deductible is required under Medigap, and seniors are more inclined to visit the hospital or doctor without having to pay a deductible.

The Smith-Allard plan would require seniors pay a deductible. As a result, Medigap utilization will decrease and savings are achieved. In other words, there is an incentive created for the senior to go to the doctor when he needs to and not simply because it cost him nothing.

The Smith-Allard plan would work as a stand-alone drug benefit or as a complementing, additional drug benefit in conjunction with the other drug options about which I talked earlier. Our plan has a number of features that both the Graham-Miller plan and the House-passed Medicare Modernization and Prescription Drug Act do not have.
The prescription drug deductible is not covered in current law. It is combined in the Smith-Allard plan. There is no deductible in the Democrat plan and the House plan.

The average supplemental insurance premium under current law is $1,611. Under the Smith-Allard plan, it comes to $1,061. This remains the same under both the Graham-Kennedy and House GOP plan.

Prescription drug premium: Under current law, there is no coverage. Under the Smith-Allard plan, the mandatory prescription drug premium would be zero. Under the Democrat plan, the monthly charge that is talked about as $25 a month, this amounts to a $300-a-year premium, and the House GOP plan, which is $30 a month, amounts to an annual premium of $360.

Total annual premiums and deductible: Under current law, we stay at the $1,611 level. Under the Smith-Allard plan, it is $1,736. Under the Democrat plan, the monthly premium would remain at zero. The 10-year cost of the Medicare Program to the taxpayer is zero.

The Graham-Kennedy plan gets up to $600 billion, and some estimates are running between $100 billion and $800 billion. Some $600 billion is the number we use on this chart.

The House GOP plan comes in at $350 billion. Some are estimating $730 billion currently.

Who provides the drug benefit? Under current law, it is not covered. Under the Smith-Allard plan, Medicare provides that benefit. In the Graham-Kennedy bill, Medicare provides it. And under the House GOP, it is provided by the private insurance industry.

What is the comparison of drug coverage? Currently, there is no coverage. In the Smith-Allard plan, there is 50 percent coverage of all drugs up to $5,000. In the Graham-Kennedy plan, the senior pays $10 for generic drugs and $40 for brand name drugs. Then in the House GOP, there is 20 to 30 percent coverage up to $1,000 the senior pays, and then 50 percent between $1,000 and $2,250, and 100 percent over the $2,250, up to $5,000.

Let’s compare the catastrophic coverage under these various plans. Under the Smith-Allard proposal, it is optional. Seniors can decide whether they want to take it or not. Coverage could be provided with savings if they decide to take the optional provision. In the Graham-Kennedy plan, it is over $4,000, and in the House GOP plan, it is over $5,000.

The nice thing about the Smith-Allard plan and one reason I am presenting it to the Senate today and have introduced legislation with Senator BREAUX is because it provides another option, and it is compatible with these other drug plans, particularly the first one we talked about, the tripartisan plan, with an Independent, Democrats, and Republicans supporting the plan. Our bill is very compatible with that kind of a plan.

The amendment I will be offering with Senator BREAUX is simply to provide seniors with the option so that as we move forward with this, it may be that they do not want to pay the $25-a-month premium or the $30-a-month premium. They can say: I will offset that by increasing my deductibles in Part A. And, I think it is the kind of choice we ought to offer seniors. It will balance any of the plans that happen to pass the Senate, and we ought to pass it in the Senate in order to give seniors some choice.

I am pleased the Senate is working to pass a prescription drug benefit for Medicare’s 40 million enrollees. The Senate should be pleased that many Members have worked hard in recent years to add a drug benefit. We should be pleased we are talking about various proposals now. But our efforts are in vain if we do not pass a drug benefit this year. Our efforts are in vain, I repeat, if we do not pass a drug benefit this year. I urge my colleagues to set aside politics and pass a Medicare prescription drug benefit now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KYL. Mr. President, I ask unanimous consent to speak until the hour of 11:20 a.m. in morning business.

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

AMERICA’S SENIORS NEED PRESCRIPTION DRUG COVERAGE

Mr. KYL. Mr. President, I want to talk about the delivery of prescription drugs to America’s seniors. It is a subject that Senators have been talking about pretty much all week long, but people tuning in might wonder whether we are really making any progress toward getting a bill passed. That is what I would like to address this morning.

For quite a long time now, we have appreciated the fact that when Medicare was created, treating people with medications was not the preferred or first or primary method of treatment. So much of what Medicare covers today is the cost of invasive surgery, and the cost of just about every other kind of treatment except treatment through the use of medication or prescription drugs. Over the last 25 years, it has become increasingly common for physicians to prescribe medical medications, if possible. It seems second nature to us now. When Medicare was first established, that was not the case.

As a result, most prescription drugs were not covered as part of Medicare. Over the years, people learned how to receive supplemental drug coverage through Medigap insurance and other ways to pay for prescription drugs, but the delivery of the fact that Medicare itself did not set out to cover those drugs and, second, that the cost of drugs has obviously increased over the years has made it more difficult for some seniors to be able to pay for their prescription drugs. And since, again, this is what their physicians are prescribing as the best way to treat them in many cases.

Add to that the fact that people are, fortunately, living longer today, but that the longer one lives, the more likely they are going to need to take various kinds of drugs, and we have a situation in which clearly it is time for Congress to respond with an inclusion of a Medicare drug benefit for all of America’s seniors. We have been working on that now for quite some time.

I find it interesting that on the Republican side there are three or four very good, somewhat different, ways of approaching this because Members on our side have been working hard to try to come up with a set of proposals we can afford and which will also provide the kind of care we want for our senior citizens, and now we have a number of options.

I sit on the Finance Committee. Last year, when Senator GRASSLEY chaired the Finance Committee, we began working legislation through the Finance Committee to try to bring to the Senate floor so we could provide a prescription drug benefit to Medicare. Then the control of the Senate changed.

Toward the end of last year, Republican members continued to meet and, in fact, began reaching across the aisle to meet with the Democratic members of the Finance Committee and also with the Independent Member of the Senate, Senator JEFFORDS, who had left the Republican Party and caucused with the Democrats but is identified as an Independent, and over the months, representatives of the Republican Party, the Democratic Party, and Senator JEFFORDS have come together on an approach that has now acquired the name, the tripartisan approach—because it is not just the two parties but, it is actually the two parties. That approach that actually will deliver a very good prescription drug benefit to our seniors and a plan that actually is unique among all of the different ideas that have been brought to the floor because it can actually pass the Senate.

It has more than 51 votes in the full Senate, we believe, and it could pass the Finance Committee. Senator BREAUX is one of the leaders in this coalition, and he has been a leader in the Finance Committee in support of this. Significant work has been done to try to develop the kind of reform that is necessary to provide prescription drugs to our seniors.
Then why the discussion on the Senate floor and what is going to happen next week? Well, at the early part of next week, we are finally going to have a chance to vote on some alternatives. There will be at least two. One will be this tripartisan plan I mentioned that has been offered by Senators Grassley, Hatch, Snowe, Jeffords, Breaux, and others, and the other will be a competing plan brought by some members of the Democratic Party, led by Bob Graham from the State of Florida. The reason why this approach the prescription drug issue in fairly different ways. I am hoping we will have a good debate about the difference between those two approaches.

There are also approaches from other Republican colleagues who are even more different and in some ways provide a very direct benefit to seniors at a much lower cost than either of the two bills I just described. The problem is that at the end of next week, it is doubtful that either will have passed any of these bills.

How can that be if, as I said, there is majority support at least for one of the bills? I fear the problem is a political one, that there are some people who would rather have an issue than a bill, a problem rather than a solution, because of course the problem can continue to be talked about in a campaign context. I would rather have a bill that provides the benefit we can all take credit for and if politics is the primary motivation, then clearly doing something is a good way to appeal to voters. But of course the whole point is it is the right thing to do.

It is past time that we provided a drug benefit to our seniors. Why is it that my prediction is what it is? Ordinarily, if the Finance Committee brought a bill to the floor, we would vote on it and the majority would prevail. It either wins or it loses. But in this case, the Finance Committee has been working very hard under the chairmanship of Senator Baucus’s and Senator Grassley’s leadership on the Republican side, we are close to being able to mark up the bill in the Finance Committee and bring it to the floor. It is clear that the Senate majority leader has, according to Senator Baucus, indicated the bill would have to be acceptable to him in order for it to come out of the Finance Committee and brought to the floor. That was not the case with the so-called tripartisan bill. The legislation that has been brought to the floor by the majority leader is not legislation that would have come out of the Finance Committee.

What is that important? Because a point of order lies against legislation that does not come out of committee. In practical terms, that means you have to have 60 votes on the Senate floor to pass it.

What has been set up is a process that is set up to fail. By not allowing the Finance Committee to bring its bill to the floor and be voted on by a majority of 51, we are setting up a requirement that any bill has to pass with 60 votes because it did not come out of committee; 60 votes will be very difficult to achieve because the Senate is divided roughly 50-50 among the two parties.

We have different approaches to this solution, this problem. The only bill that likely would pass is the so-called tripartisan compromise. But if it has to have 60 votes, that is a stretch, as well. I am not sure we can get 60 votes. At the early part of the process that has been created, we are not likely to end up with any legislation at the end of next week. Then what will we do? Point fingers: It is your fault. No, it is your fault.

The bottom line will be that the American people end up the losers. Our seniors will not have a prescription drug benefit because the Senate decided to operate in a way that guarantees that conclusion.

The House of Representatives has passed a bill that is a good bill. It is not exactly what I would do, but it is a good start. The Senate should act in the same way.

Let me describe a little bit about what this tripartisan bill does. Even though it is not a bill I would have written, I am willing to support it, primarily because it does have a number of good ideas, and it can be passed and we can move forward. We are in conference and to the President for signature to begin providing Medicare drug benefits for our seniors.

The tripartisan plan is a comprehensive plan. It is a permanent plan with respect to providing drugs to all Medicare beneficiaries. It also has another feature that the other plans, by and large, do not, in that it provides reforms of Medicare that will ensure that as the program continues on into the future, it will actually work.

The problem with Medicare today is without serious modernizations neither one can provide the benefits that have been promised. Those are commitments that we should be ensuring we can keep.

Under this plan, Medicare beneficiaries will have a new drug benefit option. They can keep their current Medicare plan and do nothing, or they can buy into the new drug plan provided for them. If they sign up for the new plan, it is completely voluntary on their part. If they sign up for the new plan, they will have choices so that they can pick what best suits them. They would pay a premium that is estimated to be about $24 a month, very similar to the monthly premium seniors now pay for Medicare Part B. They would be able to choose between competing plans. The plans would compete for their business and therefore would offer the best possible arrangements for each individual senior. The plans would be ensuring we can keep.

Additionally, it would eliminate the beneficiary cost sharing for preventive benefits, such as breast cancer screening, prostate cancer screening, and screening for glaucoma. This allows Medicare beneficiaries to receive these benefits without having to pay a so-called copay.

The other important aspect of the new option is the ultimate $6,000 stop-loss coverage, especially important if a Medicare beneficiary has a long hospital stay. As I said, there are those
who have serious illnesses that simply cannot afford to pay more than that. This new option is a complete benefits package as opposed to just a prescription drug package. Instead of just trying to address the issue of providing drugs, the tripartisan bill puts it into a new traditional Medicare program. The Medicare Program that currently exists so people will know what they have a comprehensive plan. They can make an intelligent choice and know that it is all there for them together.

I would like to add another important part of the plan, and that is that it uses the current market system that seniors are familiar with to deliver the benefits. The alternative is a strictly Government plan that has to be run by Government bureaucrats. They will make the rules. They would establish exactly what the benefits are over time and what the costs of those are. By using the market that is currently used, there is competition to provide the product that is the best for seniors at the lowest cost, so that seniors' needs will actually keep the costs down and keep the benefit structure positive, as opposed to the Government bureaucrats making those decisions.

The plan includes coverage for drugs within all therapeutic categories and classes, and provides timely appeals if there is any denial of drug coverage in a particular case. This allows the beneficiary to continue to have control of their drug coverage. If you have access to the needed drug and call on outside experts to review any decision that would deny them those drugs.

The plans that participate in the program will have to meet access and quality standards that are decided by the Department of Health and Human Services, including pharmacy access standards. We want to make sure in the rural areas Medicare beneficiaries have access to pharmacies they can go to and choose. In rural areas, where beneficiaries may not have a choice of at least two of these plans, the legislation guarantees they would have an option of a fallback plan.

Providing affordable drug coverage is the goal of the tripartisan plan. That is why it subsidizes private plans to provide this drug benefit. Using this delivery method, as I said before, will both provide competition to hold down the costs and maintain the kind of program benefit that seniors are used to at the present time.

The CBO has told the authors of the tripartisan plan that using this delivery method not only ensures Medicare beneficiaries access to the new drug plans but also the most effective use of taxpayer dollars. We know the plan will become more expensive over time. Seniors care just as much about taxes as anyone else and they want to know it is affordable. The more affordable it is, the more likely they can expand the benefits needed. So that is in their interests, as well.

In contrast, the Graham-Miller plan uses government contractors to admin-
some other legislation this year, we will be able to provide that supplemental help to them until we are able to straighten out the payment formulas under which Congress reimburses the hospitals and other providers that are providing care called for by Medicare.

Let me summarize the point about the difference between the two prescription drug proposals and how we are likely to pass a drug bill that will actually become law. It is possible that we had been able to pass a bill out of the Finance Committee, we would only have to have a bare majority—51 votes. The tripartisan bill has support on both sides of the aisle, Democrat and Republican as well as Senator Jeffords, another cosponsor, to be able to pass. We could actually get together with the House of Representatives, make the changes, the compromises between the House bill that has already been passed and this bill, and get it to the President on August 1st, and by the beginning of the fiscal year we could actually be implementing a new drug for our seniors that they do not currently have.

But because that does not fit in with the plans of the majority leader, we are now in a situation where any bill that is brought here is going to have to have 60 votes to pass. Because of the realities of the political environment in which we operate, it is unfortunately the only way that we can actually get 60 votes for any plan.

The one that has the best chance is the tripartisan plan that I alluded to earlier. It is not the bill I would have written, but I am willing to support it because it is a good proposal that has the best chance we have to actually get something passed and deliver a real benefit to our seniors. We will have time to work the issues in the conference committee. We will have time to continue to negotiate the legislation after it is passed and signed into law. But we have to act, and every year we do not act is a year in which more and more seniors are denied the benefit that they need, that their physicians are prescribing for them and, unfortunately, many of them cannot afford.

It seems to me we should put ideologies and politics aside and try to do something good for the seniors of our country and lay those differences aside so that we can actually pass a bill. It is a good bill. It is a very good bill in terms of providing the benefits. It is costly, but with the reforms in Medicare that are included within it, I think over time we will be able to afford these costs. After all, it is a commitment that we should be satisfying for our seniors.

I urge my colleagues, when the time comes early next week, to lay aside partisan differences, to support the tripartisan bill, the only bill that has a chance of succeeding here, and move on with the political process so we can work with the House of Representatives, pass it on to the President, who I am quite sure will sign it, and begin providing a prescription drug benefit to our seniors.

Going all the way back to when Medicare was created, we treated people differently. Today we know medications are the primary method by which we treat. We have to believe that here in the Senate, something that all seniors understand very well. Let's recognize the reality, let's provide this drug benefit and really keep faith with the seniors we represent. I suggest the passage of a quorum.

The PRESIDING OFFICER (Mrs. Lincoln). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. Lincoln, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Johnson). Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mrs. Lincoln. Mr. President, in all the rhetoric and grandstanding about who has the best prescription drug plan, I truly would like us to forget who we are trying to help.

I cannot possibly forget the 436,000 Medicare beneficiaries in Arkansas who struggle every single day to pay for the prescription drugs to control blood pressure, to control their heart, and help them cope with chronic diseases.

Yes, some seniors are eligible for Medicaid. Some have Medigap. But most of them fall through the cracks. In Arkansas, we don't have the tools that other States might have to help our seniors pay for their prescription drugs. Medicare-Choice has left our State. Medigap plans cost a lot more than the national average—almost 20 percent higher, to be exact, a year.

Employer-sponsored retiree health plans are very expensive. On top of that, 60 percent of our seniors live in rural areas. So how do our seniors afford their prescription drugs, which rise in cost absolutely every year? The sad fact is, they don't.

The best way to combat this problem is to add a prescription drug benefit to the Medicare Program. That is why I am so disappointed that neither of the Medicare prescription drug plans we will consider this next week seem to have the 60 votes they need to pass.

I am disappointed we are at a standstill, the Senate, and I am disappointed we have been unable to forge a compromise in the Senate Finance Committee. As a member of that committee, I would prefer to be debating these plans in that committee. However, I understand that the urgency of the issue and the timing of the Senate schedule has brought us here today.

In years past, I have been a cosponsor of Senator Bob Graham's Medicare prescription drug plan from Florida. Mildred is 70 years old, and she worked for 35 years before retiring 5 years ago. Now widowed, Mildred receives $830 a month in Social Security and about $125 a month in retirement.
Mildred takes prescription drugs which cost about $200 a month. After paying her Medicare premium and drug expenses, she has spent well over 27 percent of her income. She said that she and her two sisters, Evanale and Betty, each make about $560 a month. They do not go to the doctor anymore because they cannot even afford the prescription drugs the doctor would prescribe. Sometimes Mildred and her sisters must rely on their children to help pay for some of their medicines.

If the tripartisan plan were law and if Mildred and her sisters asked me what their monthly premium was going to be and what their benefits would be for prescription drug coverage under Medicare, I would have to say to them, actually, I do not know: I cannot give you a specific; we will have to wait and see what actually happens in our area. Mildred may, in fact, end up paying a different premium for prescription drugs than her friends pay in California or Florida or New York or other States. Yet they both paid taxes into Medicare all of their lives and therefore should be entitled to the same Medicare benefit.

The point is that we do not know yet what private plans might offer in different regions of the country. We do not know what their benefits would be. We do not know if private plans would want to participate. We do not know how a demonstration project would work. And there is absolutely no guarantee that seniors would be able to depend on the same plan or benefit structure from year to year. These are just too many unknowns, and for seniors, nothing is more frightening than the unknown.

Why do we want to force our parents and grandparents into an untested delivery system that is unlike any other system in American health care as we know it?

Why should seniors in rural Arkansas, who are older and sicker and more likely to use prescription drugs, be in the dark about what their premiums will be until the Federal Government entices the private insurers to compete in their area of the country?

Why should we risk forcing them to pay higher premiums than those in urban areas?

Show me where it has worked. I ask my colleagues: Show me a study, show me a demonstration project. The sponsors of the tripartisan plan are so confident that their delivery model will work, then I propose a compromise that could garner the 60 votes needed to pass a Medicare prescription drug plan.

Let's put a demonstration project in the home State of the bill's chief architect and use the Graham delivery model in Arkansas and the rest of the country so that we can be assured of what we are getting to meet until we know what will work. Let's see if this untested delivery model works in a few States before we take it nationwide and put everyone at risk.

Why subject our seniors to a vast social experiment? Why should we subsidize private insurance companies when we should instead empower our seniors with the ability to afford the prescription drugs they need?

I am not convinced that what the tripartisan bill has in gap in coverage, albeit a much smaller one than originally proposed. How can I tell seniors in my State that they will not receive any coverage for their drug costs between $3,451 and $5,500? Although the tripartisan plan says it only contains a gap of $250, in reality it is actually a gap of $1,850 because the first threshold includes the combined expenditures of seniors and the Government, while the second only refers to the senior's out-of-pocket expenses.

