

In the Senate of the United States,

June 7 (legislative day, June 6), 2002.

Resolved, That the bill from the House of Representatives (H.R. 4775) entitled “An Act making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 2002, and for other pur-*
4 *poses, namely:*

1 *TITLE I—SUPPLEMENTAL APPROPRIATIONS*2 *CHAPTER 1*3 *DEPARTMENT OF AGRICULTURE*4 *OFFICE OF THE SECRETARY*5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For an additional amount for “Office of the Sec-*
7 *retary”, \$18,000,000, to remain available until expended:*
8 *Provided, That the Secretary shall transfer these funds to*
9 *the Agricultural Research Service, the Animal and Plant*
10 *Health Inspection Service, the Agricultural Marketing*
11 *Service, and/or the Food Safety and Inspection Service:*
12 *Provided further, That the entire amount is designated by*
13 *the Congress as an emergency requirement pursuant to sec-*
14 *tion 251(b)(2)(A) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985, as amended.*

16 *AGRICULTURAL RESEARCH SERVICE*17 *SALARIES AND EXPENSES*

18 *For an additional amount for “Salaries and Ex-*
19 *penses”, \$16,000,000, to remain available until September*
20 *30, 2003: Provided, That the entire amount is designated*
21 *by the Congress as an emergency requirement pursuant to*
22 *section 251(b)(2)(A) of the Balanced Budget and Emer-*
23 *gency Deficit Control Act of 1985, as amended.*

24 *BUILDINGS AND FACILITIES*

25 *For an additional amount for “Buildings and Facili-*
26 *ties”, \$50,000,000, to remain available until expended.*

1 *COOPERATIVE STATE RESEARCH, EDUCATION, AND*

2 *EXTENSION SERVICE*

3 *EXTENSION ACTIVITIES*

4 *For an additional amount for “Extension Activities”,*
5 *\$16,000,000, to remain available until September 30, 2003:*
6 *Provided, That the entire amount is designated by the Con-*
7 *gress as an emergency requirement pursuant to section*
8 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
9 *icit Control Act of 1985, as amended.*

10 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*

11 *SALARIES AND EXPENSES*

12 *For an additional amount for “Salaries and Ex-*
13 *penses”, \$60,000,000, to remain available until September*
14 *30, 2003: Provided, That the entire amount is designated*
15 *by the Congress as an emergency requirement pursuant to*
16 *section 251(b)(2)(A) of the Balanced Budget and Emer-*
17 *gency Deficit Control Act of 1985, as amended.*

18 *FOOD SAFETY AND INSPECTION SERVICE*

19 *For an additional amount for “Food Safety and In-*
20 *spection Service”, \$15,000,000, to remain available until*
21 *September 30, 2003: Provided, That the entire amount is*
22 *designated by the Congress as an emergency requirement*
23 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
24 *and Emergency Deficit Control Act of 1985, as amended.*

1 *NATURAL RESOURCES CONSERVATION SERVICE*2 *WATERSHED AND FLOOD PREVENTION OPERATIONS*

3 *For an additional amount for “Watershed and Flood*
4 *Prevention Operations”, for emergency recovery operations,*
5 *\$100,000,000, to remain available until expended: Pro-*
6 *vided, That of this amount, \$27,000,000 is designated by*
7 *the Congress as an emergency requirement pursuant to sec-*
8 *tion 251(b)(2)(A) of the Balanced Budget and Emergency*
9 *Deficit Control Act of 1985, as amended.*

10 *RURAL COMMUNITY ADVANCEMENT PROGRAM*

11 *For an additional amount for “Rural Community Ad-*
12 *vancement Program” for emergency purposes for grants*
13 *and loans as authorized by 7 U.S.C. 381E(d)(2),*
14 *306(a)(14), and 306C, \$25,000,000, with up to \$5,000,000*
15 *for contracting with qualified organization(s) to conduct*
16 *vulnerability assessments for rural community water sys-*
17 *tems, to remain available until expended: Provided, That*
18 *the entire amount is designated by the Congress as an emer-*
19 *gency requirement pursuant to section 251(b)(2)(A) of the*
20 *Balanced Budget and Emergency Deficit Control Act of*
21 *1985, as amended.*

22 *RURAL UTILITIES SERVICE*23 *LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT*24 *(INCLUDING RESCISSION)*

25 *Of funds made available under this heading for the*
26 *cost of guaranteed loans, including the cost of modifying*

1 *loans as defined in section 502 of the Congressional Budget*
2 *Act of 1974, \$20,000,000 are rescinded.*

3 *For an additional amount for “Local Television Loan*
4 *Guarantee Program Account”, \$20,000,000, to remain*
5 *available until expended.*

6 *FOOD AND NUTRITION SERVICE*
7 *SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR*
8 *WOMEN, INFANTS, AND CHILDREN (WIC)*

9 *For an additional amount for “Special Supplemental*
10 *Nutrition Program for Women, Infants, and Children*
11 *(WIC)”, \$75,000,000, to remain available until September*
12 *30, 2003: Provided, That of the amounts provided in this*
13 *Act and any amounts available for reallocation in fiscal*
14 *year 2002, the Secretary shall reallocate funds under section*
15 *17(g)(2) of the Child Nutrition Act of 1966, as amended,*
16 *in the manner and under the formula the Secretary deems*
17 *necessary to respond to the effects of unemployment and*
18 *other conditions caused by the recession.*

19 *FOOD STAMP PROGRAM*
20 *(RESCISSION)*

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

1 *GENERAL PROVISION, THIS CHAPTER*

2 *SEC. 101. ASSISTANCE TO AGRICULTURAL PRO-*
3 *DUCERS THAT HAVE USED WATER FOR IRRIGATION FROM*
4 *RIO GRANDE RIVER. (a) IN GENERAL.—The Secretary of*
5 *Agriculture shall use \$10,000,000 of the funds of the Com-*
6 *modity Credit Corporation to make a grant to the State*
7 *of Texas, acting through the Texas Department of Agri-*
8 *culture, to provide assistance to agricultural producers in*
9 *the State of Texas with farming operations along the Rio*
10 *Grande River that have suffered economic losses during the*
11 *2001 crop year due to the failure of Mexico to deliver water*
12 *to the United States in accordance with the Treaty Relating*
13 *to the Utilization of Waters of the Colorado and Tijuana*
14 *Rivers and of the Rio Grande, and Supplementary Protocol*
15 *signed November 14, 1944, signed at Washington on Feb-*
16 *ruary 3, 1944 (59 Stat. 1219; TS 944).*