How can I explain to Mildred Owens that no other American but Medicare beneficiaries will have this gap in coverage? Members of Congress and Federal employees do not face a gap in prescription drug coverage, nor do non-Federal retirees or employees. This gap in coverage for seniors who use more prescription drugs than any other population group in our country is not only unfair, it is simply unreasonable.

Further, the gap in coverage is opposed by the AARP, which counts about 350,000 Arkansans in their nationwide membership. AARP has surveyed their membership on the value of a prescription drug benefit and has identified five characteristics that any prescription drug benefit must include in order to attract the enrollees it needs. One of those characteristics is a benefit that does not expose beneficiaries to a gap in insurance coverage.

Mr. President, I ask unanimous consent to print a letter from the Arkansas AARP State chapter in the RECORD that shows how the tripartisan bill fails to meet the kitchen-table test that those who will likely use when determining if the drug benefit is a good buy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


Hon. Blanch Lincoln, U.S. Senate, Washington, DC.

Dear Senator Lincoln: Medicare beneficiaries cannot wait any longer for protection against the increasing cost of prescription drug coverage. About 160,000 Medicare beneficiaries in Arkansas need an affordable prescription drug benefit enacted into law this year.

AARP, the nation's largest organization representing Medicare beneficiaries, advocates nationwide lack prescription drug coverage for the entire year and about 16 million lack coverage for some point during the year. State pharmacy assistance programs often provide some prescription drug benefits to low to moderate-income beneficiaries. However, as you know, Arkansas does not operate a program to help meet the needs of low-income beneficiaries in the state.

The prescription drug legislation recently passed by the House of Representatives begins to move the Medicare program one step closer to providing millions of older Americans and people with disabilities with some help against the rising costs of prescription drugs. But more needs to be done.

We know from our membership that they will assess the value of a prescription drug benefit by adding up the premium, coinsurance and deductible to determine if it is a good buy. We believe that in order for a voluntary Medicare prescription drug benefit to pass this "kitchen table test" and attract enough enrollees it should provide an affordable benefit as a permanent part of Medicare's benefit package.

Keep the monthly premium to no more than $35.

Ensure reasonable and stable cost-sharing for beneficiaries.

Ensure that there are no gaps in coverage that leave beneficiaries vulnerable.

Be voluntary and available to all beneficiaries no matter where they live.

Help to bring down the soaring costs of prescription drugs; and

Protect low-income beneficiaries.

It is critical that the Senate pass a Medicare prescription drug bill this month that meets these goals. The 205,000 AARP households in Arkansas are counting on your support for a prescription drug benefit at least as good as the Graham-Miller proposal.

If you have any questions please call one of us or have your staff call David Certner, Director of our Federal Affairs Department, at (202) 434-3750.

Sincerely,

William D. Novelli, Executive Director and CEO.

Cecil Malone, AARP Arkansas State President.

Maria Reynolds-Diaz, AARP Arkansas State Director.

Mrs. Lincoln. Mr. President, I am also hopeful that a compromise on the Medicare prescription drug benefit is imminent. I am ever optimistic that we can all agree on a good basic solution at the end of the day. We must not fall into the trap of all talk and no action once again. For the almost 4 years I have served in the Senate, I have continually gone home to my State of Arkansas, talked to seniors across our great State, and assured them that the Senate would act on a prescription drug package.

I can no longer in good faith continue to simply talk about the benefit that is so needed. Our parents and our grandparents are depending on us. It would be a national tragedy to let them all down.

We have talked and talked about it for years. Let us act this year and in this session. Let us not adjourn until we pass a Medicare prescription drug benefit that is meaningful and affordable for all seniors across this great country, no matter where they live.

ADDITIONAL STATEMENTS

FIFTIETH ANNIVERSARY OF THE ESTONIAN AMERICAN NATIONAL COUNCIL

Ms. Mikulski. Mr. President, today I pay tribute to the 50th anniversary of the Estonian American National Council. On July 19, 1952, Estonian Americans founded this Council to preserve
the Estonian cultural heritage. For 50 years, it has provided an independent voice for the Estonian people in their successful campaign for human rights and democracy in their homeland.

The Estonian American National Council is the strong spirits of America and Estonia in its fight for Estonian independence. Forcibly annexed and occupied by the Soviet Union in 1940, Estonians could not speak freely for themselves in their own homeland. But as the leader of the free world, the United States never recognized the Soviet Union’s oppressive regimes in Estonia or its Baltic neighbors, Latvia, and Lithuania. So with the start of the cold war, Americans of Estonian descent established their own organization.

Half a century later, I visited Estonia. I was so happy to see the tremendous strides the country was making toward developing its democratic and market-based systems. Estonia is proving its abilities through high-tech initiatives in everything from cellular phones to paperless government. I also appreciate the Baltic States’ respect for the sensibilities of culture while respecting the rights of Russian-speaking minorities.

As a founding member of the Senate Baltic Freedom Caucus, I applaud the work of the Estonian American National Council, a critical member of the Joint Baltic American National Committee. Together, America, Estonia and the other Baltic States are doing all they can in the war against terrorism. With America’s support, Estonians, Lithuanians, and Latvians are already contributing to our mutual security by developing modern armed forces, air surveillance systems, and participating in peacekeeping activities. I believe Estonia and its Baltic partners will make a wonderful contribution to NATO.

Since Estonia achieved independence in 1991, the Estonian American National Council has been instrumental in bringing America and Estonia together in both countries’ interest. The council has funded scholarships, schools, cultural activities, youth programs and exchange missions that have enhanced the ties that it began to build between America and Estonia many years ago. I am proud of the partnerships Maryland has built with Estonia through our National Guard and their Armed Forces, and the trade between our great cities and ports.

Everywhere I look, America’s interest in strengthening its ties with Estonia and the other Baltic States is growing. I congratulate the council on its 50th anniversary, and I send my best wishes for the Estonian American community in Maryland and nationwide. You can count on me to continue to help promote a closer and more comprehensive relationship between the United States and Estonia. I ask my colleagues in congratulating the Estonian American National Council on its contributions to America and Estonia for the last 50 years.

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation by indicating that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 17, 1997, in Chicago, IL. Two minors pushed a gay man down a flight of stairs because of his sexual orientation. The assailants used anti-gay obscenities during the attack.

I believe that government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 518. An act to provide for enhanced penalties for accounting and auditing improprieties at publicly traded companies, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8005. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Report on Federal Agencies’ Use of the Physicians’ Comparability Allowance (PCA) Program for 2002; to the Committee on Governmental Affairs.

EC–8006. A communication from the Chair of the Board of Directors, Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8007. A communication from a Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period from October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.


EC–8009. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the report of the Office of the Inspector General for the period from October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8010. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Sunscreen Drug Products for Over-the-Counter Human Monograph: Technical Amendment” (RIN0910–AA01) received on July 18, 2002; to the Committee on Health, Education, Labor, and Pensions.


EC–8012. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on June 26, 2002 referred jointly, pursuant to the order of January 30, 1973 as modified by the resolution of April 11, 1986, to the Committee on Health, Education, Labor, and Pensions; and Governmental Affairs.

EC–8013. A communication from the Chief, Regulations Branch, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Import Restrictions Imposed on Pre-Clas- sified and Classified Scientific and Technical Material Originating in Cyprus” (RIN1515–AC86) received on July 16, 2002; to the Committee on Finance.

EC–8014. A communication from the Chief, Office of Legislative Reform, Board of Veterans’ Affairs, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Board of Veterans’ Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on the Grounds of Clear and Unmis-taken Error” (RIN2900–AK74) received on July 14, 2002; to the Committee on Veterans’ Affairs.

EC–8016. A communication from the Chief, Office of the Chairman, Board of Veterans’ Affairs, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Adjudication; Fiduciary Activities—Nomenclature Changes” (RIN2900–AL10) received on July 14, 2002; to the Committee on Veterans’ Affairs.

EC–8017. A communication from the Acting Director, Office of the Chairman, Board of Veterans’ Affairs, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Policy Regarding Provision in Notice to All Postal Data Bank” (RIN2900–A776) received on July 14, 2002; to the Committee on Veterans’ Affairs.

EC–8018. A communication from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled “Adjudication; Fiduciary Activities—Nomenclature Changes” (RIN2900–A747) received on July 14, 2002; to the Committee on Energy and Natural Resources.

EC–8019. A communication from the Assistant Secretary, Land and Minerals Management, Energy and Operations Division, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Prospecting for Minerals Other Than Oil,
Gas, and Sulphur on the Outer Continental Shelf” (RIN0100-AC48) received on July 16, 2002; to the Committee on Energy and Natural Resources.

EC-8022. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “TRICARE Partial Implementation of Pharmacy Benefits; Implementation of National Defense Authorization Act for Fiscal Year 2001” ((RIN2115-AA97)(2002-0153)) received on July 16, 2002; to the Committee on Armed Services.

EC-8023. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled “The revision of the revision of the review of records and re-evaluation of the ratings of previously discharged Gulf War veterans for evaluation Board criteria and the review of calendar year 2001; to the Committee on Armed Services.

EC-8024. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a new report pursuant to law, the report of a rule entitled “Domestic Voyage Load Lines for River Barges on Lake Michigan” ((RIN2115-AA97)(2002-0133)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8025. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act, 1936, and for amounts insured under the authority of chapter 43 of Title 49, United States Code; to the Committee on Armed Services.

EC-8026. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, the annual report detailing test and evaluation activities of the Foreign Comparative Testing (FCT) Program for Fiscal Year 2001; to the Committee on Armed Services.

EC-8027. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; High Interest Vessels—Baltimore Inner Harbor, Maryland” ((RIN2115-AA97)(2002-0131)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8028. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; High Interest Vessels—New Orleans, Louisiana; Mississippi River, Mile Marker 54 to 54.6” ((RIN2115-AA97)(2002-0130)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8029. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; High Interest Vessels—Chesapeake Bay, Maryland” ((RIN2115-AA97)(2002-0129)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8030. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of the Corpus Christi, Texas” ((RIN2115-AA97)(2002-0128)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8031. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Kings Bay, Georgia; Resolution; Radiation” ((RIN2115-AA97)(2002-0127)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8032. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Gulf of Mexico; Mississippi River, Miles 168.0 to 168.6, Lucedale, Mississippi” ((RIN2115-AA97)(2002-0126)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8033. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Corpus Christi, Texas; Port of the City of Corpus Christi, Texas” ((RIN2115-AA97)(2002-0125)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8034. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of Lake Charles, Louisiana” ((RIN2115-AA97)(2002-0124)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8035. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Mississippi River, Mile Marker 266.9 to 266.8, Milam, Texas” ((RIN2115-AA97)(2002-0123)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8036. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Mobile, Alabama; Mobile Bay” ((RIN2115-AA97)(2002-0122)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8037. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Mississippi River, Mile Marker 157.3 to 157.2, Gulfport, Mississippi” ((RIN2115-AA97)(2002-0121)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8038. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; San Francisco Bay, San Francisco, CA” ((RIN2115-AA97)(2002-0151)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8039. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; San Diego, CA” ((RIN2115-AA97)(2002-0150)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8040. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Puget Sound, WA” ((RIN2115-AA97)(2002-0149)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8041. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regatta Regulations for Waters Adjacent to San Mateo, San Francisco Bay, CA” ((RIN2115-AA97)(2002-0148)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8042. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Fort Worth, TX” ((RIN2115-AA97)(2002-0147)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8043. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Lake Erie Zone, Selfridge Air National Guard Base, MI” ((RIN2115-AA97)(2002-0146)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8044. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Lake Michigan, MI” ((RIN2115-AA97)(2002-0145)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8045. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Lake Michigan, MI” ((RIN2115-AA97)(2002-0144)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.
(RIN2115-AE47)(2002-0066) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8047. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Deerfield Beach Super Boat Race, Deerfield Beach, FL” ((RIN2115-AE47)(2002-0065)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8050. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Lake Huron, Harbor Beach, MI” ((RIN2115-AE47)(2002-0067)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8051. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Lake Michigan, Kewaunee Nuclear Power Plant” ((RIN2115-AE47)(2002-0155)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8052. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Missouri River, Mile Marker 532.9 to 532.5, Brownsville, Nebraska” ((RIN2115-AE47)(2002-0150)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8053. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port Hueneme Harbor, Port Hueneme, CA” ((RIN2115-AE47)(2002-0149)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8054. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Seafair Blue Angels Performance, Key West, FL” ((RIN2115-AE47)(2002-0146)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8055. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transpory, transmitting, pursuant to law, the report of a rule entitled “Regattas Regulations; Deerfield Beach Super Boat Race, Deerfield Beach, FL” ((RIN2115-AE47)(2002-0065)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8056. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Lake Huron, Harbor Beach, MI” ((RIN2115-AE47)(2002-0157)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8057. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revise Options for Responding to Notices of Violations” ((RIN2115 – AG15)(2002-0001)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8058. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regattas Regulations; Deerfield Beach Super Boat Race, Deerfield Beach, FL” ((RIN2115-AE47)(2002-0065)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8059. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regattas Regulations; Lake Michigan, Kewaunee Nuclear Power Plant” ((RIN2115-AE47)(2002-0155)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8060. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Needle Harbor, NY” ((RIN2115-AE47)(2002-0161)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8061. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regattas Regulations; Lake Michigan, Kewaunee Nuclear Power Plant” ((RIN2115-AE47)(2002-0155)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8062. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Calvert Cliffs Nuclear Power Plant, Crisfield, MD” ((RIN2115-AE47)(2002-0159)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8063. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regattas Regulations; Lake Ontario, Rochester, NY” ((RIN2115-AE47)(2002-0156)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8064. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Inner Harbor Navigation Canal, LA” ((RIN2115-AE47)(2002-0071)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8066. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Commercial Boulevard Bridge (SR 970), Atlantic Intracoastal Waterway, Mile 1059.0, Lauderdale-by-the-Sea, Broward County, FL” ((RIN2115-AE47)(2002-0069)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8067. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Wearing of Personal Flotation Devices (PFDs) by Certain Children aboard Recreational Vessels” ((RIN2115-AE47)(2002-0003)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8068. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Wearing of Personal Flotation Devices (PFDs) by Certain Children aboard Recreational Vessels” ((RIN2115-AE47)(2002-0003)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC-8069. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Regattas Regulations; Gary Air and Water Show, Lake Michigan, Gary, IN” ((RIN2115-AE47)(2002-0163)) received on July 16, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. Res. 304. An original resolution encouraging the Senate on Appropriations to report three, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI, for himself, Mr. LIEBERMAN, Mr. ALLEN, Mrs. BOXER, Mr. BURNS, Mr. Frist, and Mr. ENZI:

S. 276. A bill to direct the Securities and Exchange Commission to conduct a study and make recommendations regarding the accounting treatment of stock options for purposes of the Federal securities laws; to the Committee on Banking, Housing, and Urban Affairs.
SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Res. 304. An original resolution encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 868

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 868, a bill to reduce the risk that innocent persons may be executed.

S. 668

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. TORRICEILLI) was added as a cosponsor of S. 668, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2677

At the request of Mr. BREAUX, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2677, a bill to amend the Internal Revenue Code of 1986 to provide involuntary conversion tax relief for producers forced to sell livestock due to weather-related conditions or Federal land management agency policy or action, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. BOXER, Mr. BURNS, Mr. FRIST, and Mr. ENZI):

S. 2194

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2194, a bill to hold accountable the Patriotic Union in that can be and the Palestinian Authority, and for other purposes.

S. 2368

At the request of Mr. MILLER, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2667

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2667, a bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolence among peoples and cultures of diverse cultures and systems of government, and for other purposes.

S. 2661

At the request of Mrs. CLINTON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2661, a bill to amend the Atomic Energy Act of 1954 to establish a task force to identify legislative and administrative changes that are necessary to conserve sources of radioactive material, and for other purposes.

S. 2727

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2727, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. CON. RES. 128

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Con. Res. 128, a concurrent resolution honoring the invention of modern air conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

AMENDMENT NO. 4305

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4305 proposed to S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. LIEBERMAN, Mr. ALLEN, Mrs. BOXER, Mr. BURNS, Mr. FRIST, and Mr. ENSIGN):

S. 2760. A bill to direct the Securities and Exchange Commission to conduct a study and make recommendations regarding the accounting treatment of stock options for purposes of the Federal securities laws; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENZI, Mr. President, I rise today to introduce the Enzi-Lieberman-Allen-Boxer amendment on stock options. Our bipartisan amendment helps solve many of the perceived problems with the issuance of stock options by giving the SEC a broad mandate to look into and analyze numerous issues concerning stock options, including disclosure, corporate governance, and the benefits and detriments of expensing stock options.

After its analysis, the SEC will be required to furnish recommendations, if any, on changes in corporate America’s uses of stock options, and we envision that being done through FASB. We are not trying to tell FASB, the Federal Accounting Standards Board, how to do their work; we are trying to provide them with more information so they can make a consideration of that issue again.

I and the other original cosponsors of this bill have sent a letter to Chairman Harvey Pitt and the other Commissioners on the SEC asking them to initiate on their own the action items outlined in our bill and to make recommendations on these issues in the next 60 days. I hope they take such initiative.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. HARVEY L. PITT, Chairman.
Hon. ISAAC C. HUNT, Jr., Commissioner.
Hon. CYNTHIA A. GLASSMAN, Commissioner.
Hon. RODERICK K. HERDMAN, Chief Accountant, Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN PITT, COMMISSIONERS HUNT AND GLASSMAN, AND MR. HERDMAN: We are writing to request that the Securities and Exchange Commission (SEC) analyze and propose recommendations, if needed, on issues regarding stock options. We have introduced legislation mandating such action by the Commission, but ask that you proceed before this legislation is enacted.

The legislation is the Stock Option Fairness and Accountability Act. This legislation focuses on key issues regarding stock options, which include stock option pricing models; disclosure to investors and shareholders; board and shareholder approval of stock option plans; and restrictions on senior management sale of stock. The bill also mandates a review of the benefits and detriments of any new options expensing rules on the productivity and performance of companies and start-up enterprises, the recruitment retrained workforce; and employees at various income levels, with particular focus...
on the effect on rank-and-file employees and the income of women. It is our view the debate on stock options has focused narrowly on the accounting of stock options, and failed to focus on the critical stock option policy issues. We seek to broaden the debate to ensure that Congress, the Commission, and other regulatory agencies take the necessary steps to eliminate any problems which might exist with stock options, while ensuring their benefits are retained.

We believe the SEC should be prepared and protected because, when they are properly structured, they are incentives for productivity and growth. In most instances, they reflect the business value of the willingness to take business risks, the vision to develop new entrepreneurial companies and technologies, a way to broaden ownership among employees, and a strong performance incentive for both management and employees. We should focus on strengthening stock option incentives and enabling them to yield even greater economic growth dividends for our economy.

In general, we believe the Senate should not be legislating detailed accounting or regulation about stock options or other accounting issues. These are issues best left to the SEC and its expert staff. The Financial Accounting Standards Board (FASB) has recommended that the SEC have authority to set accounting standards, and should continue to do so. That is why our legislation and this letter request that the Commission address all of these issues and make recommendations.

Regarding shareholder approval of stock option plans, a Special Committee of New York Stock Exchange recommended shareholder approval of all stock option plans, while the NASDAQ has recommended shareholder approval for plans that includes officers and directors. We want the SEC to examine whether these measures are adequate, and whether any additional accountability to shareholders is needed.

Current disclosure requirements for stock options exist which focus on the potential cost of stock options when they are exercised, the potential dilution of earnings per share, and other issues. We believe the SEC should look at whether these disclosure rules should be strengthened in order to provide investors and shareholders more accurate and complete information.

We understand that restricting the sale of stock acquired through stock option plans is a controversial issue. We ask you to review whether a need exists for imposition of a holding period for senior executives and whether the benefits of such a rule would outweigh the costs. Should you recommend such a rule, we suggest you also review whether any exemptions are necessary, given that it may become too cumbersome.

We believe the SEC should do something about expensing. It is now clear that months before Enron filed for bankruptcy, executives were aware of the true condition of the company and the millions of dollars of their options. Now, Enron employees—kept in the dark on company finances—are left with worthless Enron stock and retirement savings. While these Enron executives absconded with money from the sell of options and the financial collapse of Enron had little to do with its accounting procedures on stock options, Enron went bankrupt. Nevertheless, concerns about stock option use by corporations have become magnified.

We all know that when properly used, stock options can be a marvelous opportunity for all employees. In addition, small businesses and startup companies use stock options as an incentive and sometimes the only means to attract qualified employees.

There have been many suggestions on what will stop future Enrons, and included in that debate has been a discussion on improving the accounting practices and other accounting stock options. Some members have come up with some creative and not so creative ideas on how to improve their use.

Some have not considered how their ideas will affect rank-and-file employees, while others have kept that as their primary consideration. Some members have proposed setting a new standard or directing the Federal Accounting Standards Board to take some specific action in setting new standards. The amendment we propose pre-ordained what the solution to stock options will be.

Members promoting these amendments are furnishing their own conclusions. They mandate either codification of new expense rules, or direct the Federal Accounting Standards Board, known as FASB, to require stock option expensing at the time of grant or exercise. This is a conclusion some of us do not believe should be made by non-experts in Congress, without careful analysis. Our bipartisan amendment is different. It doesn’t preordain what the solution to stock options will be. Instead, it directs the SEC to analyze the treatment of stock options in several categories, not just stock option expensing, and lend its superior expertise in furnishing a report and making useful recommendations.

This is a smart amendment because 99 non-accountant Senators, and one accountant Senator, all without expertise in securities accounting and law, have no business making a definitive answer to what tax accounting stock option problems should be. Instead, the SEC should analyze the problem and make recommendations on what is needed.

Let me get to the specifics of our amendment. First, it requires an analysis of the accounting treatment of employee stock options, including the accuracy of available stock option pricing models. What are these models? Currently, companies estimate the value of stock options using something called the Black-Scholes model. This is because they do not know what the future value of their stock will be when the options are actually exercised and sold. So they make an educated guess with the Black-Scholes model.

However, many believe the current practice of using the Black-Scholes method to value stock options, as currently used on financial statements, is totally flawed. This method will be just as flawed if it must be used for expensing stock options at the time of grant. This amendment directs the SEC to look at the accuracy of this and other pricing models.

Second, our amendment directs the SEC to analyze the adequacy of current disclosure requirements to investors and shareholders on stock options. The SEC needs to determine whether better disclosure would solve the current, perceived problem with stock option reporting. The SEC can study what further disclosure and transparency provisions, if any, would be useful.

We do not know what the SEC’s recommendations might be. They might include a recommendation for user-friendly disclosure in clear, plain English with graphs and charts, which are comparable with other company disclosures. They might recommend increased quarterly reporting on certain information.

Even high profile financial celebrities have differing view on expensing as well disclosure. Alan Greenspan believes expensing employee stock options does not make sense. Others, like Warren Buffet, have said fuller disclosure and transparency will not cure these problems, and Congress should do something about expensing. Alan Greenspan believes expensing should be curtailed, is his answer to stock option problems is needed, but that Congress should not be the one deciding this or setting accounting standards.
Given these differing views by financial heavy weights like Secretary O'Neill, Greenspan and Buffett, it makes sense to let the SEC analyze this issue and make the determination of what, if any, disclosure improvements are necessary, taking into account all the affected parties—companies, shareholders, investors, and rank-and-file employees.

Next, our amendment would direct the SEC to analyze the adequacy of corporate governance requirements on stock options including the effectiveness of having shareholders approve stock option plans.

Previously, I advocated shareholder approval of stock option issuance to top corporate executives to prevent them from abusing stock options. Now, I and others of us are leaving it to the SEC to determine whether this will prevent stock option abuse.

Our bipartisan amendment also requires an analysis of the need, if any, for stock option vesting requirements for senior executives. Some Senators have advocated a holding period during which top executives cannot sell their stock options. One suggestion was that a 90-day cooling off period occur before a top executive sells his stock. Another suggestion was that these executives could not sell their stock until they left the company and a two-year period expired.

These suggestions pose a dramatic solution which needs more study by the SEC. These are not provisions to be taken lightly, nor drafted hurriedly by Senators. This type of amendment could possibly help prevent abuses, or have the opposite effect of chilling the future use of stock options entirely. Because I do not know what the effect of this will be and whether it will prevent executive fraud and abuse, I am at least willing to let the SEC study it to see if there is any merit to it.

And, finally, our amendment directs the SEC to look at the benefits and detriments of any new options expensing rules. So, instead of Senators, who have little knowledge of securities accounting, making an accounting decision on stock option expensing, we are leaving it in the hands of the SEC to see how expensing will affect all segments related to stock options.

Our bipartisan amendment directs the SEC to look at the benefit and detriment of any new options expensing rules. So, instead of Senators, who have little knowledge of securities accounting, making an accounting decision on stock option expensing, we are leaving it in the hands of the SEC to see how expensing will affect all segments related to stock options.

I am particularly concerned about the effect of expensing stock options on small companies and start-up enterprises. Many small businesses and start-up companies cannot afford to offer the same stock options as larger companies, so they offer stock options as an incentive to attract highly-skilled employees. In addition, our amendment would require the SEC to look at the benefits and detriments of stock option expensing on the recruitment and retention of skilled workers.

Currently, employees who risk working for start-up companies have the ability to make much more money than through traditional methods of payment. Those who stay with the company tend to have a vested interest in the company through the issuance of stock options. Stock options may be the very reason that some employees start with a company with the expectation of asking the SEC to look at the issue of what effect stock option expensing will have on future recruitment and retention of employees.

Finally, and most importantly, our amendment asks the SEC to look at the benefits and detriments of stock options on employees at all income levels, with particular emphasis on rank-and-file employees.

These are some of the questions the SEC needs to look at and make a recommendation on. Whatever we do, we need to make sure the cure is not worse than the disease. We should not rush to pass something just for the sake of legislating on stock options. We need to step back and see what recommendations the SEC makes. Then, with cooler heads, perhaps we can prevail in getting rules and regulations on stock options which are truly needed, and not merely an overreaction to the current atmosphere of Enron.

I would hate to see any hastily decision chill the ability of companies to issue stock options to millions of rank-and-file employees. Or chill new start-up companies’ use of stock options to attract employees. At the same time, we have to stop future abuses by corporate executives who thumb their noses while plundering companies resources.

For these reasons, I ask you to vote in favor of the Enzi-Lieberman-Allen-Boxer Amendment.

By Mr. FEINGOLD:
S. 2761. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to offer legislation today that will increase the mileage reimbursement rate for volunteers.

Under current law, when volunteers use their cars for charitable purposes, the volunteer may be reimbursed up to 14 cents per mile for their donated services without triggering a tax consequence for either the organizations or the volunteers. If the charitable organization reimburses any more than that, they are required to file an information return indicating the amount, and the volunteer must include the amount over 14 cents per mile in their taxable income. By contrast, the mileage reimbursement level currently permitted for businesses is 36.5 cents per mile.

At a time when government is asking volunteers and volunteer organizations to bear a greater burden of delivering essential services, the 14 cents per mile limit is painfully low.

I have heard from a number of groups in Wisconsin in recent weeks on the need to increase this reimbursement limit. One organization, the Portage County Department on Aging, explained just how important volunteer drivers are to their ability to provide services to seniors in that county. The Department on Aging reported that last year 54 volunteer drivers delivered meals to homes and transported people to medical appointments, meal sites, and other essential services. The Department noted that their volunteer drivers provided 4,676 rides, and drove nearly 126,000 miles. They also delivered 9,385 home-delivered meals, and drove nearly 100 miles more than 100 miles per month in providing these needed services. Altogether, volunteers donated over 5,200 hours last year, and as the Department notes, at the rate of minimum wage, these amounts count to over $27,000, not including other benefits.

The senior meals program is one of the most vital services provided under the Older Americans Act, and ensuring that meals can be delivered to seniors and to those in need of meals sites is an essential part of that program. Unfortunately, Federal support for the senior nutrition programs has stagnated in recent years. This has increased pressure on local programs to leverage more volunteer services to make up for lagging federal support. The 14 cent per mile reimbursement limit, though, increasingly poses a barrier to obtaining those contributions. Portage County reports that the many volunteer drivers they need to offer their services under such a restriction. And if volunteers cannot be found, their services will have to be replaced by contracting with a provider, greatly increasing costs to the Department, costs that come directly out of the pot of funds available to pay for meals and other services.

By contrast, businesses do not face this restrictive mileage reimbursement limit. The comparable mileage rate for someone who works for a business is currently 36.5 cents per mile. The disparity means that a business hired to deliver the same meals delivered by volunteers for Portage County may reimburse their employees over double the amount permitted the volunteer without a tax consequence.

This doesn’t make sense.

Moreover, the 14 cent per mile volunteer reimbursement limit is outdated. According to the Congressional Research Service, Congress first set a reimbursement rate of 12 cents per mile as part of the Deficit Reduction Act of 1984, and did not increase it until 1997, when the level was raised slightly, to
14 cents per mile, as part of the Taxpayer Relief Act of 1997.

The bill I am introducing today raises the limit on volunteer mileage reimbursement to the level permitted to businesses. It is essentially the same provision that was passed by the Senate as part of a tax bill passed in 1999 that was vetoed by President Clinton. At the time of the 1999 measure, the Joint Committee on Taxation, JCT, estimated that the mileage reimbursement provision would result in the loss of $1 million over the five year fiscal period from 1999 to 2004. The revenue loss was so small that the JCT did not make the estimate on a year by year basis.

Though the revenue loss is small, I have also included an offset to make the measure deficit neutral by including a provision that would impose a civil penalty of up to $5,000 on failure to report interest in foreign financial transactions. That provision was recently included in the CARE Act legislation by the Senate Finance Committee.

I urge my colleagues to support this measure. It will help ensure charitable organizations can continue to attract the volunteers they play such a critical role in helping to deliver services and it will simplify the tax code both for non-profit groups and the volunteers themselves.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2761

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

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139 the following new section:

"SEC. 139A. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

"(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded under this subsection.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 and inserting the following new item:

"Sec. 139A. Reimbursement for use of passenger automobile for charitable purposes."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL AC-

tIONS.

(a) IN GENERAL.—Section 522(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) AMOUNT OF PENALTY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

"(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) VOLUNTARY DISCLOSURE.—With respect to any violation of any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $25,000, or

"(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

"(ii) subparagraph (B)(i) shall not apply.

"(D) AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself, Mr. HUTCHINSON, and Mr. KOHL):

S. 2693. A bill to respond to the illegal production of methamphetamines, to allow the DEA to crack down on drug producers, to provide for the detention of illegal drug producers, and to direct the Drug Enforcement Administration to make a special effort to seize illegal methamphetamine and destroy the labs that produce it; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the "Methamphetamine and Meth Lab Abatement Act of 2002," which provides for the detention of illegal drug producers, to allow the DEA to crack down on drug producers, and to direct the Drug Enforcement Administration to make a special effort to seize illegal methamphetamine and destroy the labs that produce it.

The legislation would accomplish this with two key components: First, the bill would allocate $125 million for important training and cleanup efforts, including training local law enforcement to effectively clean up meth lab and dump sites. And second, we would make it much harder for meth dealers to get the precursor pseudophedrine products necessary to make this illegal drug.

Once predominantly found in the American Southwest, methamphetamine’s presence now stretches from coast to coast. Once predominantly found in rural areas, its harmful effects now extend from our smallest towns to our largest cities.

For instance, the number of clandestine meth labs discovered in North Carolina has doubled every year for the past four years.

In New Orleans, police in the Jefferson parish seized a total of 828 grams of methamphetamine in all of the year 2000. Last year, they seized more than ten times that amount, 9,003 grams, with a street value of more than $1 million.

I’m sorry to say that my home State of California has been referred to as the “Colombia of meth production.” In fact, our State is known as the “source country” for the drug, producing roughly 80 percent of the Nation’s methamphetamine. According to the DEA, 1,847 clandestine meth labs were found last year in California alone.

Each of these 1,847 labs in California, and each of the 20,000 scattered around this Nation, near schools, on farms, in trailer parks and in quiet suburban neighborhoods, creates a whole host of dangers and toxic waste.

The actual production of methamphetamine is harmful in a number of ways. First, the hazardous chemicals used in meth production are toxic, and long-term exposure is damaging. Furthermore, the materials can also be explosive and dangerous. Production using these volatile materials has resulted in countless accidents, houses and even apartment buildings burned to the ground, explosions that scatter chemicals and flames, and chemical reactions that cause untold damage to the individuals involved in meth production or simply living in the same household, individuals that, too often, include children.

Meth production also poses risks to the health of the surrounding public and environment. According to the National Drug Intelligence Center (NDIC), for every pound of meth produced, five to seven pounds of hazardous waste results from the production as well. Meth producers dump this waste anywhere and everywhere, from nearby ditches to public lands, from pits dug in the middle of a farm to rivers and lakes.

One private contractor hired to clean up meth-related hazardous dump sites in California responded to more than 500 calls in 2000 alone. And one of those dump sites was located along the banks of the California Aqueduct, which is a direct source of water for Los Angeles.

NDIC investigators have found also found toxic chemicals discarded into...
July 19, 2002

users spent nearly $6 billion on the drug. Methamphetamine, in crystallized powder form that can be used to create a drug that fetches $1,500 and $2,000 and can be sold to individuals, can be made from relatively inexpensive materials that can be found in your local pharmacy. These relatively inexpensive precursors have been able to be as proactive as we have been.

Last year, the federally funded Central Valley High-Intensity Drug Trafficking Project to restrict the supply of the chemicals needed to make the drug, which was showing impressive results. A team of specialists from local drug units, the California Highway Patrol, DEA and FBI averaged one meth lab seized, they found vats of toxic chemicals, including dynamite, fentanyl, and a grenade launcher. These extraordinary costs simply cannot be maintained on the local level without Federal support.

Specifically, the CLEAN-UP Meth Act would provide: $15 million for clean-up and remediation of meth contaminated lands managed by the Department of Agriculture or Interior; $15 million for Department of Agriculture and local governments and to private persons to help clean-up labs and train law enforcement authorities to properly and safely do this important work. Fifty percent of the Nation do this important work.

Second, this legislation includes resources to help State and local officials prosecute meth offenses, educate the public, and study the effects of meth use. Methamphetamine is so prevalent partly because it is simple to make and is profitable. Producing the drug requires materials that are available from local pharmacies, and knowledge that can be obtained from television or the Internet. Products of meth range from people with advanced chemistry degrees to those who are self-taught. Recipes are easily available in books as well as over the Internet.

The drug does not have to be smuggled in across secured international borders. Fifty percent of the Nation’s consumed methamphetamine is produced right here in our country. In fact, the basic ingredients can be found in your pharmacy. These relatively inexpensive materials can be used to create a drug that fetches much higher prices. For example, ounce quantities are worth between $1,500 and $2,000 and can be sold to individual users for about $100 a gram in crystallized powder form that can be smoked, snorted, swallowed or turned into liquid and injected. According to the Office of National Drug Control Policy, ONDCP, methamphetamine users spent nearly $6 billion on the drug in 1999.

Methamphetamine is also highly addictive. Known on the street as crank, speed, ice and zip, methamphetamine is cheaper than cocaine, more addictive than crack and causes more brain damage than heroin or alcohol. A single dose of this “poor man’s cocaine” can keep a person awake for three to four days at a time and has been associated with paranoia and often violence. In California’s Central Valley, methamphetamine has become the drug of choice and a principal cause of crime.

I firmly believe that law enforcement officials cannot effectively fight this drug and address the problems we are seeing. In California, where the DEA, that agency spent more than $22 million cleaning up 6,609 labs nationwide.

These extraordinary costs simply cannot be maintained on the local level without Federal support. These costs are proof of why Federal funding for such valuable efforts is necessary.

So the first thing this legislation would do is help law enforcement as well as the public pay these important costs, by providing millions to help clean-up labs and train law enforcement authorities to properly and safety do this important work.

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The drug does not have to be smuggled in across secured international borders. Fifty percent of the Nation’s consumed methamphetamine is produced right here in our country. In fact, the basic ingredients can be found in your pharmacy. These relatively inexpensive materials can be used to create a drug that fetches much higher prices. For example, ounce quantities are worth between $1,500 and $2,000 and can be sold to individual users for about $100 a gram in crystallized powder form that can be smoked, snorted, swallowed or turned into liquid and injected. According to the Office of National Drug Control Policy, ONDCP, methamphetamine users spent nearly $6 billion on the drug in 1999.

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threshold, for bottled pills, I made the case that if limits were placed on bottles only, meth dealers would simply start buying blister-packed pills instead. At the time, some argued that blister packs were simply too unwieldy for meth manufacturers to bother with, the pressure of the individual pills out of each blister would be too time consuming. But we had evidence from California that dealers were already using these blister packs, so as a compromise we asked the DEA to conduct a national study of whether blister packs posed a problem. Well, guess what, they do.

According to the report we requested from the DEA, which was finalized late last year, blister packaged pseudoephedrine products seized at clandestine methamphetamine laboratories and other locations, such as dumpsites, have involved seizures of over a million tablets. The seizure of so many blister packed pseudoephedrine products showed convincingly that blister packaging is not a deterrent to ordinary, over-the-counter pseudoephedrine use in clandestine methamphetamine laboratories.

Indeed, the report even includes information about automated machines whose sole purpose is to remove pills from blister packs on a massive scale. These machines have been found in meth labs, along with hundreds, even thousands, of empty blister packs. So clearly, what we argued in 1999, in 1998, with State officials—meth manufacturers are using blister packs, and something must be done to stop them as best we can.

In order to address this problem, DEA recommended in the report it released late last year that the blister pack loophole be closed, and that the current retail sales limit of 9 grams for bottled pseudoephedrine be extended to blister packaged products as well. And that is what this bill would do.

The meth problem is not just a California problem, or a New York problem, or even an Iowa problem. The meth problem is a national problem, with tragic consequences across this great country. Without a continuing, nationwide, relentless effort on the part of the Federal Government, this problem will continue to grow and to infect our children and our communities with the scourge of methamphetamine addiction and use.

I believe DEA Director Hutchinson put it best this spring when he argued in support of Federal efforts to crack down on meth. “It clearly impacts every one of our districts, every segment of our society and every age group.”

I urge my colleagues to support this legislation and join the latest step towards progress in our war against methamphetamine.

Mr. KOHL. Mr. President, I rise in support of the CLEAN-UP Meth Act of 2002. I am pleased to join my fellow co-sponsors, Senators FEINSTEIN and HUTCHINSON in introducing this legislation.

Methamphetamine is a plague in Wisconsin that affects not only the people who purchase and use it, their families and friends, but also the law enforcement officials who are involved in cleaning up the abandoned meth laboratories. These home grown meth labs inflict significant damage to the environment unlike other illicit drugs. The labs contaminate the environment and threaten to break down the abatement efforts in cleaning up the polluted environment.

The meth scourge is growing every day. In 1999, Wisconsin State authorities seized only two methamphetamine labs. By 2001, that number had increased to 52 and shows no signs of abating. Its appearance in the last few years in the western part of Wisconsin, trafficked from Minnesota and Iowa, has created a demand for the law enforcement. And, production in the State has grown dramatically in the last four years.