17 *(b) AMOUNT.—The amount of assistance provided to*
18 *individual agricultural producers under this section shall*
19 *be proportional to the amount of actual losses described in*
20 *subsection (a) that were incurred by the producers.*

21 *(c) EMERGENCY REQUIREMENT.—*

22 *(1) IN GENERAL.—The entire amount necessary*
23 *to carry out this section shall be available only to the*
24 *extent that an official budget request for the entire*
25 *amount, that includes designation of the entire*

1 *amount of the request as an emergency requirement*
2 *under the Balanced Budget and Emergency Deficit*
3 *Control Act of 1985 (2 U.S.C. 900 et seq.), is trans-*
4 *mitted by the President to Congress.*

5 (2) *DESIGNATION.*—*The entire amount necessary*
6 *to carry out this section is designated by Congress as*
7 *an emergency requirement pursuant to section*
8 *251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).*

9 *SEC. 102. Not later than 14 days after the date of en-*
10 *actment of this Act, the Secretary of Agriculture shall carry*
11 *out the transfer of funds under section 2507(a) of the Food*
12 *Security and Rural Investment Act of 2002 (Public Law*
13 *107–171).*

14 *SEC. 103. SENSE OF THE SENATE ON COMPENSATION*
15 *TO PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLU-*
16 *ENZA. It is the Sense of the Senate that the Secretary of*
17 *Agriculture act expeditiously to provide compensation*
18 *through the Commodity Credit Corporation to producers of*
19 *poultry that have been affected by outbreaks of avian influ-*
20 *enza in Virginia, West Virginia, and other States which*
21 *have resulted in the destruction of poultry flocks in order*
22 *to contain this disease.*

23 *SEC. 104. (a) FINDINGS.*—*(1) Of the 40 million people*
24 *living with HIV/AIDS, nearly 2.7 million are children*
25 *under 15, and 11.8 million are young people aged 15–24,*

1 *more than 540,000 children were infected in mother-to-child*
2 *transmission in 2000, and a baby born to an HIV-positive*
3 *mother has a 25 to 35 percent chance of becoming infected.*

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

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

14 *(4) In the diets of young children, growing adolescents*
15 *and pregnant women, milk has been proven to provide a*
16 *concentration of critical nutritional elements that promote*
17 *growth and robust health, and the National Institutes of*
18 *Health (NIH) recommends that dairy products be used to*
19 *boost the nutrition of HIV-positive young children.*

20 *(5) It is imperative that attempts to improve the avail-*
21 *ability of dairy products to the HIV/AIDS afflicted do not*
22 *undermine the security and stability of the indigenous*
23 *dairy production and processing sector.*

24 *(6) The United States has more than 1 billion pounds*
25 *(450,000 metric tons) of surplus non-fat dry milk in storage*

1 *that has been acquired at an average cost of over 90 cents*
2 *per pound for a total cost approaching \$1,000,000,000, and*
3 *storage costs are \$1,500,000 per month and growing.*

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

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

13 *(9) There is a need for non-fat dry milk in inter-*
14 *national relief to use in human feeding programs that tar-*
15 *get the most vulnerable in society, particularly those af-*
16 *ected by HIV/AIDS.*

17 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
18 *ate that the Secretary of Agriculture should—*

19 *(1) utilize the existing 416(b) authority of the*
20 *Agricultural Act of 1949 to dispose of dairy surpluses*
21 *for direct feeding programs to mothers and children*
22 *living with HIV/AIDS and communities heavily im-*
23 *pacted by the HIV/AIDS pandemic;*

24 *(2) make available funds for the provision of*
25 *100,000 metric tons of surplus non-fat dry milk to*

1 *combat HIV/AIDS, with a special focus on HIV-posi-*
2 *tive mothers and children, to include ocean and in-*
3 *land transportation, accounting, monitoring and*
4 *evaluation expenses incurred by the Secretary of Agri-*
5 *culture, and expenses incurred by private and vol-*
6 *untary organizations and cooperatives related to mar-*
7 *ket assessments, project design, fortification, distribu-*
8 *tion, and other project expenses;*

9 *(3) give careful consideration to the local market*
10 *conditions before dairy products are donated or mone-*
11 *tized into a local economy, so as not to undermine the*
12 *security and stability of the indigenous dairy produc-*
13 *tion and processing sector; and*

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

17 *SEC. 105. (a) RESCISSION.—The unobligated balance*
18 *of authority available under section 2108(a) of Public Law*
19 *107–20 is rescinded as of the date of the enactment of this*
20 *Act.*

21 *(b) APPROPRIATION.—There is appropriated to the*
22 *Secretary of Agriculture an amount equal to the unobli-*
23 *gated balance rescinded by subsection (a) for expenses*
24 *through fiscal year 2003 under the Agricultural Trade De-*
25 *velopment and Assistance Act of 1954, as amended (7*

1 *U.S.C. 1721–1726a) for commodities supplied in connection*
2 *with dispositions abroad pursuant to title II of said Act.*

3 *SEC. 106. Section 416(b)(7)(D)(iv) of the Agricultural*
4 *Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by*
5 *striking “subsection.” and inserting in lieu thereof the fol-*
6 *lowing: “subsection, or to otherwise carry out the purposes*
7 *of this subsection.”.*

8 *SEC. 107. Notwithstanding any other provision of law*
9 *and effective on the date of enactment of this Act, the Sec-*
10 *retary may use an amount not to exceed \$12,000,000 from*
11 *the amounts appropriated under the heading Food Safety*
12 *and Inspection Service under the Agriculture, Rural Devel-*
13 *opment, Food and Drug Administration, and Related Agen-*
14 *cies Appropriations Act of 2001 (Public Law 106–387) to*
15 *liquidate over-obligations and over-expenditures of the Food*
16 *Safety and Inspection Service incurred during previous fis-*
17 *cal years, approved by the Director of the Office of Manage-*
18 *ment and Budget based on documentation provided by the*
19 *Secretary of Agriculture.*

20 *CHAPTER 2*

21 *DEPARTMENT OF JUSTICE*

22 *GENERAL ADMINISTRATION*

23 *SALARIES AND EXPENSES*

24 *For an additional amount for “Salaries and Ex-*
25 *penses” to respond to the September 11, 2001, terrorist at-*

1 *tacks on the United States, \$12,750,000, to remain avail-*
2 *able until expended: Provided, That \$10,750,000 is for the*
3 *planning, development, and deployment of an integrated*
4 *fingerprint identification system, including automated ca-*
5 *pability to transmit fingerprint and image data for the de-*
6 *sign, and for the development, testing, and deployment of*
7 *a standards-based, integrated, interoperable computer sys-*
8 *tem for the Immigration and Naturalization Service (“Chi-*
9 *mera system”), to be managed by Justice Management Di-*
10 *vision, as authorized by section 202 of H.R. 3525: Provided*
11 *further, That \$2,000,000 is for the Principal Associate Dep-*
12 *uty Attorney General for Combating Terrorism: Provided*
13 *further, That \$10,750,000 is designated by the Congress as*
14 *an emergency requirement pursuant to section 251(b)(2)(A)*
15 *of the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985, as amended.*

17 *In addition, for the Office of Domestic Preparedness*
18 *to respond to the September 11, 2001, terrorist attacks on*
19 *the United States, \$173,800,000, to remain available until*
20 *expended, for grants, cooperative agreements, and other as-*
21 *sistance authorized by sections 819 and 821 of the*
22 *Antiterrorism and Effective Death Penalty Act of 1996 and*
23 *sections 1014, 1015, and 1016 of the USA PATRIOT ACT*
24 *(Public Law 107–56), and for other counterterrorism pro-*
25 *grams: Provided, That no funds under this heading shall*

1 *be used to duplicate the Federal Emergency Management*
 2 *Agency Fire Grant program: Provided further, That the en-*
 3 *tire amount is designated by the Congress as an emergency*
 4 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
 5 *anced Budget and Emergency Deficit Control Act of 1985,*
 6 *as amended.*

7 *LEGAL ACTIVITIES*

8 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

9 *For an additional amount for “Salaries and Ex-*
 10 *penses” for courtroom technology, \$5,200,000: Provided,*
 11 *That the entire amount is designated by the Congress as*
 12 *an emergency requirement pursuant to section 251(b)(2)(A)*
 13 *of the Balanced Budget and Emergency Deficit Control Act*
 14 *of 1985, as amended.*

15 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

16 *(RESCISSION)*

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

19 *SALARIES AND EXPENSES, UNITED STATES MARSHALS*

20 *SERVICE*

21 *(RESCISSION)*

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

24 *ANTI-TERRORISM TASK FORCES*

25 *For expenses necessary for Anti-Terrorism Task*
 26 *Forces, including salaries and expenses, operations, equip-*

1 *ment, and facilities, \$45,000,000, to be derived from the*
2 *amounts made available for this purpose in Public Law*
3 *107–77 and Public Law 107–117.*

4 *JOINT TERRORISM TASK FORCES*

5 *For expenses necessary for Joint Terrorism Task*
6 *Forces, including salaries and expenses, operations, equip-*
7 *ment, and facilities, \$113,235,000, to be derived from the*
8 *amounts made available for this purpose in Public Law*
9 *107–77 and Public Law 107–117.*

10 *FOREIGN TERRORIST TRACKING TASK FORCES*

11 *For expenses necessary for Foreign Terrorist Tracking*
12 *Task Forces, including salaries and expenses, operations,*
13 *equipment, and facilities, \$10,000,000, to be derived from*
14 *the amounts made available for this purpose in Public Law*
15 *107–77 and Public Law 107–117.*

16 *FEDERAL BUREAU OF INVESTIGATION*

17 *SALARIES AND EXPENSES*

18 *For an additional amount for “Salaries and Ex-*
19 *penses” for emergency expenses resulting from the Sep-*
20 *tember 11, 2001, terrorist attacks, \$75,500,000, of which*
21 *\$50,500,000 is for a cyber-security initiative: Provided,*
22 *That the entire amount is designated by the Congress as*
23 *an emergency requirement pursuant to section 251(b)(2)(A)*
24 *of the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985, as amended.*

1 *IMMIGRATION AND NATURALIZATION SERVICE*2 *SALARIES AND EXPENSES*

3 *For an additional amount for “Salaries and Ex-*
4 *penses” for fleet management, \$35,000,000: Provided, That*
5 *the entire amount is designated by the Congress as an emer-*
6 *gency requirement pursuant to section 251(b)(2)(A) of the*
7 *Balanced Budget and Emergency Deficit Control Act of*
8 *1985, as amended.*

9 *CONSTRUCTION*

10 *For an additional amount for “Construction” for*
11 *emergency expenses resulting from the September 11, 2001,*
12 *terrorist attacks, \$84,000,000: Provided, That the entire*
13 *amount is designated by the Congress as an emergency re-*
14 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
15 *Budget and Emergency Deficit Control Act of 1985, as*
16 *amended.*

17 *FEDERAL PRISON SYSTEM*18 *BUILDINGS AND FACILITIES*19 *(RESCISSION)*

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

23 *OFFICE OF JUSTICE PROGRAMS*24 *ELECTION REFORM GRANT PROGRAM*

25 *For an amount to establish the Election Reform Grant*
26 *Program, to provide assistance to States and localities in*

1 *improving election technology and the administration of*
2 *federal elections, \$450,000,000, to remain available until*
3 *expended: Provided, That such amount shall not be avail-*
4 *able for obligation until the enactment of legislation that*
5 *establishes programs for improving the administration of*
6 *elections.*

7 *JUSTICE ASSISTANCE*

8 *(RESCISSION)*

9 *Of the amounts made available under this heading for*
10 *the Office of the Assistant Attorney General for Office of*
11 *Justice Programs, \$2,000,000 are rescinded, and for the Of-*
12 *fice of Congressional and Public Affairs, \$2,000,000 are re-*
13 *scinded.*

14 *COMMUNITY ORIENTED POLICING SERVICES*

15 *For an amount to establish the Community Oriented*
16 *Policing Services' Interoperable Communications Tech-*
17 *nology Program, for emergency expenses for activities re-*
18 *lated to combating terrorism by providing grants to States*
19 *and localities to improve communications within, and*
20 *among, law enforcement agencies, \$85,000,000, to remain*
21 *available until expended: Provided, That the entire amount*
22 *is designated by the Congress as an emergency requirement*
23 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
24 *and Emergency Deficit Control Act of 1985, as amended.*