The amount of methamphetamine produced in Wisconsin is also growing by leaps and bounds. In 1999, State drug task forces seized 1.6 kilograms of methamphetamine. In 2000, the number increased to 2.5 kilograms. Finally, in 2001, the amount of methamphetamine seized in Wisconsin skyrocketed to 20.9 kilograms, an increase of 13 fold in only two years.

The existence of a significant and growing meth problem comes as no surprise. In cooperation with the assistance of Wisconsin’s Department of Narcotics Enforcement, we have attempted to fight the spread of meth for the past several years. We have augmented DEA’s representation in Wisconsin, specifically adding new agents in the western part of the state to work in conjunction with state drug officials. We have secured DEA mobile drug teams to traverse the northwestern part of the State where much of the meth has been produced. We have also secured millions of dollars in the appropriations process to aid in prevention and clean up efforts in western Wisconsin.

Unfortunately, this has not stemmed the spread of meth. We fear to consider how much worse the problem would be if it were not for the efforts of our state and local law enforcement officials.

We must do more. The legislation we introduced today is another weapon in the battle against the spread of meth. The bill authorizes more funding for the education, prevention and clean up of methamphetamine.

Educational programs for people about the dangers of meth and assisting in safe environmental cleanup are important, long-term approaches to the meth problem. There is, however, something that can be done immediately to make it more difficult for meth producers to manufacture the drugs.

We need to make it more difficult for meth producers to get access to the precursor chemicals they use to produce methamphetamine. That means closing a loophole in the law that currently makes it too easy for meth producers to get pseudoephedrine. Pseudoephedrine is the central ingredient in both methamphetamine and most major cold medicines sold over the counter.

To combat the sale of pseudoephedrine to meth producers, Congress passed the Comprehensive Methamphetamine Control Act of 1996. This limited the amount of pseudoephedrine or ephedrine that any one person could purchase at one time. Yet, Congress did not proscribe the purchase of pseudoephedrine in so-called “blister packs.” The pharmaceutical industry argued that it is sufficiently difficult to remove each pill from a blister pack, that the sale of pseudoephedrine in that form need not be limited. Only the sale of pseudoephedrine in bottles where it would be easy for meth producers to access large quantities needed to be restricted.

As it turns out, the meth producers adapted their behavior to take advantage of the loophole in the law by finding a way to make the blister packaged pseudoephedrine economical to purchase. They did so with the advent of presses that simply punctured all of the blister packs—therefore removing the type of packaging as an impediment to their access to the pseudoephedrine.

The DEA conducted a study on the use of blister packs and found that among the refuse left at meth labs are more and more blister packs. This demonstrates, in the DEA’s view, that the blister pack loophole needs to be closed. We agree with their recommendation and therefore recommend limiting the amount of pseudoephedrine the type of packaging used by any one person at any one time.

Closing this loophole in the law governing the manufacture of meth is one more weapon in the battle against the drug. Combined with education, prevention and greater resources for law enforcement throughout Wisconsin, we can stem the tide of this scourge before it does even more damage.

By Mr. MILLER:

S. 2764. A bill to eliminate the Federal quota and price support for tobacco, to compensate quota holders and active producers for the loss of tobacco quota asset value, to establish a permanent advisory board to determine and describe the physical characteristics of domestic and imported tobacco, and for other purposes; to the Committee on Finance.

Mr. MILLER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This Act may be cited as the “Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002.”
(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLES I—TERMINATION OF CURRENT TOBACCO PROGRAMS

Sec. 101. Termination of tobacco production adjustment program.
Sec. 102. Termination of tobacco price support program.
Sec. 103. Geographical restrictions on expansion of tobacco production.
Sec. 104. Continued availability of Federal crop insurance.

TITLES II—PAYMENTS TO TOBACCO QUOTA HOLDERS AND PRODUCERS

Sec. 201. Definitions.
Sec. 202. Payments to tobacco quota holders.
Sec. 203. Transition payments for active producers of quota tobacco.

TITLES III—TOBACCO QUALITY BOARD

Sec. 301. Definitions.
Sec. 302. Establishment of Board.
Sec. 303. Duties.
Sec. 304. Administration.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

Subtitle A—FDA Jurisdiction Over Tobacco Products

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SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the “Tobacco Products Modernization Act.”

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 101. Short title; table of contents.

TITLES I—FDA REGULATION OF TOBACCO PRODUCTS

Sec. 102. Definitions.
Sec. 103. Duties.
Sec. 104. Administration.

TITLES II—ADVERTISING AND RECOGNITION

Sec. 201. Definitions.
Sec. 203. Cigarette labeling and advertising.

TITLES III—AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Sec. 301. Definitions.
Sec. 302. Establishment of Board.
Sec. 303. Duties.
Sec. 304. Administration.

TITLE I—TERMINATION OF CURRENT TOBACCO PROGRAMS

Sec. 101. Termination of current tobacco production adjustment program.
Sec. 102. Termination of tobacco price support program.
Sec. 103. Geographical restrictions on expansion of tobacco production.
Sec. 104. Continued availability of Federal crop insurance.

TITLES II—PAYMENTS TO TOBACCO QUOTA HOLDERS AND PRODUCERS

Sec. 201. Definitions.
Sec. 202. Payments to tobacco quota holders.
Sec. 203. Transition payments for active producers of quota tobacco.

TITLES III—TOBACCO QUALITY BOARD

Sec. 301. Definitions.
Sec. 302. Establishment of Board.
Sec. 303. Duties.
Sec. 304. Administration.
SEC. 101. PURPOSES.

(a) PURPOSES.—The purposes of this section are—

(1) to provide an orderly economic transition from the marketing of tobacco based on quotas and price support; and

(2) to provide an orderly economic transition from the marketing of tobacco based on quotas and price support.

(b) ELIGIBILITY.

(1) In general.—To be eligible to receive a payment under this section, a person shall submit to the Secretary an application containing such information as the Secretary may require to demonstrate to the satisfaction of the Secretary that the person is a tobacco quota holder.

(2) ADMINISTRATION.

The application shall be submitted within such time, in such form, and in such manner as the Secretary may require.

SEC. 102. PAYMENTS TO TOBACCO QUOTA HOLDERS.

(a) PAYMENT REQUIRED.—The Secretary shall make payments to each eligible tobacco quota holder for the termination of tobacco marketing quota and related price support under subsection (b).

(b) QUANTITY.

The basic quota level for each tobacco quota holder shall be equal to the quantity, in pounds, of tobacco subject to the basic tobacco marketing quota subject to the basic tobacco marketing quota program established by the Secretary, as determined under subsection (b).

(c) RATE.

The rate per pound for each tobacco quota holder shall be equal to 100 percent of the total amount recovered by the Secretary, as determined under subsection (b).

(d) PAYMENT TO TOBACCO QUOTA HOLDERS.

The Secretary shall make payments to each eligible tobacco quota holder in accordance with subsection (b).

(e) TRANSITION PAYMENTS FOR ACTIVE PRODUCERS OF QUOTA TOBACCO.

(a) TRANSITION PAYMENTS REQUIRED.—The Secretary shall make transition payments to each eligible active producer of quota tobacco under this section.

(b) ELIGIBILITY.—

(1) In general.—To be eligible to receive a transition payment under this section, a person shall submit to the Secretary an application containing such information as the Secretary may require to demonstrate to the satisfaction of the Secretary that the person is an active producer of quota tobacco.

(c) PRODUCTION BASE.

The production base of a producer shall be equal to the quantity, in pounds, of tobacco subject to the basic tobacco marketing quota produced and marketed by the producer under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) (as in effect before the amendment made by section 10(h)(1)) for the 1998 marketing year.

(d) PAYMENT.—The Secretary shall make payments to each eligible active producer of quota tobacco, as determined under subsection (b), in an amount obtained by multiplying—

(1) $4 per pound; by

(2) the production base established for the active producer under subsection (c).

(e) TIMING AND PAYMENT.—The payments to eligible active producers of quota tobacco required under this section shall be made in 5 equal installments during fiscal years 2003, 2004, 2005, 2006, and 2007.

(f) RESOLUTION OF DISPUTES.—Any dispute regarding the eligibility or amount of the payment shall be resolved by the Secretary.

SEC. 103. GEOGRAPHICAL RESTRICTIONS ON EXPANSION OF TOBACCO PRODUCTION.

Nothing in this title affects the eligibility of a county to obtain an increase in the marketing quota of tobacco for a crop of the producer under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

TITILE II—PAYMENTS TO TOBACCO QUOTA HOLDERS AND PRODUCERS

SEC. 201. DEFINITIONS.

In this title:

(1) ACTIVE PRODUCER OF QUOTA TOBACCO.—The term ‘‘active producer of quota tobacco’’ means a person that was the actual producer of tobacco marketed under a marketing quota for the 2001 tobacco marketing year, as determined by the Secretary.

(2) QUOTA TOBACCO.—The term ‘‘quota tobacco’’ means a kind of tobacco that is subject to a farm marketing quota or farm acreage allotment for the 1999, 2000, 2001, and 2002 tobacco marketing years under a marketing quota or allotment program established by the Secretary under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) (as in effect before the amendment made by section 101(h)).

(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture.

(4) QUOTA HOLDER.—The term ‘‘quota holder’’ means an owner of a farm on January 1, 2002, for which tobacco farm marketing quota or farm acreage allotment for quota tobacco was established with respect to the 2002 tobacco marketing year under a marketing quota program established under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) (as in effect before the amendment made by section 101(h)).

(5) PRODUCTION BASE.—The production base of a producer shall be equal to the quantity, in pounds, of tobacco subject to the basic tobacco marketing quota subject to the basic tobacco marketing quota program established by the Secretary, as determined under subsection (b).

(6) RATE.—The rate per pound for each tobacco quota holder shall be equal to 100 percent of the total amount recovered by the Secretary, as determined under subsection (b).

SEC. 202. PAYMENTS TO TOBACCO QUOTA HOLDERS.

(a) PAYMENT REQUIRED.—The Secretary shall make payments to each eligible tobacco quota holder for the termination of tobacco marketing quota and related price support under subsection (b).

(b) QUANTITY.

The basic quota level for each tobacco quota holder shall be equal to the quantity, in pounds, of tobacco subject to the basic tobacco marketing quota subject to the basic tobacco marketing quota program established by the Secretary, as determined under subsection (b).

SEC. 203. TRANSITION PAYMENTS FOR ACTIVE PRODUCERS OF QUOTA TOBACCO.

(a) TRANSITION PAYMENTS REQUIRED.—The Secretary shall make transition payments to each eligible active producer of quota tobacco under this section.

(b) ELIGIBILITY.—

(1) In general.—To be eligible to receive a transition payment under this section, a person shall submit to the Secretary an application containing such information as the Secretary may require to demonstrate to the satisfaction of the Secretary that the person is an active producer of quota tobacco.

(c) PRODUCTION BASE.

The production base of a producer shall be equal to the quantity, in pounds, of tobacco subject to the basic tobacco marketing quota produced and marketed by the producer under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) (as in effect before the amendment made by section 101(h)) for the 1998 marketing year.

(d) PAYMENT.—The Secretary shall make payments to each eligible active producer of quota tobacco, as determined under subsection (b), in an amount obtained by multiplying—

(1) $4 per pound; by

(2) the production base established for the active producer under subsection (c).

(e) TIMING AND PAYMENT.—The payments to eligible active producers of quota tobacco required under this section shall be made in 5 equal installments during fiscal years 2003, 2004, 2005, 2006, and 2007.

(f) RESOLUTION OF DISPUTES.—Any dispute regarding the eligibility or amount of the payment shall be resolved by the Secretary.

SEC. 301. DEFINITIONS.

In this title:

(1) BOARD.—The term ‘‘Board’’ means the Tobacco Quality Board established under section 302.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture.

SEC. 302. ESTABLISHMENT OF BOARD.

(a) IN GENERAL.—The Secretary shall establish a Tobacco Quality Board.

(b) NOMINATION AND APPOINTMENT.—The Board shall consist of 11 members, of which—

(1) 5 members shall be appointed by the Secretary by and with the advice and consent of the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture, Rural Development, and Related Agencies of the House of Representatives;

(2) 3 members shall be representatives of tobacco farmers;

(3) 1 member shall be a representative of the tobacco industry; and

(4) 2 members shall be representatives of the public, including representatives of environmental organizations.

The Board shall be appointed to serve for terms ending on June 30, 2013, or until their successors are appointed and qualify.

(c) POWERS AND DUTIES.—The Tobacco Quality Board shall—

(1) establish a tobacco quality standard;

(2) promote the uniform application of the tobacco quality standard by the Secretary; and

(3) perform such other duties as are necessary to carry out this title.
(2) 5 members shall be appointed by the Secretary from nominations submitted by representatives of tobacco product manufacturers in the United States; and
(3) One member shall be an officer or employee of the Department of Agriculture appointed by the Secretary, who shall serve as Chairperson of the Board.

(2) OTHER MEMBERS.—Other members of the Board shall serve for 2-year terms, except that the members first appointed to the Board, if representative of the tobacco manufacturers and 2 manufacturer representatives shall have initial terms of 1 year, as determined by the Secretary.

SEC. 303. DUTIES.

The Board shall—
(1) determine and describe the physical characteristics of tobacco produced in the United States and unmanufactured tobacco imported into the United States;
(2) assemble and evaluate, in a systematic manner, concerns and problems with the quality of tobacco produced in the United States, expressed by domestic and foreign buyers and manufacturers of tobacco products;
(3) review data collected by Federal agencies on the physical and chemical integrity of tobacco produced in the United States and unmanufactured tobacco imported into the United States to determine that tobacco being used in domestically-manufactured tobacco products is of the highest quality and is free from prohibited physical and chemical agents;
(4) investigate and communicate to the Secretary—
(A) conditions with respect to the production of tobacco that discourage improvements in the quality of tobacco produced in the United States; and
(B) recommendations for regulatory changes that would address tobacco quality issues; and
(5) carry out such other related activities as are assigned to the Board by the Secretary.

SEC. 304. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall provide to the Board with (as determined by the Secretary)—
(1) a staff that is—
(A) knowledgeable in the sampling and analysis of unmanufactured tobacco; and
(B) capable of collecting data and monitoring tobacco production information; and
(2) other resources necessary for the Board to perform the duties of the Board under this title.

(b) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

TITLE IV—TOBACCO PRODUCT MANUFACTURER AND IMPORTER USER FEES

SEC. 401. USER FEE.

(a) IN GENERAL.—(1) ASSESSMENT.—The Secretary of Health and Human Services shall assess an annual user fee, calculated in accordance with this section, on each tobacco product manufacturer and tobacco product importer that sells tobacco products in domestic commerce in the United States.

(2) COMMENCEMENT.—The assessments shall commence during calendar year 2003, based on domestic sales of tobacco products during fiscal year 2003.

(b) BASE AMOUNT OF USER FEE FOR EACH CLASS OF TOBACCO PRODUCT.—The base amount of the user fee shall be—

(1) for cigarette manufacturers and importers, $2,116,252,000;

(2) for small cigar manufacturers and importers, $1,051,000;

(3) for large cigar manufacturers and importers, $164,274,000;

(4) for snuff manufacturers and importers, $9,920,000;

(5) for chewing tobacco manufacturers and importers, $2,275,000;

(6) for roll-your-own tobacco manufacturers and importers, $3,231,000.

(c) DETERMINATION OF ANNUAL USER FEE FOR EACH CLASS OF TOBACCO PRODUCT.—The total user fee to be assessed on, and paid by, the manufacturers and importers of each class of tobacco product during each calendar year, as allocated pursuant to subsection (d), shall be the amount obtained by multiplying—

(1) the base amount for that class of tobacco product provided under subsection (b); by

(2) a fraction—
(A) the numerator of which is the total volume of domestic sales of that class of tobacco product during the fiscal year ending on September 30 of that calendar year; and

(B) the denominator of which is the total volume of domestic sales of that class of tobacco product during fiscal year 2003.

(d) ALLOCATION OF TOTAL USER FEE AMOUNTS BY MANUFACTURERS AND IMPORTERS.—(1) DEFINITION OF MARKET SHARE.—In this subsection, the term ‘‘market share’’ means the share of each manufacturer or importer of a class of tobacco product (expressed as a decimal to the fourth place) of the total volume of domestic sales of the class of tobacco product during the calendar year immediately preceding the calendar year of an assessment under this section.

(2) ALLOCATION.—The amount of the user fee for each class of tobacco product to be paid by each manufacturer or importer of the class of tobacco product under subsection (a) shall be determined for each calendar year by multiplying—

(A) the market share of the manufacturer or importer, as calculated with respect to the calendar year, of the class of tobacco product, by

(B) the total user fee amount for the calendar year, as determined under subsection (c), for the class of tobacco product.

(e) DETERMINATION OF VOLUME OF DOMESTIC SALES.—(1) IN GENERAL.—The calculation of the volume of domestic sales of a class of tobacco product by a manufacturer or importer of tobacco products as a group, shall be made by the Secretary of Health and Human Services based on certified reports submitted by the manufacturers and importers pursuant to subsection (f).

(2) MEASUREMENT.—For purposes of the calculations under this subsection and the certification under subsection (f) by the Secretary of Health and Human Services, the volumes of domestic sales shall be measured by—

(A) in the case of cigarettes, the numbers of cigarettes sold; and

(B) in the case of each other class of tobacco products, such unit as is specified by regulation by the Secretary.

(f) CERTIFICATION OF VOLUME OF DOMESTIC SALES.—(1) IN GENERAL.—Each manufacturer and importer of tobacco products shall submit, for each year a certified report to the Secretary of Health and Human Services setting forth for each class of tobacco products marketed, or offered for sale, during the preceding year, of domestic sales of the tobacco products by the manufacturer and importer, respectively, to wholesalers and retailers and directly to consumers.

(2) DEADLINE.—The certified report shall be submitted to the Secretary of Health and Human Services not later than March 1 of the year after the year for which the certified report is made.

SEC. 402. ALLOCATION OF USER FEES.

(a) IN GENERAL.—The user fees collected pursuant to section 401 and any funds transferred to the Secretary of Health and Human Services by the Secretary of Agriculture pursuant to section 105(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) shall be used—

(b) FUNDING FOR FUNDING FOR OTHER TOBACCO-RELATED PROGRAMS.—The Secretary of Health and Human Services shall use the remaining 85 percent of the user fee amounts collected pursuant to section 401 and any amounts transferred to the Secretary of Health and Human Services by the Secretary of Agriculture pursuant to section 105(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) to—

(1) reimburse the Commodity Credit Corporation for the expenditures made by the Commodity Credit Corporation under title I; and

(2) if any funds remain after carrying out paragraph (1), to fund any other program that relates to tobacco products.

TITLE V—FDA REGULATION OF TOBACCO PRODUCTS

SEC. 501. FINDINGS.