1 *DEPARTMENT OF COMMERCE AND RELATED*
2 *AGENCIES*

3 *DEPARTMENT OF COMMERCE*
4 *INTERNATIONAL TRADE ADMINISTRATION*
5 *OPERATIONS AND ADMINISTRATION*

6 *For an additional amount for “Operations and Ad-*
7 *ministration” for emergency expenses resulting from new*
8 *homeland security activities, \$1,725,000: Provided, That the*
9 *entire amount is designated by the Congress as an emer-*
10 *gency requirement pursuant to section 251(b)(2)(A) of the*
11 *Balanced Budget and Emergency Deficit Control Act of*
12 *1985, as amended.*

13 *EXPORT ADMINISTRATION*
14 *OPERATIONS AND ADMINISTRATION*

15 *For an additional amount for “Operations and Ad-*
16 *ministration” for emergency expenses resulting from new*
17 *homeland security activities, \$8,700,000: Provided, That, of*
18 *the funds appropriated under this heading, such sums as*
19 *are necessary may be transferred to, and merged with, any*
20 *appropriations account to develop and implement secure*
21 *connectivity between Federal agencies and the Executive Of-*
22 *fice of the President: Provided further, That the entire*
23 *amount is designated by the Congress as an emergency re-*
24 *quirement pursuant to section 251(b)(2)(A) of the Balanced*

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

3 *BUREAU OF THE CENSUS*

4 *PERIODIC CENSUSES AND PROGRAMS*

5 *(RESCISSION)*

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

9 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

10 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

11 *For an additional amount for “Scientific and Tech-*
12 *nical Research and Services” for emergency expenses result-*
13 *ing from new homeland security activities and increased*
14 *security requirements, \$84,600,000, of which \$40,000,000 is*
15 *for a cyber-security initiative: Provided, That the entire*
16 *amount is designated by the Congress as an emergency re-*
17 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
18 *Budget and Emergency Deficit Control Act of 1985, as*
19 *amended: Provided further, That of the amount appro-*
20 *priated under this heading, \$500,000 shall be for the Center*
21 *for Identification Technology Research at the West Virginia*
22 *University for the purpose of developing interoperability*
23 *standards and an application profile for technology neu-*
24 *tral, portable, and data independent biometrics, in accord-*
25 *ance with section 403(c)(2) of The USA PATRIOT Act*
26 *(Public Law 107–56) and sections 201(c)(5) and*

1 *202(a)(4)(B) and title III of the Enhanced Border Security*
2 *and Visa Reform Act (Public Law 107-173), and the*
3 *amendments made by those provisions.*

4 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
5 *OPERATIONS, RESEARCH, AND FACILITIES*

6 *For an additional amount for “Operations, Research,*
7 *and Facilities” for emergency expenses resulting from home-*
8 *land security activities, \$29,200,000, of which \$23,400,000*
9 *is to address critical mapping and charting backlog re-*
10 *quirements, \$3,000,000 is to enhance the National Water*
11 *Level Observation Network and \$2,800,000 is for backup*
12 *capability for National Oceanic and Atmospheric Adminis-*
13 *tration critical satellite products and services, to remain*
14 *available until September 30, 2003: Provided, That*
15 *\$2,800,000 is designated by the Congress as an emergency*
16 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
17 *anced Budget and Emergency Deficit Control Act of 1985,*
18 *as amended.*

19 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*
20 *(INCLUDING RESCISSION)*

21 *For an additional amount for “Procurement, Acquisi-*
22 *tion and Construction” for emergency expenses resulting*
23 *from homeland security activities, \$7,200,000 for a super-*
24 *computer backup, to remain available until September 30,*
25 *2003: Provided, That the entire amount is designated by*
26 *the Congress as an emergency requirement pursuant to sec-*

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

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

6 *FISHERIES FINANCE PROGRAM ACCOUNT*

7 *Funds provided under the heading, “Fisheries Finance*
8 *Program Account”, National Oceanic and Atmospheric Ad-*
9 *ministration, Department of Commerce, for the direct loan*
10 *program authorized by the Merchant Marine Act of 1936,*
11 *as amended, are available to subsidize gross obligations for*
12 *the principal amount of direct loans not to exceed*
13 *\$5,000,000 for Individual Fishing Quota loans, and not to*
14 *exceed \$19,000,000 for Traditional loans.*

15 *DEPARTMENTAL MANAGEMENT*

16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Salaries and Ex-*
18 *penses” for emergency expenses resulting from new home-*
19 *land security activities, \$400,000: Provided, That the entire*
20 *amount is designated by the Congress as an emergency re-*
21 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
22 *Budget and Emergency Deficit Control Act of 1985, as*
23 *amended.*

1 *THE JUDICIARY*
2 *SUPREME COURT OF THE UNITED STATES*
3 *CARE OF THE BUILDING AND GROUNDS*

4 *For an additional amount for “Care of the Building*
5 *and Grounds” for emergency expenses for security upgrades*
6 *and renovations of the Supreme Court building,*
7 *\$10,000,000: Provided, That the entire amount is des-*
8 *ignated by the Congress as an emergency requirement pur-*
9 *suant to section 251(b)(2)(A) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985, as amended.*

11 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*
12 *JUDICIAL SERVICES*
13 *SALARIES AND EXPENSES*

14 *For an additional amount for “Salaries and Ex-*
15 *penses” for emergency expenses to enhance security and to*
16 *provide for extraordinary trial related costs, \$9,684,000, to*
17 *remain available until expended: Provided, That the entire*
18 *amount is designated by the Congress as an emergency re-*
19 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
20 *Budget and Emergency Deficit Control Act of 1985, as*
21 *amended.*

1 *DEPARTMENT OF STATE AND RELATED AGENCY*2 *DEPARTMENT OF STATE*3 *ADMINISTRATION OF FOREIGN AFFAIRS*4 *DIPLOMATIC AND CONSULAR PROGRAMS*