Congress finds that—

(1) the use of tobacco products by the children of the United States is a pediatric disease of epic proportions that results in new generations of tobacco-dependent children and adults;

(2) a consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects;

(3) nicotine is addictive;

(4) virtually all new users of tobacco products are under the minimum legal age to purchase tobacco products;

(5) tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents; and

(6) since past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, distribution, advertising, and use of tobacco products are needed;

(7) Federal and State governments have lacked the legal and regulatory authority and resources to address comprehensively the public health and societal problems caused by the use of tobacco products;

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight; and

(9) under article I, section 8 of the Constitution, Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes; and

(10) as a result of the sale, distribution, advertising, and use of tobacco products are activities in and substantially affect interstate commerce; and

(11) the United States is party to the International Convention on Tobacco Control, an international treaty adopted by the World Health Organization.
commerce because tobacco products are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis; and
(11) the sale, distribution, marketing, and advertising of tobacco products, or any part or constituent thereof, substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products;
(12) the public interest for Congress to adopt comprehensive public health legislation because of—
(A) the unique position of tobacco in the history and economy of the United States; and
(B) the need to prevent the sale, distribution, marketing and advertising of tobacco products to persons under the minimum legal age to purchase tobacco products;
(13) the public interest requires a timely, fair, equitable, and consistent result that will serve the public interest by restricting throughout the United States the sale, distribution, marketing, and advertising of tobacco products only to persons of legal age to purchase tobacco products;
(14) public health authorities estimate that the benefits to the United States of enacting Federal legislation to accomplish the goals described in this section would be significant in human and economic terms;
(15) reducing the use of tobacco by minors by 50 percent would prevent well over 60,000 early deaths each year and save up to $43,000,000,000 each year in reduced medical costs, improved productivity, and the avoidance of premature deaths;
(16) advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, resulting in increased use of tobacco products by youth; and
(B) past efforts to oversee those activities have not been successful in adequately preventing the increases;
(17) advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, resulting in increased use of tobacco products by youth; and
(B) past efforts to oversee those activities have not been successful in adequately preventing the increases;
(18) advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, resulting in increased use of tobacco products by youth; and
(B) past efforts to oversee those activities have not been successful in adequately preventing the increases;
(19) children—
(A) are more influenced by tobacco advertising than adults; and
(B) smoke the most advertised brands;
(20) tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market; and
(21) restrictions on advertising will have a positive effect on the smoking rates of young people;
(22) restrictions on advertising are necessary to prevent unrestricted tobacco advertising, a continuing legislation prohibiting access to young people; and
(23) it is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

Subtitle A—FDA Jurisdiction Over Tobacco Products

SEC. 511. DEFINITION OF TOBACCO PRODUCT.
Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(i) TOBACCO PRODUCT.—
"(A) IN GENERAL.—The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption.
"(B) INCLUSIONS.—The term 'tobacco product' includes any component, part, or accessory of a tobacco product.
"(C) EXCLUSIONS.—The term 'tobacco product' does not include any raw material, other than tobacco, used in manufacturing a component, part, or accessory of a tobacco product.
"

SEC. 512. TOBACCO PRODUCTS.
The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX (21 U.S.C. 391 et seq.) as chapter X;
(2) by redesigning sections 901 through 907 (21 U.S.C. 391 through 397) as sections 1001 through 1007, respectively; and
(3) by inserting after chapter VIII (21 U.S.C. 381 et seq.) the following:

"CHAPTER IX—TOBACCO PRODUCTS"

SEC. 901. DEFINITIONS.
"In this title:

"(1) BRAND.—The term 'brand' means a variety of tobacco product distinguished by the tobacco used, its form, labeling, and advertising;
"(2) CIGARETTE.—The term 'cigarette' means a cigarette or tobacco product containing, or consisting of, tobacco and any substance, chemical or compound (other than tobacco, water, or reconstituted tobacco sheet made wholly from tobacco), other than tobacco, paper, or filter of a cigarette, or to the tobacco of a smokeless tobacco product.
"(3) COMMERCE.—The term 'commerce' has the meaning given the term in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332).
"(4) CONSTITUENT.—The term 'constituent' means, with respect to cigarettes, any element of mainstream or sidestream smoke.
"(5) DISTRIBUTOR.—The term 'distributor' has the meaning given the term in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332).
"(6) DWELLER.—The term 'dwellers' has the meaning given the term in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332).
"(7) EXCLUSION.—The term 'exclusion' has the meaning given the term in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332).
"(8) N ICOTINE.—The term 'nicotine' means—
"(A) the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C\[10\]H\[14\]N\[2\], including any salt or complex of nicotine;
"(B) the unique position of tobacco in the history and economy of the United States; or
(C) if no other container is used, any wrapper for resale in the United States, including any salt or complex of nicotine.
"

SEC. 903. ADULTERATED TOBACCO PRODUCTS.
"(a) IN GENERAL.—A tobacco product shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V, except to the extent that—
"(1) the tobacco product is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease (within the meaning of section 201(g)(1)(B) or 201(h)(2)); or
"(2) a health claim is made for the tobacco product under section 201(g)(1)(C) or 201(h)(3), except that this paragraph shall not apply to a reduced exposure tobacco product or a reduced risk tobacco product covered by section 913.
"

"(b) APPLICABILITY.—This chapter shall apply to all tobacco products subject to part 87 of title 21, Code of Federal Regulations and any successor regulations; and
"(c) SCOPE.—Nothing in this chapter affects the authority of the Secretary over, or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter of this Act.
"

"(2) LEAF TOBACCO.—
"(A) DEFINITION OF CONTROLLED BY.—In this paragraph, the term 'controlled by' means, when used with respect to a tobacco product manufacturer, that the tobacco product manufacturer—
"(i) is a member of the same controlled group of corporations (as that term is used in section 52(a) of the Internal Revenue Code of 1986); or
"(ii) is under common control (within the meaning of the regulations promulgated under section 52(b) of that Code).
"

"(B) NONAPPLICABILITY.—This chapter shall not apply to—
"(1) leaf tobacco that is not in the possession of a manufacturer; or
"(2) a producer of leaf tobacco, including a tobacco grower, tobacco warehouse, and tobacco grower cooperative.
"

"(3) ENTRY INTO FARMS.—An officer or employee of the Food and Drug Administration shall not have any authority to enter onto a farm owned by a producer of leaf tobacco without the written consent of the producer.
"

"(D) DUAL CAPACITY AS LEAF TOBACCO PRODUCER AND MANUFACTURER.—Notwithstanding any other provision of this subparagraph, if a producer of leaf tobacco is also a tobacco product manufacturer or is controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer.
"

"(E) REGULATIONS ON LEAF TOBACCO PRODUCTION.—Nothing in this chapter grants the Secretary authority to promulgate regulations on any matter that involves the production of leaf tobacco or a producer of leaf tobacco, other than activities by a manufacturer affecting production.
"

"SEC. 903. ADULTERATED TOBACCO PRODUCTS.
"(a) CONTAMINATED SUBSTANCES.—A tobacco product shall be deemed adulterated if the tobacco product—
SEC. 904. MISBRANDED TOBACCO PRODUCTS.

(a) FALSE LABELING.—A tobacco product shall be deemed misbranded if the labeling of the tobacco product is false or misleading.

(b) MISLABELED PACKAGES.—

(1) IN GENERAL.—Subject to paragraph (2), a tobacco product other than a unitary tobacco product shall be deemed misbranded unless the tobacco product bears a label containing—

(A) the name and place of business of the tobacco product manufacturer, packer, or distributor; and

(B) an accurate statement of the quantity of the contents in terms of weight, measure, or number contained.

(2) ADMINISTRATION.—In carrying out the provisions of this paragraph, the Secretary shall (by regulation) promulgate regulations to establish reasonable exceptions to the requirements of this paragraph.

(c) INFORMATION.—A tobacco product shall be deemed misbranded if any warning, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed on the label or labeling with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render the information likeable to be read and understood by the ordinary individual under customary conditions of purchase and reading.

(d) ESTABLISHED NAME.—A tobacco product shall be deemed misbranded if—

(1) the tobacco product has an established name; and

(2) the label of the tobacco product does not bear, to the exclusion of any other nonproprietary name, the established name of the tobacco product printed in type, as required by the Secretary by regulation.

(e) DIRECTIONS.—A tobacco product shall be deemed misbranded if the Secretary has promulgated regulations requiring that the labeling of the tobacco product bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless the labeling of the tobacco product conforms in all respects to the regulations.

(f) PROCESSING.—A tobacco product shall be deemed misbranded if—

(1) the tobacco product was manufactured, prepared, propagated, compounded, or processed in any State in an establishment not duly registered under section 906(b); or

(2) the tobacco product was not included in a list required by section 906(i).

(g) NOTICE.—A notice or other information with respect to the tobacco product was not provided as required by section 906(i) or 906(j); or

(h) THE TOBACCO PRODUCT DOES NOTbear such symbols from the uniform system for identification of tobacco products prescribed under section 906(e) as the Secretary by regulation requires.

(i) FALSE ADVERTISING.—In the case of any tobacco product offered for sale in any State, a tobacco product shall be deemed misbranded if—

(1) the advertising of the tobacco product is false or misleading; or

(2) the tobacco product is sold, distributed, advertised, or promoted in violation of section 916 or regulations prescribed under section 907.

(j) PERFORMANCE STANDARDS.—A tobacco product shall be deemed misbranded if the tobacco product is a tobacco product subject to a performance standard established under this chapter, unless the tobacco product bears such labeling as may be prescribed in the performance standard.

(k) NOTICE.—A tobacco product shall be deemed misbranded if there is a failure or refusal—

(1) to comply with any requirement prescribed under sections 905 or 909; or

(2) to furnish any material information required by or under section 910.

(l) LABELING.—A tobacco product shall be deemed misbranded if the tobacco product is not in compliance with—

(1) the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.); or

(2) the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401 et seq.).

(3) any regulation promulgated by the Secretary under this chapter.

(3) Prior Approval of Statements on Label.—In the case of statements on labels of tobacco products made subject to a finding by the Secretary that the content of any advertisement or labeling is false or misleading, no advertisement of a tobacco product, published after the date of enactment of the Tobacco Livelihood and Economic Assistance Act of 1986, shall be subject to sections 12 through 15 of the Federal Trade Commission Act (15 U.S.C. 52 through 55).

(4) Labeling.—This subsection does not apply to any printed matter that the Secretary determines to be labeling (as defined in section 201).

SEC. 905. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

(a) Requirement.—Not later than 180 days after the date of enactment of the Tobacco Livelihood and Economic Assistance Act of 1986, the Secretary, in consultation with the tobacco product manufacturer or importer of tobacco products, shall submit to the Secretary the following information:

(1) A listing of all tobacco ingredients, substances, and compounds that are, as of that date, added by the manufacturer to the tobacco product, paper, filter, or other component of each tobacco product by brand and by quantity in each brand and subbrand.

(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine.

(3) All documents (including underlying scientific information) relating to research activities and research findings conducted, or results of studies conducted, by the manufacturer (or agents) on the heath, behavioral, or physiological effects of tobacco products, their constituents, ingredients, and components, and tobacco additives described in paragraph (1).

(4) All documents (including underlying scientific information) relating to research activities and research findings conducted, or results of studies conducted, by the manufacturer (or agents) that relate to the issue of whether a reduction in risk to health from tobacco products can occur on the employment of technology available or known to the manufacturer.

(5) All documents (including underlying scientific information) relating to research involving the use of tobacco products.
‘‘(b) ANNUAL SUBMISSION OF INFORMATION.—A tobacco product manufacturer or importer that is required to submit information under subsection (a) shall update the information on an annual basis in accordance with a schedule determined by the Secretary.

‘‘(c) TIME FOR SUBMISSION.—(1) In general.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002—

‘‘(A) the manufacturer of the tobacco product shall provide the information required under paragraph (1) and

‘‘(B) the tobacco product shall be subject to the annual submission requirement under subsection (b).

‘‘(2) MODIFICATION OF EXISTING PRODUCTS.—Not later than 60 days after the date of an action described in this paragraph, a tobacco product manufacturer shall advise the Secretary of the action in writing, and reference the action in submissions made under subsection (b), if the manufacturer—

‘‘(A) adds to the tobacco product a new tobacco additive;

‘‘(B) increases or decreases the quantity of an existing tobacco additive or the nicotine content, delivery, or form;

‘‘(C) eliminates a tobacco additive from the tobacco product.

‘‘SEC. 906. ANNUAL REGISTRATION.

‘‘(a) DEFINITIONS.—In this section—

‘‘(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term ‘manufacture, preparation, compounding, or processing’ includes (consistent with section 902(c)(2)(A)) any act for the manufacture of a tobacco product in the place of business of the person that makes final delivery or sale to the ultimate consumer or user.

‘‘(2) NAME.—The term ‘name’ includes—

‘‘(A) in the case of a partnership, the name of each partner; and

‘‘(B) in the case of a corporation—

‘‘(i) the name of each corporate officer and director; and

‘‘(ii) the State of incorporation.

‘‘(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year, each person that owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of the person.

‘‘(c) REGISTRATION OF NEW OWNERS AND OPERATORS.—On first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in an establishment owned or operated in any State by a person, the person shall immediately register with the Secretary the person’s name, place of business, and the establishment.

‘‘(d) REGISTRATION OF ADDITIONAL ESTABLISHMENTS.—A person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment that person owns or operates in any State and at which the person begins the manufacture, preparation, compounding, or processing of 1 or more tobacco products.

‘‘(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary shall—

‘‘(1) prescribe a uniform system for the identification of tobacco products; and

‘‘(2) require that persons that are required to list tobacco products under subsection (a) shall list the tobacco products in accordance with the system.

‘‘(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—On request, the Secretary shall make available for inspection any registration filed under this section.

‘‘(g) INSPECTION OF REGISTERED ESTABLISHMENTS.—

‘‘(1) IN GENERAL.—Each establishment under this section in any State shall be subject to inspection under section 704.

‘‘(2) ADMINISTRATION.—Each such establishment registered in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall be inspected by 1 or more officers or employees duly designated by the Secretary—

‘‘(A) at least once during the 2-year period beginning with the date of registration of the establishment under this section; and

‘‘(B) at least once in every successive 2-year period thereafter.

‘‘(h) FOREIGN ESTABLISHMENTS.—

‘‘(1) FOREIGN INSPECTIONS.—Any establishment required to be registered under paragraph (1) shall—

‘‘(A) provide to the Secretary the information required under paragraph (1); and

‘‘(B) comply with any other requirement of this section that is applicable to domestic manufacturers.

‘‘(2) INSPECTIONS.—Any establishment required to be registered under paragraph (1) shall—

‘‘(A) subject to inspection under section 704; and

‘‘(B) be inspected under that section by 1 or more officers or employees designated by the Secretary at least once during—

‘‘(i) the 2-year period beginning on the date of the registration of the establishment under paragraph (1); and

‘‘(ii) each 2-year period thereafter.

‘‘(i) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with officials of foreign countries to ensure that adequate and effective means are available for enforcing, from time to time, whether tobacco products manufactured by an establishment required to be registered under paragraph (1), if imported or otherwise introduced into the United States, shall be subject to inspection.

‘‘SEC. 907. REGISTRATION INFORMATION.

‘‘(a) REQUIREMENTS.—Each person that registers a tobacco product or a tobacco product intended for commercial distribution that has not been included in any list previously submitted under this section shall report to the Secretary under this section.

‘‘(A) In the case of a tobacco product contained in the list is not subject to a performance standard established under section 908, a brief statement of the basis on which the registrant made the determination, if the Secretary requests such a statement with respect to the particular tobacco product.

‘‘(B) In the case of any other tobacco product contained in an applicable list—

‘‘(i) a copy of all consumer information and other labeling for the tobacco product;

‘‘(ii) a representation of all advertising for a particular tobacco product, and

‘‘(iii) on request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product.

‘‘(C) If the registrant filing a list has determined that a tobacco product contained in the list is not subject to a performance standard established under section 908, a brief statement of the basis on which the registrant made the determination, if the Secretary requests such a statement with respect to the particular tobacco product.

‘‘(3) SEMIANNUAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person that registers with the Secretary under this subsection shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

‘‘(A) A list of each tobacco product introduced by the registrant for commercial distribution that has not been included in any list previously submitted by the person with the Secretary under this paragraph or paragraph (1).

‘‘(ii) a list of each tobacco product introduced by the registrant for commercial distribution that has been included in any list previously submitted by the person with the Secretary under this paragraph or paragraph (1)—

‘‘(i) notice of the discontinuance;

‘‘(ii) the date of the discontinuance; and

‘‘(iii) the identity of the established name of the tobacco product.

‘‘(C) If, since the date the registrant reported a list under subparagraph (B), a notice of discontinuance that person has resumed the manufacture, preparation, processing, or for commercial distribution of a tobacco product and in which a performance standard has been established for the tobacco product.

‘‘(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

‘‘(4) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—Each person that is required to register under this section and that proposes to begin the introduction or delivery into interstate commerce of a tobacco product intended for human use that was not commercially marketed in the United States as of the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002 and that proposes to begin the introduction or delivery of a tobacco product previously commercial marketed in the United States as of the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of...
SEC. 907. GENERAL PROVISIONS CONCERNING CONTROL OF TOBACCO PRODUCTS.

(a) IN GENERAL—

(1) APPLICABLE REQUIREMENTS.—Any requirement established by or under section 803, 804, 806, or 910 that is applicable to any tobacco product, or any production, handling, or sale of tobacco products until the applicability of the requirement to the tobacco product has been changed by action taken under section 908, section 911, or section 913, or under subparagraph (a) of section 552(a), shall not be disclosed.

(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—

(1) APPLICATION.—This subsection applies to—

(A) each notice of proposed rulemaking under this section or section 808, 809, 908, 909, or 910;

(B) any other notice that is published in the Federal Register with respect to any other action taken under any such section and that states the reasons for the action; and

(C) each publication of findings required to be made in connection with rulemaking under any such section.

(2) PROCEDURE.—Each notice and publication described in paragraph (1) shall set forth—

(A) the manner in which interested persons may present their comments on the notice or findings, including the need for the notice or findings orally or in writing, which period shall be not less than 60 days, and not more than 90 days, unless the period is extended by the Secretary by a notice published in the Federal Register stating good cause for the extension;

(b) Limited Confidentiality of Information.—

(1) IN GENERAL.—Except as provided in paragraph (2), any information reported to or otherwise made available to the Secretary or the Secretary’s representative under section 794, 805, 806, 808, 909, 910, 911, or 913, or under section 806 or section 910, shall be exempt from disclosure under section 552(a) of title 5, United States Code, by reason of section 552(b)(4) of such title.
“(i) for the reduction of nicotine yields of the tobacco product;
“(ii) for the reduction or elimination of other harmful constituents or harmful components of the tobacco product; and
“(iii) relating to any other requirement under subparagraph (B);

“(B) shall, if necessary for the protection of the public health, determine whether the standards should be

“(i) provisions respecting the construction, components, ingredients, and properties of the tobacco product;
“(ii) provisions for the measurement of the performance characteristics of the tobacco product; and
“(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) demonstrate that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

“(C) shall not render the tobacco product unacceptable for adult consumption.

“(3) PERIODIC EVALUATION OF PERFORMANCE STANDARDS.—

“(A) IN GENERAL.—The Secretary shall provide for periodic evaluation of performance standards established under this section to determine whether the standards should be changed to reflect new medical, scientific, or other technological data.

“(B) TESTER.—The Secretary may provide for testing under paragraph (2) by any person.

“(4) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this subsection, the Secretary shall

“(A) use available personnel, facilities, and other technical support of other Federal agencies;

“(B) consult with other Federal agencies concerned with standard-setting and other nationally or internationally recognized standard-setting entities; and

“(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representing scientific, professional, industrial, or consumer organizations who, in the Secretary’s judgment, can make a significant contribution.

“(5) ESTABLISHMENT, AMENDMENT, OR REVOCATION OF STANDARDS.—

“(A) In General.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any performance standard for a tobacco product.

“(B) ESTABLISHMENT OR AMENDMENT.—A notice of proposed rulemaking for the establishment or amendment of a performance standard for a tobacco product shall—

“(i) be published with supporting justification that the performance standard is appropriate for the protection of the public health;

“(ii) set forth proposals with respect to the risk of illness or injury that the performance standard is intended to reduce or eliminate; and

“(iii) invite interested persons to submit an existing performance standard for the tobacco product, including a draft or proposed performance standard, for consideration by the Secretary.