5 *For an additional amount for “Diplomatic and Con-*
6 *sular Programs,” for emergency expenses for activities re-*
7 *lated to combating international terrorism, \$38,300,000, of*
8 *which \$20,300,000 shall remain available until September*
9 *30, 2003: Provided, That funds appropriated by this para-*
10 *graph shall be available notwithstanding section 15 of the*
11 *State Department Basic Authorities Act of 1956, as amend-*
12 *ed: Provided further, That the entire amount is designated*
13 *by the Congress as an emergency requirement pursuant to*
14 *section 251(b)(2)(A) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985, as amended.*

16 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

17 *For an additional amount for “Educational and Cul-*
18 *tural Exchange Programs”, for emergency expenses for ac-*
19 *tivities related to combating international terrorism,*
20 *\$9,000,000: Provided, That funds appropriated by this*
21 *paragraph shall be available notwithstanding section 15 of*
22 *the State Department Basic Authorities Act of 1956, as*
23 *amended: Provided further, That the entire amount is des-*
24 *ignated by the Congress as an emergency requirement pur-*
25 *suant to section 251(b)(2)(A) of the Balanced Budget and*
26 *Emergency Deficit Control Act of 1985, as amended.*

1 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

2 *For an additional amount for “Embassy Security,*
3 *Construction, and Maintenance”, for emergency expenses*
4 *for activities related to combating international terrorism,*
5 *\$210,516,000, to remain available until expended: Pro-*
6 *vided, That \$210,516,000 shall be available notwith-*
7 *standing section 15 of the State Department Basic Authori-*
8 *ties Act of 1956, as amended: Provided further, That the*
9 *entire amount is designated by the Congress as an emer-*
10 *gency requirement pursuant to section 251(b)(2)(A) of the*
11 *Balanced Budget and Emergency Deficit Control Act of*
12 *1985, as amended.*

13 *INTERNATIONAL ORGANIZATIONS AND CONFERENCES*14 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

15 *For an additional amount for “Contributions to Inter-*
16 *national Organizations”, for emergency expenses for activi-*
17 *ties related to combating international terrorism,*
18 *\$7,000,000, to remain available until September 30, 2003:*
19 *Provided, That funds appropriated by this paragraph shall*
20 *be available notwithstanding section 15 of the State Depart-*
21 *ment Basic Authorities Act of 1956, as amended: Provided*
22 *further, That the entire amount is designated by the Con-*
23 *gress as an emergency requirement pursuant to section*
24 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
25 *icit Control Act of 1985, as amended.*

1 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*
2 *ACTIVITIES*
3 *(RESCISSION)*

4 *Of the amounts made available under this heading,*
5 *\$48,000,000 are rescinded from prior year appropriations.*

6 *RELATED AGENCY*

7 *BROADCASTING BOARD OF GOVERNORS*

8 *INTERNATIONAL BROADCASTING OPERATIONS*

9 *For an additional amount for “International Broad-*
10 *casting Operations”, for emergency expenses for activities*
11 *related to combating international terrorism, \$7,400,000, to*
12 *remain available until September 30, 2003: Provided, That*
13 *funds appropriated by this paragraph shall be available*
14 *notwithstanding section 15 of the State Department Basic*
15 *Authorities Act of 1956, as amended: Provided further, That*
16 *the entire amount is designated by the Congress as an emer-*
17 *gency requirement pursuant to section 251(b)(2)(A) of the*
18 *Balanced Budget and Emergency Deficit Control Act of*
19 *1985, as amended.*

20 *RELATED AGENCIES*

21 *SECURITIES AND EXCHANGE COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For an additional amount for “Salaries and Ex-*
24 *penses” to respond to the September 11, 2001, terrorist at-*
25 *tacks on the United States and for other purposes,*
26 *\$29,300,000, to remain available until expended: Provided,*

1 *That \$9,300,000 is designated by the Congress as an emer-*
2 *gency requirement pursuant to section 251(b)(2)(A) of the*
3 *Balanced Budget and Emergency Deficit Control Act of*
4 *1985, as amended.*

5 *GENERAL PROVISIONS, THIS CHAPTER*

6 *SEC. 201. Title II of Public Law 107–77 is amended*
7 *in the second undesignated paragraph under the heading*
8 *“Department of Commerce, National Institute of Standards*
9 *and Technology, Industrial Technology Services” by strik-*
10 *ing “not to exceed \$60,700,000 shall be available for the*
11 *award of new grants” and inserting “not less than*
12 *\$60,700,000 shall be used before October 1, 2002 for the*
13 *award of new grants”.*

14 *SEC. 202. None of the funds appropriated or otherwise*
15 *made available by this Act or any other Act may be used*
16 *to implement, enforce, or otherwise abide by the Memo-*
17 *randum of Agreement signed by the Federal Trade Commis-*
18 *sion and the Antitrust Division of the Department of Jus-*
19 *tice on March 5, 2002.*

20 *SEC. 203. (a) Section 504 of title 28, United States*
21 *Code, is amended by inserting after “General” the fol-*
22 *lowing: “and a Principal Associate Deputy Attorney Gen-*
23 *eral for Combating Terrorism”.*

24 *(b) The Section heading for section 504 of title 28,*
25 *United States Code, is amended by inserting after “Gen-*

1 eral” the following: “and Principal Associate Deputy Attor-
2 ney General for Combating Terrorism”.

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

7 (1) *serve as the principal adviser to the Attorney*
8 *General and the Deputy Attorney General for com-*
9 *bating terrorism, counterterrorism, and antiterrorism*
10 *policy;*

11 (2) *have responsibility for coordinating all func-*
12 *tions within the Department of Justice relating to*
13 *combating domestic terrorism, subject to paragraph*
14 *(5), including—*

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

18 (B) *State and local preparedness for ter-*
19 *rorist events;*

20 (C) *contingency operations within the De-*
21 *partment of Justice; and*

22 (D) *critical infrastructure;*

23 (3) *coordinate—*

24 (A) *all inter-agency interface between the*
25 *Department of Justice and other departments,*

1 agencies, and entities of the United States, in-
2 cluding State and local organizations, engaged
3 in combating terrorism, counterterrorism, and
4 antiterrorism activities; and

5 (B) the implementation of the Department
6 of Justice's strategy for combating terrorism by
7 State and local law enforcement with respon-
8 sibilities for combating domestic terrorism;

9 (4) recommend changes in the organization and
10 management of the Department of Justice and State
11 and local entities engaged in combating domestic ter-
12 rorism to the Attorney General and Deputy Attorney
13 General; and

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

18 (d) The allocation of resources for combating terrorism
19 shall remain under the purview of the current Deputy At-
20 torney General. Any changes in the allocation of resources
21 will continue to be approved by the current Deputy Attor-
22 ney General using the current procedures of the Department
23 of Justice.