“(C) REVOCATION.—A notice of proposed rulemaking for the revocation of a performance standard shall set forth a finding with supporting justification that the performance standard is no longer necessary for the protection of the public health.

“(D) ADMINISTRATION.—The Secretary shall—

“(i) consider all information submitted in connection with a proposed standard, including any data and information on which the proposed regulation that requires the exercise of scientific judgment; and

“(ii) on the request of an interested person that demonstrates good cause for referral before the expiration of the period for submission of comments on a proposed regulation, refer to an advisory committee, for a report and recommendation a matter described in subparagraph (B), and

“(B) INFORMATION.—If a proposed regulation is referred to the advisory committee under this paragraph, the Secretary shall provide the advisory committee with the data and information on which the proposed regulation is based.

“(C) REPORT AND RECOMMENDATION.—Not later than 60 days after receipt of such committee's recommendation, the Secretary shall submit to the Congress a report and recommendation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

“(D) COPY.—A copy of the report and recommendation shall be made public by the Secretary.

“SEC. 909. NOTIFICATION AND OTHER REMEDIES.

“(a) NOTIFICATION.—

“(1) CONDITIONS.—The Secretary may issue an order described in paragraph (2) if the Secretary determines that—

“(A) a tobacco product that is introduced or delivered for introduction into interstate commerce for commercial distribution presents a risk of substantial harm to the public health that exceeds the risks posed by similar tobacco products marketed before the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002; and

“(B) no more practicable means is available under the provisions of this chapter (other than this section) to eliminate the risk.

“(2) ORDER.—If the Secretary makes a determination described in paragraph (1), the Secretary may issue such order as may be necessary to ensure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances to achieve the desired effect.

“(a) promulgate a regulation establishing a performance standard for the tobacco product required to be made under the Federal Register on the matters referred to in paragraph (1); or

“(b) publish a notice terminating the proceeding for the development of the standard, together with the reasons for the termination.

“(B) EFFECTIVE DATE.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), a regulation establishing a performance standard shall set forth the one or more dates on which the standard takes effect.
(2) Haring.—The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, consistent with the requirements by the order and on whether the order should be amended to require a recall of the tobacco product.

(3) VACATION OF ORDER.—If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

(4) AMENDMENT OF ORDER TO REQUIRE RECALL.—

(a) IN GENERAL.—Except as provided in subparagraph (C), if, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall amend the order to require a recall.

(b) TIMETABLE.—The Secretary shall specify a timetable during which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

(ii) shall not include recall of a tobacco product from individuals; and

(iii) shall provide for notice to persons subject to the risks associated with the use of the tobacco product.

(d) NOTIFICATION BY RETAILERS.—In providing the notice required by subparagraph (C), the Secretary may use the assistance of retailers and other persons that distribute the tobacco product.

(e) NOTIFICATION BY SECRETARY.—If a significant number of persons described in subparagraph (C)(ii), the Secretary may use the assistance for Our Farmers Act of 2002 shall be used.

(f) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

SEC. 910. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

(a) IN GENERAL.—Each person that is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records and make such reports as may be necessary by the Secretary to notify the person that distributes the tobacco product.

(b) ADMINISTRATION.—Regulations promulgating a record shall constitute final agency action.

(1) may require a tobacco product manufacturer or importer to report to the Secretary in any case in which the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that 1 of the marketed tobacco products of the manufacturer or importer may have contributed to a serious, unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, unexpected adverse product experience; and

(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported.

(3) shall not impose requirements that are unduly burdensome to a tobacco product manufacturer or importer, taking into account the conditions and the need for the protection of the public health and the implementation of this chapter.

(4) DESCIRIBING THE PROCEDURE FOR MAKING REQUESTS FOR REPORTS OR INFORMATION, shall require that each request made under the regulations for submission of a report or information to the Secretary state the reason or purpose for the request and identify, to the maximum extent practicable, the report or information requested.

(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of the report or information and to the maximum extent practicable the report or information; and

(6) may not require that the identity of any patient be disclosed in records, reports, or information required under this subsection unless disclosure is necessary—

(A) to protect the medical welfare of an individual;

(B) to determine risks to public health of a tobacco product; or

(C) to the recall record, report, or information submitted under this chapter.

(6) MEDICAL ETHICS AND PATIENT INTERESTS.—

(1) IN GENERAL.—In promulgating regulations under this section, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients.

(2) CONFIDENTIALITY.—The prohibitions of subsection (b)(6) shall continue to apply to records, reports, and information concerning any individual that has been patient, irrespective of whether or when the individual ceases to be a patient.

(3) REPORTS OF REMOVALS AND CORRECTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken, or removal from the market of a tobacco product by the manufacturer or importer if the removal or correction was undertaken—

(A) to reduce a risk to health posed by the tobacco product; or

(B) to remedy a violation of this chapter caused by the tobacco product that may present a risk to health.

(2) RECORD.—A tobacco product manufacturer or importer of a tobacco product that undertakes a corrective action or removal from the market of a tobacco product that is not substantially equivalent to a tobacco product that is commercially marketed in the United States as of the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002 shall be permitted under subsection (a).

(3) SUSPENSION OF DISTRIBUTION.—Not later than 90 days after the date of issuance of a determination that the tobacco product that is the subject of the recall report is not substantially equivalent to a tobacco product that is commercially marketed in the United States as of the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002 and

(4) IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ACT.

(5) FAILURE TO ISSUE ORDER.—If the Secretary fails to issue an order within the 90-day period described in paragraph (2), the tobacco product that is the subject of the report shall be deemed to be substantially equivalent to a predicate tobacco product.

(6) FINAL AGENCY ACTION.—

(a) IN GENERAL.—Subject to subparagraph (B), the issuance of an order under this paragraph shall constitute final agency action for purposes of section 702 of title 5, United States Code.

(B) REjection or MODIFICATION.—The Secretary may rescind or modify an order issued under this section at any time.

(c) HEALTH INFORMATION.—

(1) IN GENERAL.—As part of a submission under section 906(j) with respect to a tobacco product, the person required to file a premarket notification under section 906(j) shall provide an adequate summary of any health information relating to the tobacco product that is necessary by the Secretary to determine whether the tobacco product is substantially equivalent to a tobacco product.

(2) ADMINISTRATION.—Any summary under paragraph (1) respecting a tobacco product shall—

(A) contain detailed information regarding data concerning adverse health effects; and

(B) be made available to the public by the Secretary not later than 30 days after the date of issuance of a determination that the tobacco product is substantially equivalent to another tobacco product.

(3) REQUIREMENTS.—The communication that the product is a reduced exposure tobacco product or a reduced risk tobacco product shall be made under the requirements prescribed by the Secretary relating to the communication.
(4) PRIOR APPROVAL.—The Secretary may require prior approval of the communication in each case in accordance with section 913.

(5) APPLICATION.—(A) An application for pre-market approval shall contain—
   (i) full reports of all information, published or otherwise, that shows and reasonably is known to, the applicant, concerning investigations that have been made to show the health risks of the tobacco product and whether the tobacco product presents greater risk than other tobacco products;
   (ii) a full statement of the components, ingredients, and properties, and of the principle and nonprinciple or principles of operation, of the tobacco product;
   (iii) a full description of the methods used in, and the facilities and controls used for, the manufacturing, processing, and, when relevant, packing and installation of, the tobacco product;
   (iv) an identifying reference to any performance standard under section 908 that would be applicable to any aspect of the tobacco product, and either adequate information to show that the aspect of the tobacco product meets the performance standard or adequate information to justify any deviation from the standard;
   (v) such other information relevant to the subject matter of the application as the Secretary may require.

(6) REFEREES TO ADVISORY COMMITTEE.—On receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—
   (A) at the Secretary’s own initiative, may refer the application to an advisory committee for submission (within such period as the Secretary may establish) of a report and recommendation respecting approval of the application, together with all underlying data and the reasons or basis for the recommendation;
   (B) on the request of an applicant, shall refer the application to an advisory committee in accordance with subparagraph (A).

(7) DEADLINE.—
   (1) I N GENERAL.—The Secretary shall, on obtaining, where applicable, advice on scientific matters from an advisory committee, and after due notice and opportunity for informal hearing to the holder of an approved application for a tobacco product, issue an order within 180 days after the application if the Secretary finds that—
      (A) the continued marketing of the tobacco product poses greater risks to the public health than currently marketed tobacco products;
      (B) the methods used in, or the facilities or controls used for, the manufacturing, processing, and, when relevant, packing and installation of, the tobacco product do not conform to the requirements of section 907(e);
      (C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading; or
      (D) the tobacco product is not shown to conform in all respects to a performance standard that is in effect under the regulation or order.
   (2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing approval of the application may, by petition filed on or before the 30th day after the date on which the holder receives notice of the withdrawal, obtain review of the order in accordance with subsection (e).

(8) SERVICE OF ORDER.—
   (A) IN GENERAL.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continued distribution of a tobacco product under an approved application would cause a risk of serious health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the approval of the application approved under this section.
   (B) WITHDRAWAL OF APPLICATION.—If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw the application.
   (C) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—
      (1) in person by any officer or employee of the department designated by the Secretary; or
      (2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant’s last known address in the United States.

(9) TEMPORARY SUSPENSION.—
   (A) IN GENERAL.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continued distribution of a tobacco product under an approved application would cause a risk of serious health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the approval of the application approved under this section.
   (B) WITHDRAWAL OF APPLICATION.—If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw the application.
   (C) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—
      (1) in person by any officer or employee of the department designated by the Secretary; or
      (2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant’s last known address in the records of the Secretary.

SEC. 912. JUDICIAL REVIEW.

(a) DEFINITION OF RECORD.—In this section, the term ‘‘record’’ means all notes and other matter published in the Federal Register with respect to a regulation or order reviewed;
(b) ALL INFORMATION SUBMITTED TO THE SECRETARY.—
   (A) a regulation or order;
   (B) proceedings of any panel or advisory committee with respect to the regulation or order; and
   (C) any other information identified by the Secretary in the administrative proceeding held with respect to the regulation or order, as being relevant to the regulation or order.

(b) PETITION.—
   (1) I N GENERAL.—Not later than 30 days after the date of promulgation of a regulation under section 908 establishing, amending, or revoking a performance standard for a tobacco product, or a denial of an application for approval under section 911(e), any person adversely affected by the regulation or order may file a petition with the United States Court of Appeals for the District of Columbia, or for the circuit in which the person resides or has the person’s principal place of business, for judicial review of the regulation or order.
   (2) COPY OF PETITION.—A copy of the petition shall be transmitted to the clerk of the court to the Secretary or other officer designated by the Secretary for that purpose.
(3) RECORD OF PROCEEDINGS.—

(A) FILING.—The Secretary shall file in the court the record of the proceedings on which the Secretary based the Secretary’s regulatory action.

(B) RATIONALE.—Each record or order shall contain a statement of the reasons for the issuance of the order and the basis, on the record, for the issuance of the order.

(c) ADDITIONAL FINDINGS BY SECRETARY.—

(1) IN GENERAL.—The court may order the Secretary to provide additional opportunity for the presentation of data, views, or arguments respecting the regulation or order being reviewed; and

(B) shall file with the court—

(i) the modified or new findings;

(ii) the Secretary’s recommendation, if any, for the new or revised setting of the regulation or order being reviewed; and

(iii) the return of the additional data, views, or arguments.

(3) BASIS FOR FINDING.—

(A) REDUCED EXPOSURE TOBACCO PRODUCTS.—The Secretary shall designate a tobacco product as a reduced exposure tobacco product by order if the Secretary finds that the tobacco product is designated as a reduced exposure tobacco product if the Secretary finds that the product is demonstrated to significantly reduce harm to individuals caused by a tobacco product or a reduced risk tobacco product under this section, the Secretary shall contain a statement of the reasons for the issuance of the order.

(基础) 2002年7月9日

3. SEC. 913. REDUCED EXPOSURE AND REDUCED RISK TOBACCO PRODUCTS.

(a) DEFINITIONS OF REDUCED EXPOSURE AND REDUCED RISK TOBACCO PRODUCTS.—In this section, the terms ‘reduced exposure tobacco product’ and ‘reduced risk tobacco product’ mean a tobacco product designated by the Secretary as a reduced exposure tobacco product or a reduced risk tobacco product, respectively, under subsection (b).

(b) DESIGNATION—

(1) IN GENERAL.—A product may be designated by the Secretary as a reduced exposure tobacco product or a reduced risk tobacco product if the Secretary finds that the product is demonstrated to significantly reduce harm to individuals caused by a tobacco product in accordance with the standards prescribed by the Secretary based on an application submitted by the manufacturer of the product or (other responsible person).

(2) BASIS—

(A) demonstrates, through appropriate chemical and biological testing (including testing on animals and short-term human tests), that product results in ingestion or inhalation of a substantially lower yield of toxic substances than use of another tobacco product in the same or different category as the subject tobacco product; or

(B) contains scientific evidence showing that use of the product results in a substantially lower potential risk to health in 1 or more specific respects than use of another tobacco product in the same or different category as the proposed reduced exposure tobacco product or the reduced risk product, and

(i) the product substantially reduces exposure to 1 or more tobacco toxicants; and

(ii) independent scientific experts have found or predict, through clinical or epidemiological studies, a measurable reduction in the morbidity or mortality associated with the use of the product compared with the use of other tobacco products (whether in the same or different category) commercially marketed in the United States.

(2) SURVEILLANCE APPROVAL.—

(A) REGULATIONS AND ORDERS MUST RECOGNIZE BASIS IN RECORD.—To facilitate judicial review under this section or under any other provision of law or a regulation or order issued under sections 907, 908, 909, 910, 911, or 914, each such regulation or order shall contain a statement of—

(i) the reasons for the issuance of the regulation or order; and

(ii) the basis, in the record of the proceedings held in connection with the issuance of the regulation or order, for the issuance of the regulation or order.

SEC. 914. PRESERVATION OF STATE AND LOCAL AUTHORITY.

(A) ADDITIONAL REQUIREMENTS.—

(i) SEC. 914. PRESERVATION OF STATE AND LOCAL AUTHORITY.—

(A) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act prohibits a State or political subdivision of a State from adopting or enforcing a law or other regulation that is applicable to a tobacco product that is in addition to, or more stringent than, requirements established under this chapter.

(B) PREEMPTION TO CERTAIN STATE AND LOCAL REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no State or political subdivision of a State may regulate a tobacco product in effect with respect to a tobacco product any requirement that is different from, or in—
addition to, any requirement applicable under the provisions of this chapter relating to performance standards, premarket approval, adulteration, misbranding, registration, labeling, manufacturing standards, or reduced exposure tobacco products or reduced risk tobacco products.

(B) Sale, distribution, or use.—(Subparagraph (A) limits the authority of the Secretary under this subsection.

(2) Mail order sales.—Not later than 2 years after the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002, the Secretary shall submit to Congress a report describing the extent to which individuals younger than 18 years of age are obtaining tobacco products through the mail.

(C) Minimum package size requirements.

(1) Minimum number of cigarettes.—No manufacturer, distributor, or retailer may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than 20 cigarettes.

(2) Opening tobacco product packages.—No retailer may break or otherwise open any tobacco product package to sell or cause to be sold, any individual cigarette or a number of unpackaged cigarettes that is smaller than

(A) the quantity in the minimum cigarette package size provided under paragraph (1); or

(B) any quantity of another tobacco product that is smaller than the smallest package distributed by the manufacturer for individual consumer use.

(D) Prohibition on youth access to free samples.

(A) Definition of free sample.—In this subsection, the term ‘free sample’ does not include a tobacco product that is provided to an adult in connection with—

(a) the purchase, exchange or redemption for proof of purchase of any tobacco product (including a free offer in connection with the purchase of a tobacco product, such as a 2-for-1 offer); or

(b) the conducting of consumer testing or evaluation of a tobacco product with persons who certify that they are adults.

(2) Prohibition on the manufacture, distributor, or retailer may sell or cause to be distributed any free sample of a tobacco product, except in an adult-only facility.

(E) Vending machines, self-service display, plays, mail-order sales, and other impersonal modes of sale.

(1) Definition of self-service display.—In this subsection, the term ‘self-service display’ means any display located in an area in which the customer has access to the tobacco products without the aid of any sales clerk.

(2) Requirement.—Except as provided in paragraph (3), a retailer may sell a tobacco product

(a) only in a direct, face-to-face exchange between the retailer and the consumer; and

(b) not through a method of sale such as a vending machine or self-service display.

(3) Permitted methods. —The following methods of sale of tobacco products shall be permitted under this subsection:

(A) Mail-order sales, excluding mail-order redemption of coupons and distribution of free samples through the mail.

(B) Vending machines that are located in an adult-only facility.

(F) Prohibition on youth targeting.

(1) Definition of youth.—In this subsection, the term ‘youth’ means any person under 18 years of age.

(2) Prohibition.—No manufacturer, distributor, or retailer may take—

(A) any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of tobacco products; or

(B) any action that the primary purpose of which is to influence the purchase, use, or increase the incidence of youth smoking.

(G) Prohibition on use of cartoons.

(1) Definition of cartoon.—In this subsection, the term ‘cartoon’ means any drawing or other depiction of an object, person, animal, or creature, or any similar caricature, that satisfies any of the following criteria:

(A) The use of comically exaggerated features.

(B) The attribution of human characteristics to animals, plants, or other objects, or the similar use of anthropomorphic techniques.

(C) The attribution of unnatural or extrahuman abilities, such as imperviousness to pain or injury, x-ray vision, tunneling at very high speeds, or transformation.

(B) Inclusion.—The term ‘cartoon’ includes a drawing or other depiction of the character popularly known as ‘Joe Camel’. The term ‘cartoon’ does not include any drawing or other depiction that, on July 1, 1998, was in use in the United States in any manufacturer’s corporate logo on any manufacturer’s tobacco product packaging.

(2) Prohibition.—No manufacturer, distributor, or retailer may use or cause to be used any cartoon in the advertising, promoting, packaging, or labeling of tobacco products.

(2) Prohibition on outdoor advertising.

(A) Definitions.—In this subsection:

(A) Outdoor advertising.—

(1) In general.—The term ‘outdoor advertising’ means advertising through

(i) billboards.

(ii) signs and placards in arenas, stadiums, shopping malls, and video game arcades (regardless of whether located in the open air or enclosed); and

(iii) any other advertisements placed—

(aa) outdoors; or

(bb) on the inside of a window facing outward.

(B) Inclusion.—The term ‘outdoor advertising’ does not include

(i) an advertisement that is located outside of a tobacco product manufacturing facility;

(ii) an individual advertisement that—

(aa) does not occupy an area larger than 14 square feet; and

(bb) is not placed in such proximity to any other such advertisement so as to create a single mosaic-type advertisement larger than 14 square feet;

(c) does not function solely as a segment of a larger advertising unit or series; and

(dd) is placed on the outside of any retail establishment that sells cigarettes or similar products (other than solely through a vending machine), on the outside (but on the property of) any such establishment, or on the inside surface of a window facing outward in any such establishment; or

(III) an advertisement inside a retail establishment that sells tobacco products (other than solely through a vending machine) that is not placed on the inside surface of a window facing outward.

(B) Video game arcade.—The term ‘video game arcade’ means an entertainment establishment primarily consisting of video games (other than video games intended primarily for use by persons 18 years of age or older) or similar devices.

(2) Prohibition.—No manufacturer, distributor, or retailer may place or cause to be
placed any outdoor advertisement for tobacco products.