24 (e) Effective upon enactment of this Act, there is trans-
25 ferred to the Principal Associate Deputy Attorney General

1 *for Combating Terrorism all authorities, liabilities, fund-*
2 *ing, personnel, equipment, and real property employed or*
3 *used by, or associated with, the Office of Domestic Pre-*
4 *paredness, the National Domestic Preparedness Office, the*
5 *Executive Office of National Security, and such appro-*
6 *priate components of the Office of Intelligence Policy and*
7 *Review and the National Institute of Justice as relate to*
8 *combating terrorism, counterterrorism, and antiterrorism*
9 *activities.*

10 *SEC. 204. Public Law 106–256 is amended in section*
11 *3(f)(1) by striking “18” and inserting “29”.*

12 *SEC. 205. The American Section, International Joint*
13 *Commission, United States and Canada, is authorized to*
14 *receive funds from the United States Army Corps of Engi-*
15 *neers for the purposes of conducting investigations, under-*
16 *taking studies, and preparing reports in connection with*
17 *a reference to the International Joint Commission on the*
18 *Devils Lake project mentioned in Public Law 106–377.*

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

21 *“(D) in the case of wild fish, is—*

22 *“(i) harvested in the United States, a*
23 *territory of the United States, or a State, or*
24 *by a vessel that is documented under chap-*

1 *ter 121 of title 46, United States Code, or*
2 *registered in the United States; and*

3 *“(ii) processed in the United States, a*
4 *territory of the United States, or a State,*
5 *including the waters thereof, or aboard a*
6 *vessel that is documented under chapter 121*
7 *of title 46, United States Code, or registered*
8 *in the United States; and”.*

9 *SEC. 207. Of the amounts appropriated in Public Law*
10 *107–77, under the heading “Department of Commerce, Na-*
11 *tional Oceanic and Atmospheric Administration, Oper-*
12 *ations, Research, and Facilities”, for coral reef programs,*
13 *\$2,500,000, for a cooperative agreement with the National*
14 *Defense Center of Excellence for Research in Ocean Sciences*
15 *to conduct coral mapping in the waters of the Hawaiian*
16 *Islands and the surrounding Exclusive Economic Zone in*
17 *accordance with the mapping implementation strategy of*
18 *the United States Coral Reef Task Force.*

19 *SEC. 208. In addition to amounts appropriated or oth-*
20 *erwise made available by this Act or any other Act,*
21 *\$11,000,000 is appropriated to enable the Secretary of Com-*
22 *merce to provide economic assistance to fishermen and fish-*
23 *ing communities affected by Federal closures and fishing*
24 *restrictions in the New England groundfish fishery, to re-*
25 *main available until September 30, 2003.*

1 *SEC. 209. In addition to amounts appropriated or oth-*
2 *erwise made available by this Act or any other Act,*
3 *\$5,000,000 shall be provided to enable the Secretary of Com-*
4 *merce to provide for direct economic assistance to fishermen*
5 *and fishing communities, affected by Federal Court ordered*
6 *management measures in the Northeast multispecies fish-*
7 *ery, to remain available until September 30, 2003: Pro-*
8 *vided, That these amounts shall be used to support port se-*
9 *curity and related coastal activities administered by the*
10 *National Oceanic and Atmospheric Administration, the*
11 *Coast Guard, or an affected state.*

12 *SEC. 210. Of the amounts appropriated in Public Law*
13 *107–77, under the heading “Department of Commerce, Na-*
14 *tional Oceanic and Atmospheric Administration, Oper-*
15 *ations, Research, and Facilities”, for Oregon groundfish co-*
16 *operative research, \$500,000 shall be for the cost of a reduc-*
17 *tion loan of \$50,000,000 as authorized under sections 1111*
18 *and 1112 of title XI of the Merchant Marine Act, 1936 (46*
19 *U.S.C. App. 1279f and 1279g) to carry out a West Coast*
20 *groundfish fishing capacity reduction program under sec-*
21 *tion 312(b) of the Magnuson-Stevens Fishery Conservation*
22 *and Management Act (16 U.S.C. 1861a(b)).*

23 *SEC. 211. (a) Subject to subsection (b), the Attorney*
24 *General shall, out of appropriations available to the De-*
25 *partment of Justice made in Public Law 107–77, transfer*

1 to, and merge with, the appropriations account for the Im-
2 migration and Naturalization Service entitled “Salaries
3 and Expenses” the following amounts for the following pur-
4 poses:

5 (1) \$4,900,000 to cover an increase in pay for all
6 Border Patrol agents who have completed at least one
7 year’s service and are receiving an annual rate of
8 basic pay for positions at GS–9 of the General Sched-
9 ule under section 5332 of title 5, United States Code,
10 from the annual rate of basic pay payable for posi-
11 tions at GS–9 of the General Schedule under such sec-
12 tion 5332, to an annual rate of basic pay payable for
13 positions at GS–11 of the General Schedule under
14 such section 5332; and

15 (2) \$3,800,000 to cover an increase in pay for all
16 immigration inspectors who have completed at least
17 one year’s service and are receiving an annual rate
18 of basic pay for positions at GS–9 of the General
19 Schedule under section 5332 of title 5, United States
20 Code, from the annual rate of basic pay payable for
21 positions at GS–9 of the General Schedule under such
22 section 5332, to an annual rate of basic pay payable
23 for positions at GS–11 of the General Schedule under
24 such section 5332.