(1) Prohibition on Transit Advertisements.—

(1) Definition of Transit Advertisement.—In this subsection:

(A) In General.—The term ‘transit advertisement’ means—

(i) any advertisement placed on or within a private or public vehicle; and

(ii) any advertisement placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar location.

(B) Exclusion.—The term ‘transit advertisement’ does not include any advertisement placed outside the boundaries of any retail establishment that sells tobacco products (other than solely through a vending machine), unless the individual advertisement—

(i) occupies an area larger than 14 square feet;

(ii) is placed in such proximity to any other such advertisement so as to create a single mosaic-type advertisement larger than 14 square feet; or

(iii) functions solely as a segment of a larger display or series.

(2) Prohibition.—No manufacturer, distributor, or retailer may place or cause to be placed any transit advertisement advertising tobacco products that is—

(A) at least 15 percent of the total reader-ship of the newspaper, magazine, periodical, or other publication—

(i) that is read by 2,000,000 or more persons younger than 18 years of age, as measured by competent and reliable survey evidence; or

(ii) that is read by 2,000,000 or more persons, for any period of years, or from any area, as measured by competent and reliable survey evidence.

(B) that is read by 2,000,000 or more persons, for any period of years, or from any area, as measured by competent and reliable survey evidence.

(2) Prohibition.—No manufacturer, distributor, or retailer may place or cause to be placed any transit advertisement advertising tobacco products that is—

(A) at least 15 percent of the total reader-ship of the newspaper, magazine, periodical, or other publication—

(i) that is read by 2,000,000 or more persons younger than 18 years of age, as measured by competent and reliable survey evidence; or

(ii) that is read by 2,000,000 or more persons, for any period of years, or from any area, as measured by competent and reliable survey evidence.

(2) Prohibition.—No manufacturer, distributor, or retailer may place or cause to be placed any transit advertisement advertising tobacco products that is—

(A) at least 15 percent of the total reader-ship of the newspaper, magazine, periodical, or other publication—

(i) that is read by 2,000,000 or more persons younger than 18 years of age, as measured by competent and reliable survey evidence; or

(ii) that is read by 2,000,000 or more persons, for any period of years, or from any area, as measured by competent and reliable survey evidence.

(2) Exclusions.—Nothing in this subsection shall—

(A) prohibit the distribution to any manufacturer’s employee who is an adult of any item described in paragraph (1) that is intended for personal use by the employee;

(B) require any manufacturer to retrieve, collect, or otherwise recover any item that, before the date of enactment of the Tobacco Prevention and Economic Assistance for Our Farmers Act of 2002, was marketed, distributed, offered, sold, licensed, or caused to be marketed, distributed, offered, sold, or licensed by the manufacturer;

(C) apply to coupons or other items used by adults solely in connection with the purchase of tobacco products; or

(D) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public.

(4) Prohibition on Unauthorized Tobacco Product Sponsorships.—

(A) In General.—No manufacturer, distributor, or retailer may sponsor or cause to be sponsored any athletic, musical, artistic, or other social or cultural event, or team or league, or otherwise establish any brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, that used for any brand of cigarettes or smokeless tobacco.

(B) Exclusions.—Nothing in this subsection prevents a manufacturer, distributor, or retailer from sponsoring or causing to be sponsored any athletic, musical, artistic, or other social or cultural event, or team or league, in the name of the corporation that—

(1) both the corporate name and the corporate logo were registered and in use in the United States before January 1, 2001; and

(2) the corporate name does not include any brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, that used for any brand of cigarettes or smokeless tobacco.

(3) Prohibitions and Exceptions.—This subsection shall not apply to any event sponsored in an adult-only facility.

(4) Prohibition on Tobacco Brand Name Merchandise.—

(1) In General.—No manufacturer may market, distribute, offer, sell, license or cause to be marketed, distributed, offered, sold, or licensed (including by catalog or direct mail), any apparel or other merchandise that bears the brand name of a tobacco product, or any brand name the sole function of which is to advertise tobacco products or written or electronic publications.

(2) Exceptions.—Nothing in this subsection shall—

(A) prohibit the distribution to any manufacturer’s employee who is an adult of any item described in paragraph (1) that is intended for personal use by the employee;

(B) require any manufacturer to retrieve, collect, or otherwise recover any item that, before the date of enactment of the Tobacco Proof of Purchase Requirements for Tobacco Products Act of 2002, was marketed, distributed, offered, sold, licensed, or caused to be marketed, distributed, offered, sold, or licensed by the manufacturer;

(C) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(D) apply to apparel or other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(E) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(F) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(G) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(H) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(I) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(J) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(K) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(L) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(M) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(N) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(O) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(P) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(Q) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(R) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(S) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(T) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(U) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(V) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(W) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(X) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(Y) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public;

(Z) apply to any other merchandise used within an adult-only facility that is not distributed (by sale or otherwise) to any member of the general public.

(5) Prohibition on Tobacco Product Sponsorships.—

(A) In General.—Except as provided in paragraph (2), no manufacturer may sponsor or cause to be sponsored any agreement requiring the payment of money or other valuable consideration to any other person or entity to use or advertise any item as a prop any tobacco product, tobacco product package, advertisement for a tobacco product, or any other item bearing a brand name in any motion picture, television show, the-
apply to ingredients in quantities of 2 percent or less by weight if a listing of the ingredients is placed at the end of the ingredient statement following an appropriate qualifier, such as contains percent or less of ..., or less than percent.

"(6) MEANS OF DISCLOSURE.—(A) EXCEPT AS PROVIDED IN SUBPARAGRAPH (B), ANY DISCLOSURE REQUIRED PURSUANT TO THIS SUBSECTION MAY BE REQUIRED BY APPROPRIATE MEANS.

(B) DISCLOSURE OF PERCENTAGE OF DOMESTIC AND FOREIGN TOBACCO.—Not later than 1 year after the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002, the Secretary shall promulgate regulations that require that each package of a tobacco product disclose, with respect to the tobacco contained in that brand—

"(1) the percentage of tobacco that is domestic tobacco; and

"(2) the percentage of tobacco that is foreign tobacco.

"(c) MANDATORY DISCLAIMER.—(1) IN GENERAL.—Except as otherwise provided in this section, any tobacco product advertising that includes a brand classifying a brand of tobacco product according to the tar yield or the yield of the brand to consumers of any substance, including terms such as ‘light’ or ‘low tar,’ shall also include the following disclaimer: [Brand] not shown to be less hazardous than other [type of tobacco] cigarette.

"(2) FILTERED.—This section shall apply to the use of the terms ‘filtered’ or ‘filter’.

"(d) TOBACCO PRODUCT PACKAGING.—The disclaimer required in paragraph (1) shall not be required on any tobacco product package.

"(4) USE OF TERMS.—Not later than 1 year after the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002, the Secretary shall promulgate regulations relating to the use of the terms described in paragraph (1) to ensure that the terms are not false or misleading.

"(5) REDUCED EXPOSURE AND REDUCED RISK TOBACCO PRODUCTS.—The Secretary may modify or waive any requirement under this subsection with respect to any product that has been designated by the Secretary as a reduced exposure tobacco product or a reduced risk tobacco product under section 913.

"SEC. 918. REGULATORY RECORD.

"(a) IN GENERAL.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, in promulgating regulations under this chapter, the record developed and used by the Secretary for the purposes of promulgating subparts (B) and (D) of the regulations described in the sale, distribution, and use of tobacco products on or about August 23, 1996, as reflected in articles IV and VI of the preamble to the 1996 Food and Drug Administration Tobacco Rule (including public comments, Food and Drug Administration documents, and any other information generated or compiled for purposes of promulgating the regulations), shall be deemed to have the same legal status as if the record had been developed under a rulemaking proceeding conducted pursuant to section 553 of title 5.

"(b) OTHER RESPECTS.—In all other respects (including the issue of whether the regulations conform to section 557(d)(1)), the procedures and requirements of this chapter (including subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’) shall apply to this chapter.

"SEC. 919. REGULATION REQUIREMENT.

"(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 2 years after the date of enactment of the Tobacco Livelihood and Economic Assistance for Our Farmers Act of 2002, the Secretary, acting through the Commissioner of Food and Drugs, shall promulgate regulations regulating an effect that meet the requirements of subsection (b).

"(b) CONTENTS OF RULES.—

"(1) IN GENERAL.—The rules promulgated under subsection (a) shall require the testing, reporting, and disclosure of tobacco product smoke constituents and ingredients that the Secretary determines should be disclosed to the public in order to protect the public health.

"(2) CONSTITUENTS.—The constituents shall include the testing, reporting, or disclosure of tobacco product smoke constituents.

"(c) ADMINISTRATION.—The rules may require that tobacco product manufacturers, packagers, or importers make—

"(A) the disclosures relating to tar and nicotine through labels or advertising; and

"(B) the disclosures of any other smoke constituents or ingredients that the Secretary determines are necessary to protect the public health.

"(d) AUTHORITY.—The Secretary, acting through the Commissioner of Food and Drugs, shall have authority to conduct or to require the testing, reporting, or disclosure of tobacco product smoke constituents.

"SEC. 513. CONFORMING AND TECHNICAL AMENDMENTS.

(a) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended—

"(1) in subsections (a), (b), (c), (g), (h), and (k), by inserting ‘‘tobacco product, after ‘device,’ each place it appears;

"(2) in subsection (e), by striking ‘‘515(f), or 519’’ and inserting ‘‘515(f), 519, or 910’’;

"(3) in subsection (j), by striking ‘‘708, or 721’’ and inserting ‘‘708, 721, 904, 905, 906, 907, 908, 909, 910, 911, or 913’’;

"(4) by striking subsection (p) and inserting the following:

"(p) The failure to—

"(1) register in accordance with section 510 or 906;

"(2) provide any information required by section 510(j), 510(k), 906(i), or 906(l); or

"(3) to provide a notice required by section 510(j)(2) or 906(j)(2); or

"(5) in paragraph (1), by striking ‘‘[Brand] not shown to be less hazardous than other [type of tobacco] cigarette.’’

"(b) PENALTY.—The provisions of section 301(f) are amended—

"(1) in subsection (a), by striking ‘‘taking ‘‘marketed, modify, or terminate, with or without conditions, any no-tobacco-sale order.’’

"(6) in paragraph (5) (as redesignated by paragraph (3))—

"(A) in the first sentence—

"(i) by striking ‘‘33(A)’’ and inserting ‘‘43(A)’’;

"(ii) by striking ‘‘or the imposition of a no-tobacco-sale order after ‘penalty’ the first 2 places it appears; and

"(B) in the second sentence, by inserting before the period at the end the following: ‘‘, or on which the no-tobacco-sale order was imposed, as the case may be;’’ and

"(7) in paragraph (6) (as redesignated by paragraph (3)), by striking ‘‘paragraph (4)’’ each place it appears and inserting ‘‘paragraph (5)’’;

"(c) SEIZURE.—Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended—

"(1) in subsection (a) (2)—

"(A) by striking ‘‘and’’ before ‘‘(D)’’; and

"(B) by inserting before the period at the end the following: ‘‘, and (E) Any adulterated or misbranded tobacco product;’’

"(2) in the first sentence of subsection (d)(1), by inserting ‘‘tobacco product, after ‘device,’’;

"(3) in subsection (g), by inserting ‘‘tobacco product’’ after ‘‘device’’ each place it appears.

"(d) EXAMINATIONS AND INVESTIGATIONS.—Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a)) is amended—

"(1) in the third sentence, by striking ‘‘a violation of the Federal Food, Drug, and Cosmetic Act’’ and inserting ‘‘a violation of the Act’’;

"(2) in paragraph (1)(A), by inserting ‘‘or tobacco products’’ after ‘‘devices’’;

"(3) by redesigning paragraphs (3), (4), and (5) of paragraphs (4), (5), and (6), respectively;

"(4) by inserting after paragraph (2) the following:

"(A) NO-TOBACCO-SALE ORDERS.—

"(A) IN GENERAL.—If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet, the Secretary may impose a no-tobacco-sale order on the person prohibiting the sale of tobacco products in the outlet.

"(B) PENALTY.—A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1):—

"(5) in paragraph (4) (as redesignated by paragraph (3))—

"(A) in subparagraph (A)—

"(i) in the first sentence, by striking ‘‘assessed’’ the first place it appears and inserting ‘‘assessed, or a no-tobacco-sale order may be imposed.’’; and

"(ii) in the second sentence, by striking ‘‘penalty’’ and inserting ‘‘penalty, or on which a no-tobacco-sale order is to be imposed.’’;

"(B) in subparagraph (B) (1)—

"(i) by striking ‘‘In’’ and inserting the following:

"(B) ADMINISTRATION.—

"(i) FACTORS.—In

"(ii) by inserting ‘‘the period to be covered by a no-tobacco-sale order.’’; and

"(iii) by adding at the end the following:

"(ii) NO-TOBACCO-SALE ORDERS.—A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order—; and

"(C) by adding at the end the following:

"(D) COMPROMISE, MODIFICATION, OR TERMINATION OF NO-TOBACCO-SALE ORDERS.—The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.”
SEC. 521. DEFINITION OF CIGARETTE.

Section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 3332) is amended—

(1) in subparagraph (A), by striking “and” and inserting “or”;

(2) in subparagraph (B), by striking at the end and inserting “;”;

(3) by adding at the end the following:

‘‘(C) any tobacco product, in any form (including Bidi and Kretek cigarettes), if—

(i) the tobacco in the product—

(I) is heated or burned; and

(Id) is functional in the product; and

(ii) the appearance of the product, the type of tobacco used in the filler, or the packaging and labeling of the product, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.’’.

SEC. 522. CIGARETTE LABEL AND ADVERTISING WARNINGS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 3333) is amended to read as follows:

‘‘SEC. 4. LABELING.

(a) LABEL REQUIREMENTS. 

(1) IN GENERAL. — It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States, any tobacco product, which, if there are no violations by a particular retail outlet, the outlet will not be considered to have been the site of repeated violations; or

(2) in subsection (b), by inserting “tobacco product,” after “device,” each place it appears; and

(3) by adding at the end the following:

‘‘(C) any tobacco product, in any form (including Bidi and Kretek cigarettes), if—

(i) the tobacco in the product—

(I) is heated or burned; and

(Id) is functional in the product; and

(ii) the appearance of the product, the type of tobacco used in the filler, or the packaging and labeling of the product, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.’’.

(b) METHOD. —Any such disclosure shall—

(i) be in accordance with the methodology established under the regulations; and

(ii) conform to the type size requirements of subsection (b); and

(c) PUBLICITY. —Section 705(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 375(b)) is amended in the first sentence by inserting “tobacco products,” after “devices.”.

(d) IMPORTS AND EXPORTS. —Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(b)) is amended—

(1) in subsection (a), by striking “tobacco products,” after “device.”;

(2) by inserting “tobacco product,” after “device.”;

(3) by adding at the end the following:

‘‘(C) any tobacco product, in any form (including Bidi and Kretek cigarettes), if—

(i) the tobacco in the product—

(I) is heated or burned; and

(Id) is functional in the product; and

(ii) the appearance of the product, the type of tobacco used in the filler, or the packaging and labeling of the product, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.’’.

SEC. 702. EXAMINATIONS AND INVESTIGATIONS.

SEC. 7124.
45. Concept of appropriate. — The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products for sale or distribution within the United States.

(ii) REQUIRED LABELS. — (1) In general. — It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless the advertising for the product bears, in accordance with this subsection, 1 of the labels specified in subsection (a)(1).

(ii) Standards. — (A) In general. — Each label statement required by subsection (b)(3) of the smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

(B) Press and poster advertisements. — For press and poster advertisements, each such advertisement and (where applicable) any required statement relating to tar, nicotine, or other constituent shall — (i) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

(ii) the word ‘WARNING’ shall appear in capital letters and each label statement shall appear in conspicuous and legible type.

(C) Text. — The text of the label statement (or where applicable) any required statement relating to tar, nicotine, or other constituent shall — (i) in each 12-month period, in as equal a number of times as is practicable on each brand of the product; and

(ii) in each of the areas of the United States in which the product is marketed in accordance with this section, 1 of the labels specified in subsection (a)(1).

(D) Marketing requirements. — (i) In general. — The label statements specified in subsection (a)(1) shall be randomly displayed — (I) in each 12-month period, in as equal a number of times as is practicable on each brand of the product; and

(ii) in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

(ii) Quarterly rotation. — The label statements required in advertising under this subsection shall be rotated quarterly in alternating sequence in advertisements for each brand of tobacco products, in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(iii) Approval of plan. — The Secretary shall review each plan submitted under subparagraph (B) and approve the plan if the plan — (i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) ensures that all of the labels required under the section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

(2) Foreign distribution. — This subsection does not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, market, offer for sale, or distribute within the United States any smokeless tobacco product unless the advertising for the product bears, in accordance with this subsection, 1 of the labels specified in subsection (a)(1).

54. Subtitle C—Smokeless Tobacco Labels and Advertising Warnings

SEC. 531. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

SEC. 3. SMOKELESS TOBACCO WARNING.

(a) General rule.

(1) Subsection (b) shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the required label statement appears in accordance with the requirements of this Act, 1 of the following labels:

(II) in black text on a white background, or text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360 et seq.), if the Secretary finds that such a disclosure would promote greater public understanding of the risks associated with the use of cigarettes or smokeless tobacco products.

Subtitle C—Smokeless Tobacco Labels and Advertising Warnings

SEC. 531. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

SEC. 3. SMOKELESS TOBACCO WARNING.

(a) General rule.

(1) Subsection (b) shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the required label statement appears in accordance with the requirements of this Act, 1 of the following labels:

(II) in black text on a white background, or text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360 et seq.), if the Secretary finds that such a disclosure would promote greater public understanding of the risks associated with the use of cigarettes or smokeless tobacco products.

(b) Quarterly rotation.

(1) Location. — Each label statement required by paragraph (1) shall be located on the 2 principal display panels of the package.

(i) of each label statement shall comprise at least 25 percent of the area of the display panel.

(B) Percent of panel. — Each label statement shall comprise at least 25 percent of each display panel.

(C) Text. — (i) In general. — Except as provided in clause (ii), under the plan submitted under subsection (b)(3), each label statement shall be in English.

(ii) of the word ‘WARNING’ shall appear in conspicuous and legible type.

(iii) The Secretary may, through a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the warning label statements required by this section subject to the limitation on proportional size of the warning contained in subsections (a)(2) and (b)(2), or establish the type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360 et seq.), if the Secretary finds that such a disclosure would promote greater public understanding of the risks associated with the use of cigarettes or smokeless tobacco products.

Subtitle C—Smokeless Tobacco Labels and Advertising Warnings

SEC. 531. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

SEC. 3. SMOKELESS TOBACCO WARNING.

(a) General rule.

(1) Subsection (b) shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the required label statement appears in accordance with the requirements of this Act, 1 of the following labels:

(II) in black text on a white background, or text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360 et seq.), if the Secretary finds that such a disclosure would promote greater public understanding of the risks associated with the use of cigarettes or smokeless tobacco products.

(b) Quarterly rotation.

(1) Location. — Each label statement required by paragraph (1) shall be located on the 2 principal display panels of the package.

(i) of each label statement shall comprise at least 25 percent of the area of the display panel.

(B) Percent of panel. — Each label statement shall comprise at least 25 percent of each display panel.

(C) Text. — (i) In general. — Except as provided in clause (ii), under the plan submitted under subsection (b)(3), each label statement shall be—
The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res 413) honoring the invention of modern air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The concurrent resolution (H. Con. Res 413) was agreed to.

The preamble was agreed to.

HONORING THE INVENTION OF MODERN AIR CONDITIONING

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 128 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 128) honoring the invention of modern air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mrs. LINCOLN. I ask unanimous consent that the concurrent resolution be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The concurrent resolution (S. Con. Res. 128) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 128

Whereas on July 17, 1902, Dr. Willis H. Carrier submitted designs to a printing plant in Brooklyn, New York, for equipment to control temperature, humidity, ventilation, and air quality, marking the birth of modern air conditioning;

Whereas air conditioning has become an integral technology enabling the advancement of society through improvements to the Nation’s health and well-being, manufacturing processes, building capacities, research, medical capabilities, food preservation, art and historical conservation, and general productivity and indoor comfort;

Whereas Dr. Carrier debuted air conditioning technology for legislative activity in the House of Representatives Chamber in 1928, and the Senate Chamber in 1929;

Whereas the air conditioning industry now totals $36,000,000,000 on a global basis and employs more than 700,000 people in the United States; and

Whereas the year 2002 marks the 100th anniversary of modern air conditioning: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the invention of modern air conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 1:30 P.M.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the RECORD remain open until 1:30 p.m. for the submission of statements and introduction of legislation.

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

ORDERS FOR MONDAY, JULY 22, 2002

Mrs. LINCOLN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m., Monday, July 22; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 812, with the time until 6 p.m. equally divided between the two managers or their designees.

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

PROGRAM

Mrs. LINCOLN. Mr. President, no rolcall votes will occur on Monday. The next rolcall vote will occur on Tuesday morning at approximately 10:45 a.m.

ADJOURNMENT UNTIL MONDAY, JULY 22, 2002, AT 2 P.M.

Mrs. LINCOLN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:12 p.m., adjourned until Monday, July 22, 2002, at 2 p.m.
HIGHLIGHTS
House Committee ordered reported The Homeland Security Act of 2002.

Senate

Chamber Action
Routine Proceedings, pages S7093–S7126

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2760–2764, and S. Res. 304. Pages S7103–04

Measures Reported:
S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002. Page S7103

Measures Passed:

Modern Air-Conditioning 100th Anniversary: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 413, honoring the invention of modern air-conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary, and the resolution was then agreed to. Page S7126

Greater Access To Affordable Pharmaceuticals Act—Agreement: A unanimous-consent agreement was reached providing for further consideration of S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, at 2 p.m., on Monday, July 22, 2002, with the time until 6 p.m. equally divided between the two managers or their designees. Page S7126

Measures Referred:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Adjournment: Senate met at 9:30 a.m., and adjourned at 12:12 p.m., until 2 p.m., on Monday, July 22, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today’s Record on page S7126).

Committee Meetings
No committee meetings were held.
House of Representatives

Chamber Action

The House was not in session today. It will meet at 12:30 p.m. on Monday, July 22 for morning-hour debate.

Committee Meetings

DOE’s Accelerated Cleanup Program

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing titled “A Review of DOE’s Accelerated Cleanup Program and State-Based Compliance Agreements.” Testimony was heard from Jessie Robertson, Assistant Secretary, Environmental Management, Department of Energy; Gary Jones, Director, Natural Resources and Environment Issues, GAO; Michael Wilson, Program Manager, Nuclear and Mixed Waste Program, Department of Ecology, State of Washington; Kathleen Trever, Coordinator/Manager, Ineel Oversight Program, State of Idaho; and John Owsley, Director, Oversight Division, Department of Energy and Conservation, State of Tennessee.

Expected Authorization Request—World Bank-International Development Association

Committee on Financial Services: Subcommittee on International Monetary Policy and Trade held a hearing on the expected authorization request for the U.S. Participation in the World Bank-International Development Association. Testimony was heard from public witnesses.

Voting Representation in Congress

Committee on Government Reform: Subcommittee on the District of Columbia held a hearing on Voting Representation in Congress. Testimony was heard from the following officials of the District of Columbia: Anthony Williams, Mayor; Linda Cropp, Chairman, Council; and Ray Browne, Shadow Representative; Eugene Boyd, Analyst, American National Government, Congressional Research Service, Library of Congress; and public witnesses.

Homeland Security Act


Congressional Program Ahead

Week of July 22 through July 27, 2002

Senate Chamber

On Monday, At 2 p.m., Senate will resume consideration of S. 812, Greater Access to Affordable Pharmaceuticals Act. On Tuesday, at 10:45 a.m., Senate will vote on the motion to close further debate on the nomination of Richard H. Carmona, of Arizona, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, Department of Health and Human Services. Also, Senate will continue consideration of S. 812, Greater Access to Affordable Pharmaceuticals Act, and at 2:45 p.m., vote on a motion to waive the Budget Act with respect to Graham Amendment No. 4309; followed by a vote on a motion to waive the Budget Act with respect to Hatch (for Grassley) Amendment No. 4510.

During the balance of the week, Senate will consider any other cleared legislative and executive business, including appropriations bills and conference reports, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: July 22, Subcommittee on Energy and Water Development, business meeting to mark up an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2003, 12 p.m., S–128, Capitol.

July 23, Subcommittee on VA, HUD, and Independent Agencies, business meeting to mark up proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, 2:30 p.m., SD–138.

July 23, Subcommittee on District of Columbia, business meeting to mark up proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2003, 2:30 p.m., SD–116.

July 23, Subcommittee on Transportation, business meeting to mark up proposed legislation making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, 4 p.m., SD–124.

July 23, Subcommittee on Agriculture, Rural Development, and Related Agencies, business meeting to mark
up proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, 5 p.m., SD–192.

July 24, Full Committee, business meeting to mark up an original bill making appropriations for energy and water development for the fiscal year ending September 30, 2003, 10 a.m., S–128, Capitol.

July 25, Full Committee, business meeting to mark up proposed legislation making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003; proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2003; proposed legislation making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003; and proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, 2 p.m., S–128, Capitol.

Committee on Armed Services: July 25, to hold hearings to examine the national security implications of the Strategic Offensive Reductions Treaty, 9:30 a.m., SD–106.

July 26, Full Committee, to hear and consider the nominations of Lt. Gen. James T. Hill, USA, for appointment to the grade of general and assignment as Commander in Chief, United States Southern Command; and Vice Adm. Edmund P. Giambastiani Jr., USN, for appointment to the grade of admiral and assignment as Commander in Chief, United States Joint Forces Command, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: July 23, to hold hearings on the nominations of Cynthia A. Glassman, of Virginia, and Roel C. Campos, of Texas, each to be a Member of the Securities and Exchange Commission, 10 a.m., SD–538.

July 24, Subcommittee on Housing and Transportation, to hold oversight hearings to examine management challenges of the Department of Housing and Urban Development, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: July 23, business meeting to consider the nominations of Steven Robert Blust, of Florida, to be a Federal Maritime Commissioner; Kathie L. Olsen, of Oregon, and Richard M. Russell, of Virginia, each to be an Associate Director of the Office of Science and Technology Policy; Frederick D. Gregory, of Maryland, to be Deputy Administrator of the National Aeronautics and Space Administration; Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission; and one United States Coast Guard promotion list, 10:45 a.m., S–216, Capitol.

July 24, Subcommittee on Communications, to hold hearings to examine competition and the cable industry, 10 a.m., SR–253.

July 24, Subcommittee on Science, Technology, and Space, to hold hearings to examine women in science and technology, 2:30 p.m., SR–253.

July 25, Full Committee, to hold hearings to examine aviation security transition, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: July 23, Subcommittee on National Parks, to hold hearings on S. 2494, to revise the boundary of the Petrified Forest National Park in the State of Arizona; S. 2598, to enhance the criminal penalties for illegal trafficking of archaeological resources; S. 2727, to provide for the protection of paleontological resources on Federal lands; and H.R. 3954, to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, 2:30 p.m., SD–366.

July 24, Full Committee, to hold hearings to examine issues surrounding the Federal Energy Regulatory Commission, 3 p.m., SD–366.

July 25, Subcommittee on Public Lands and Forests, to hold hearings to examine S. 2672, to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, 2:30 p.m., SD–366.

Committee on Environment and Public Works: July 24, with the Committee on Foreign Relations, to hold joint hearings to examine implementation of environmental treaties, 10:30 a.m., SD–406.

Committee on Foreign Relations: July 23, to resume hearings on the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002 (Treaty Doc.107–8), 10:30 a.m., SD–419.

July 24, Full Committee, with the Committee on Environment and Public Works, to hold joint hearings to examine implementation of environmental treaties, 10:30 a.m., SD–406.

July 25, Full Committee, business meeting to consider the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980 (Treaty Doc. 96–53); Agreement Establishing the South Pacific Regional Environment Programme, done at Apia on June 16, 1993 (Treaty Doc. 105–32); Treaty Between the Government of the United States of America and the Government of Niue on the Delimitation of a Maritime Boundary, signed in Wellington, May 13, 1997 (Treaty Doc. 105–53); S. Res. 296, recognizing the accomplishment of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist and recognizing the 10th Anniversary of the return of his remains to Poland; S. Res. 300, encouraging the peace process in Sri Lanka; and pending nominations, 10:30 a.m., SD–419.

Committee on Governmental Affairs: July 23, Permanent Subcommittee on Investigations, to hold hearings to examine the role of financial institutions in the collapse of Enron Corporation, focusing on the contribution to Enron’s use of complex transactions to make the company
look better financially than it actually was, 9:30 a.m., SD–106.

July 24, Full Committee, business meeting to consider withdrawals of amendments on S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism; and the nominations of James E. Boasberg, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; Michael D. Brown, of Colorado, to be Deputy Director of the Federal Emergency Management Agency; and Mark W. Everson, of Texas, to be Deputy Director for Management, Office of Management and Budget, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: July 24, business meeting to consider S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; S. 2394, to amend the Federal Food, Drug, and Cosmetic Act to require labeling containing information applicable to pediatric patients; S. 2499, to amend the Federal Food, Drug, and Cosmetic Act to establish labeling requirements regarding allergenic substances in food; S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; proposed legislation authorizing funds for the Child Care and Development Block Grant; and the nominations of Edward J. Fitzmaurice, Jr., of Texas, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board, 9:30 a.m., SD–430.

July 25, Full Committee, to hold hearings to examine violence against women in the workplace, focusing on the extent of the problem and government and business responses, 10 a.m., SD–430.

July 26, Subcommittee on Children and Families, to hold hearings to examine birth defect screening, 10 a.m., SD–430.

Committee on Indian Affairs: July 24, to hold hearings on S. 1344, to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, 10 a.m., SR–485.


Select Committee on Intelligence: July 23, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

July 25, Full Committee, to hold joint closed hearings with the House Permanent Select Committee on Intel-ligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

Committee on the Judiciary: July 23, to hold hearings to examine pending nominations, 10 a.m., SD–226.

July 23, Full Committee, to hold hearings on S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns, 2 p.m., SD–226.

July 24, Subcommittee on Crime and Drugs, to hold hearings to examine corporate responsibility, focusing on criminal sanctions to deter wrong doing, 2:30 p.m., SD–226.

July 25, Full Committee, to hold oversight hearings to examine the Department of Justice, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: July 24, business meeting to mark up pending legislation, 9 a.m., SR–428A.

Committee on Veterans’ Affairs: July 24, to hold hearings to examine mental health care issues, 9:30 a.m., SR–418.

House Chamber

To be announced

House Committees

Committee on Armed Services, July 23, Special Oversight Panel on the Merchant Marine, hearing on commercial shipbuilding in the United States and the Maritime Security Program, 9 a.m., 2212 Rayburn.

Committee on Education and the Workforce, July 23, hearing on “What’s Next for School Choice?” 10 a.m., 2175 Rayburn.

July 23, Subcommittee on Workforce Protections, hearing on “Compulsory Union Dues and Corporate Campaigns,” 2 p.m., 2175 Rayburn.

July 24, full Committee, hearing on “Implementation of the No Child Left Behind Act,” 2175 Rayburn.


July 25, Subcommittee on Oversight and Investigations, hearing entitled “The U.S. National Climate Change Assessment: Do the Climate Models Project a Useful Picture of Regional Climate?” 9:30 a.m., 2322 Rayburn.

Committee on Financial Services, July 23, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing regarding the Office of Federal Housing Enterprise Oversight’s (OFHEO) risk-based capital stress test for Fannie Mae and Freddie Mac, 2 p.m., 2128 Rayburn.

July 24, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 3424, Community Choice in Real Estate Act, 2 p.m., 2128 Rayburn.


July 25, Subcommittee on International Monetary Policy and Trade, hearing on the expected authorization requests on the U.S. participation in the World Bank-International Development Association and the African Development Fund, 1:30 p.m., 2220 Rayburn.

July 25, Subcommittee on Oversight and Investigations, hearing entitled “Reaching Agreement on Holocaust Claims,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, July 22, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled “California’s Energy Market: The Case of Enron and Perot Systems,” 2 p.m., 2154 Rayburn.

July 23, Subcommittee on National Security, Veterans’ Affairs and International Relations, hearing on Homeland Security: Protecting Strategic Ports, 10 a.m., 2154 Rayburn.

July 24, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, oversight hearing on “Cyber-terrorism: Is the Nation’s Critical Infrastructure Adequately Protected?” 10 a.m., 2154 Rayburn.

July 24, Subcommittee on Technology and Procurement Policy, hearing entitled “An Oversight Hearing to Review the Findings of the Commercial Activities Panel,” 1 p.m., 2154 Rayburn.

July 25, full Committee, hearing on “Diet, Physical Activity, and Dietary Supplements—the Scientific Basis for Improving Health, Saving Money, and Preserving Personal Choice,” 10 a.m., 2154 Rayburn.

July 26, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on “Impact of Potential Restrictions on Anti-Drug Media Campaign Contractors,” 10 a.m., 2205 Rayburn.

Committee on International Relations, July 23, Subcommittee on Africa, to mark up the following measures: H. Con. Res. 287, expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; and H. Con. Res. 421, recognizing the importance of inheritance rights of women in Africa, 2 p.m., 2172 Rayburn.


July 24, full Committee, hearing on Economic Development and Integration as a Catalyst for Peace: A “Marshall Plan” for the Middle East, 10:15 a.m., 2172 Rayburn.

July 24, Subcommittee on Europe, to mark up the following measures: H. Con. Res. 164, expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots; H. Con. Res. 457, recognizing the Republic of Turkey for its cooperation in the campaign against global terrorism, for its commitment of forces and assistance to Operation Enduring Freedom and subsequent missions in Afghanistan, and for initiating important economic reforms to build a stable and prosperous economy in Turkey; H. Con. Res. 327, commending the republic of Turkey and the State of Israel for the continued strengthening of their political, economic, cultural, and strategic partnership and for their actions in support of the war on terrorism; and H. Con. Res. 345, expressing the sense of Congress that the Orthodox Theological School of Halki in the Republic of Turkey be reopened in order to promote religious freedom, 1 p.m., 2255 Rayburn.

July 24, Subcommittee on International Operations and Human Rights, to mark up the following measures: H. Con. Res. 349, calling for an end to the sexual exploitation of refugees; and H. Con. Res. 351, expressing the sense of Congress that the United States should condemn the practice of execution by stoning as a gross violation of human rights, 2:30 p.m., 2255 Rayburn.

July 24, Subcommittee on Western Hemisphere, hearing on the Coffee Crisis in the Western Hemisphere, 2:30 p.m., 2200 Rayburn.

July 25, full Committee, hearing on Loose Nukes, Biological Terrorism, and Chemical Warfare: Using Russian Debt to Enhance Security, 10:45 a.m., 2172 Rayburn.


July 23, Subcommittee on Courts, the Internet and Intellectual Property, hearing on H.R. 1203, Ninth Circuit Court of Appeals Reorganization Act of 2001, 3 p.m., 2141 Rayburn.

Committee on Resources, July 23, Subcommittee on Energy and Mineral Resources, oversight hearing on Availability of Bonds to Meet Federal Requirement for Mining, Oil and Gas Projects, 10 a.m., 1334 Longworth.

July 24, full Committee, to consider pending business, 10 a.m., 1324 Longworth.

July 25, Subcommittee on Energy and Mineral Resources, hearing on H.R. 5156, to amend the Outer Continental Shelf Lands Act to protect the economic and land use interests of the Federal Government in the management of outer continental shelf lands for energy-related and certain other purposes, 2 p.m., 1334 Longworth.

July 25, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 4781, Marine Mammal Protection Act Amendments of 2002, 2 p.m., 1324 Longworth.

July 25, Subcommittee on Forests, and Forests Health, the Subcommittee on National Parks, Recreation and Public Lands, and the Subcommittee on Fisheries Conservation and Oceans, joint hearing on the following bills: H.R. 2386, Outfitters Policy Act of 2002; H.R. 1811, PILT and Refuge Revenue Sharing Permanent Funding
Act; and H.R. 5081, Property Tax Endowment Act of 2002; 10 a.m., 1334 Longworth.

July 25, Subcommittee on Forests and Forest Health, hearing on the following: a measure to direct the Secretary of Agriculture to convey real property in the Dixie National Forest in the State of Utah; and H.R. 5032, to authorize the Secretary of Agriculture to convey National Forest System lands in the Mendocino National Forest, California, to authorize the use of the proceeds from such conveyances for National Forest purposes, 10 a.m., 1334 Longworth.

July 25, Subcommittee on Water and Power, hearing on the following bills: H.R. 4910, to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas; and H.R. 5123, to address certain matter related to Colorado River water management and the Salton Sea by providing funding for habitat enhancement projects at the Salton Sea, 10 a.m., 1324 Longworth.

Committee on Rules, July 22, to consider the Conference Report to accompany H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States, 7 p.m., H–313 Capitol.


Committee on Science, July 24, Subcommittee on Environment, Technology and Standards, hearing on Satellite Data Management at NOAA, 10 a.m., 2318 Rayburn.

July 25, Subcommittee on Energy, hearing on Future Direction of the Department of Energy’s Office of Science, 10 a.m., 2318 Rayburn.

Committee on Small Business, July 23, hearing on “Unintended Consequences of Increased Steel Tariffs on American Manufacturers,” 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, July 22, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following: U.S. General Services Administration’s Fiscal Year 2003 Capital Investment Program: Courthouse Construction Prospectuses and Lease Prospectus Resolutions; H. Con. Res. 442, recognizing the American Road and Transportation Builders Associations for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century; H.R. 4727, Dam Safety and Security Act of 2002; and H.R. 5157, to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceed 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, 11 a.m., 2167 Rayburn.

July 25, Subcommittee on Highways and Transit, oversight hearing on Transportation Solutions in a Community Context: the Need for Better Transportation Systems for Everyone, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, July 24, and 25, Subcommittee on Benefits, hearings on the following bills: H.R. 5111, Servicemember’s Civil Relief Act; and H.R. 4017, Soldiers’ and Sailors’ Civil Relief Equity Act, 10 a.m., 334 Cannon.

Committee on Ways and Means, July 23, Subcommittee on Health, hearing on Medicare’s Geographic Cost Adjustors, 2 p.m., 1100 Longworth.

July 25, Subcommittee on Human Resources, hearing on fraud and abuse in the Supplemental Security Income (SSI) program, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, July 24, executive, on Global Hot Spots, 1:30 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: July 23, Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

Joint Meetings: July 25, Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

Joint Economic Committee: July 24, to hold hearings to examine the measuring of economic change, 10 a.m., 311, Cannon Building.
Next Meeting of the SENATE
2 p.m., Monday, July 22

Senate Chamber

Program for Monday: Senate will resume consideration of S. 812, Greater Access to Affordable Pharmaceuticals Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, July 22

House Chamber

Program for Monday: To be announced.