1 (b) *Funds transferred under subsection (a) shall be*
2 *available for obligation and expenditure only in accordance*
3 *with the procedures applicable to reprogramming notifica-*
4 *tions set forth in section 605 of the Departments of Com-*
5 *merce, Justice, and State, the Judiciary, and Related Agen-*
6 *cies Appropriations Act, 2002 (Public Law 107–77; 115*
7 *Stat. 798).*

8 (c) *Not later than September 30, 2002, the Justice*
9 *Management Division of the Department of Justice shall*
10 *submit a report to the Committees on Appropriations of the*
11 *Senate and the House of Representatives describing the*
12 *progress made in the development of the Chimera system.*

13 (d) *No funds available to the Immigration and Natu-*
14 *ralization Service for technology activities in the fiscal year*
15 *2003 may be obligated or expended unless the program*
16 *manager of the Chimera system approves the obligation or*
17 *expenditure of those funds and so reports to the Attorney*
18 *General.*

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

23 *SEC. 213. Of the funds made available under the head-*
24 *ing “Courts of Appeals, District Courts, and Other Judicial*
25 *Services, Salaries, and Expenses” in title III of Public Law*

1 107–77, \$37,900,000 shall be transferred to, and merged
 2 with, funds available for “Salaries and Expenses, United
 3 States Marshals Service” in title I of Public Law 107–77,
 4 to be available until expended only for hiring 200 addi-
 5 tional Deputy United States Marshals and associated sup-
 6 port staff for protection of the judicial process in response
 7 to the terrorist attacks of September 11, 2001 to be deployed
 8 to the Federal districts with critical courtroom and prisoner
 9 security needs.

10 *CHAPTER 3*

11 *DEPARTMENT OF DEFENSE*

12 *MILITARY PERSONNEL*

13 *MILITARY PERSONNEL, AIR FORCE*

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

19 *OPERATION AND MAINTENANCE*

20 *DEFENSE EMERGENCY RESPONSE FUND*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For an additional amount for the “Defense Emergency*
 23 *Response Fund”, \$11,300,000,000, of which \$77,900,000*
 24 *shall be available for enhancements to North American Air*
 25 *Defense Command capabilities: Provided, That the entire*

1 amount is designated by the Congress as an emergency re-
2 quirement pursuant to section 251(b)(2)(A) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985, as
4 amended: Provided further, That the Secretary of Defense
5 may transfer the funds provided herein only to appropria-
6 tions for military personnel; operation and maintenance;
7 procurement; research, development, test and evaluation;
8 military construction; the Defense Health Program; and
9 working capital funds: Provided further, That the funds
10 transferred shall be merged with and shall be available for
11 the same purposes and for the same time period as the ap-
12 propriation to which transferred: Provided further, That the
13 transfer authority provided in this paragraph is in addi-
14 tion to any other transfer authority available to the Depart-
15 ment of Defense: Provided further, That upon a determina-
16 tion that all or part of the funds transferred from this ap-
17 propriation are not necessary for the purposes provided
18 herein, such amounts may be transferred back to this appro-
19 priation.

20 *OPERATION AND MAINTENANCE, ARMY*

21 *For an additional amount for “Operation and Mainte-*
22 *nance, Army”, \$107,000,000: Provided, That the entire*
23 *amount is designated by the Congress as an emergency re-*
24 *quirement pursuant to section 251(b)(2)(A) of the Balanced*

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

3 *OPERATION AND MAINTENANCE, NAVY*

4 *For an additional amount for “Operation and Mainte-*
5 *nance, Navy”, \$36,500,000: Provided, That the entire*
6 *amount is designated by the Congress as an emergency re-*
7 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
8 *Budget and Emergency Deficit Control Act of 1985, as*
9 *amended.*

10 *OPERATION AND MAINTENANCE, AIR FORCE*

11 *For an additional amount for “Operation and Mainte-*
12 *nance, Air Force”, \$41,000,000: Provided, That the entire*
13 *amount is designated by the Congress as an emergency re-*
14 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
15 *Budget and Emergency Deficit Control Act of 1985, as*
16 *amended.*

17 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Defense-wide”, \$739,000,000, of which \$420,000,000*
21 *may be used for payments to Pakistan, Jordan, the Phil-*
22 *ippines, and other key cooperating nations for logistical*
23 *and military support provided to United States military*
24 *operations in connection with United States efforts to pre-*
25 *vent or respond to acts of international terrorism: Provided,*

1 *That such amount shall be transferred to, and merged with,*
2 *funds appropriated in Public Law 107–115 under the head-*
3 *ing “Foreign Military Financing Program” within 30 days*
4 *of enactment: Provided further, That such payments may*
5 *be made in such amounts as the Secretary of State deter-*
6 *mines, after consultation with the Secretary of Defense and*
7 *the Director of the Office of Management and Budget: Pro-*
8 *vided further, That such determination shall be final and*
9 *conclusive upon the accounting officers of the United States:*
10 *Provided further, That of the funds appropriated by this*
11 *paragraph, not less than \$50,000,000 shall be made avail-*
12 *able for the Philippines: Provided further, That amounts*
13 *for such payments shall be in addition to any other funds*
14 *that may be available for such purpose: Provided further,*
15 *That the entire amount is designated by the Congress as*
16 *an emergency requirement pursuant to section 251(b)(2)(A)*
17 *of the Balanced Budget and Emergency Deficit Control Act*
18 *of 1985, as amended: Provided further, That funds made*
19 *available by this paragraph shall be subject to the regular*
20 *notification procedures of the Committees on Appropria-*
21 *tions.*

22 *PROCUREMENT*

23 *OTHER PROCUREMENT, ARMY*

24 *For an additional amount for “Other Procurement,*
25 *Army”, \$79,200,000: Provided, That the entire amount is*

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

4 *AIRCRAFT PROCUREMENT, NAVY*

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

10 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

11 *CORPS*

12 *For an additional amount for “Procurement of Am-*
13 *munition, Navy and Marine Corps”, \$262,000,000: Pro-*
14 *vided, That the entire amount is designated by the Congress*
15 *as an emergency requirement pursuant to section*
16 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
17 *icit Control Act of 1985, as amended.*

18 *OTHER PROCUREMENT, NAVY*

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

1 *PROCUREMENT, MARINE CORPS*

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

7 *AIRCRAFT PROCUREMENT, AIR FORCE*

8 *For an additional amount for “Aircraft Procurement,*
9 *Air Force”, \$93,000,000: Provided, That the entire amount*
10 *is designated by the Congress as an emergency requirement*
11 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
12 *and Emergency Deficit Control Act of 1985, as amended.*

13 *PROCUREMENT OF AMMUNITION, AIR FORCE*

14 *For an additional amount for “Procurement of Am-*
15 *munition, Air Force”, \$115,000,000: Provided, That the en-*
16 *tire amount is designated by the Congress as an emergency*
17 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
18 *anced Budget and Emergency Deficit Control Act of 1985,*
19 *as amended.*

20 *OTHER PROCUREMENT, AIR FORCE*

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

1 *PROCUREMENT, DEFENSE-WIDE*

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

7 *RESEARCH, DEVELOPMENT, TEST AND*8 *EVALUATION*9 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

10 *For an additional amount for “Research, Develop-*
11 *ment, Test and Evaluation, Army”, \$8,200,000: Provided,*
12 *That the entire amount is designated by the Congress as*
13 *an emergency requirement pursuant to section 251(b)(2)(A)*
14 *of the Balanced Budget and Emergency Deficit Control Act*
15 *of 1985, as amended.*

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

17 *For an additional amount for “Research, Develop-*
18 *ment, Test and Evaluation, Navy”, \$19,000,000: Provided,*
19 *That the entire amount is designated by the Congress as*
20 *an emergency requirement pursuant to section 251(b)(2)(A)*
21 *of the Balanced Budget and Emergency Deficit Control Act*
22 *of 1985, as amended.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
 2 *FORCE*

3 *For an additional amount for “Research, Develop-*
 4 *ment, Test and Evaluation, Air Force”, \$60,800,000: Pro-*
 5 *vided, That the entire amount is designated by the Congress*
 6 *as an emergency requirement pursuant to section*
 7 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
 8 *icit Control Act of 1985, as amended.*

9 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
 10 *DEFENSE-WIDE*

11 *For an additional amount for “Research, Develop-*
 12 *ment, Test and Evaluation, Defense-wide”, \$74,700,000:*
 13 *Provided, That the entire amount is designated by the Con-*
 14 *gress as an emergency requirement pursuant to section*
 15 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
 16 *icit Control Act of 1985, as amended.*

17 *GENERAL PROVISIONS, THIS CHAPTER*

18 *SEC. 301. (a) The appropriation under the heading*
 19 *“Research, Development, Test and Evaluation, Navy” in*
 20 *the Department of Defense Appropriations Act, 2002 (Pub-*
 21 *lic Law 107–117) is amended by adding the following pro-*
 22 *viso immediately after “September 30, 2003”: “: Provided,*
 23 *That funds appropriated in this paragraph which are*
 24 *available for the V–22 may be used to meet unique require-*
 25 *ments of the Special Operations Forces”.*

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

4 *SEC. 302. (a) AVAILABILITY OF AMOUNTS FOR MILI-*
5 *TARY CONSTRUCTION RELATING TO TERRORISM.—Amounts*
6 *made available to the Department of Defense from funds*
7 *appropriated in this Act may be used to carry out military*
8 *construction projects, not otherwise authorized by law, that*
9 *the Secretary of Defense determines are necessary to respond*
10 *to or protect against acts or threatened acts of terrorism.*

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

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

18 (2) *the estimated cost of the project and the ac-*
19 *companying Form 1391.*

20 (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
21 *FINED.—In this section the term “appropriate committees*
22 *of Congress” has the meaning given that term in section*
23 *2801(4) of title 10, United States Code.*

24 *SEC. 303. Section 8052(b) of the Department of De-*
25 *fense Appropriations Act, 2002 (Public Law 107–117) is*

1 *amended by striking out “will reduce the personnel require-*
2 *ments or financial requirements of the department”, and*
3 *inserting the following in lieu thereof, “either (1) will re-*
4 *duce the personnel requirements or the financial require-*
5 *ments of the department, or (2) is necessary in response*
6 *to an emergency, including responding to direct threats or*
7 *incidents of terrorism”.*

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

18 *SEC. 305. (a) Funds appropriated to the Department*
19 *of Defense for fiscal year 2002 for operation and mainte-*
20 *nance under the heading “Chemical Agents and Munitions*
21 *Destruction, Army”, may be used to pay for additional*
22 *costs of international inspectors from the Technical Secre-*
23 *tariat of the Organization for the Prohibition of Chemical*
24 *Weapons, pursuant to Articles IV and V of the Chemical*
25 *Weapons Convention, for inspections and monitoring of De-*

1 *partment of Defense sites and commercial sites that perform*
2 *services under contract to the Department of Defense, result-*
3 *ing from the Department of Defense's program to accelerate*
4 *its chemical demilitarization schedule.*

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

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

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

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

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

17 *SEC. 306. During the current fiscal year, the restric-*
18 *tions contained in subsection (d) of 22 U.S.C. 5952 and*
19 *section 502 of the Freedom Support Act (Public Law 102-*
20 *511) shall not apply if the President certifies in writing*
21 *to the Speaker of the House of Representatives and the*
22 *President pro tempore of the Senate that waiving such re-*
23 *strictions is important to the national security interests of*
24 *the United States.*

1 *SEC. 307. The Secretary of the Army shall obligate and*
2 *expend the \$2,000,000 appropriated for the Army by Public*
3 *Law 107–117 for procurement of smokeless nitrocellulose*
4 *under Activity 1, instead under Activity 2, Production Base*
5 *Support Industrial Facilities, for the purpose of preserving*
6 *a commercially owned and operated capability of producing*
7 *defense grade nitrocellulose at the rate of at least 10,000,000*
8 *pounds per year in order to preserve a commercial manu-*
9 *facturing capability for munitions precursor supplies for*
10 *the High Zone Modular Artillery Charge System and to*
11 *preserve competition in that manufacturing capability.*

12 *SEC. 308. Not later than 15 days after the date of the*
13 *enactment of this Act, the Secretary of Defense shall obli-*
14 *gate, from funds made available in title II of division A*
15 *of Public Law 107–117 under the heading “Operation and*
16 *Maintenance, Defense-Wide” (115 Stat. 2233), \$4,000,000*
17 *for a grant to support the conversion of the Naval Security*
18 *Group, Winter Harbor (the naval base on Schoodic Penin-*
19 *sula), Maine, to utilization as a research and education*
20 *center for Acadia National Park, Maine, including the*
21 *preparation of a plan for the reutilization of the naval base*
22 *for such purpose that will benefit communities in the vicin-*
23 *ity of the naval base and visitors to Acadia National Park*
24 *and will stimulate important research and educational ac-*
25 *tivities.*

1 *SEC. 309. Of the amount available for fiscal year 2002*
 2 *for the Army National Guard for operation and mainte-*
 3 *nance, \$2,200,000 shall be made available for the Army Na-*
 4 *tional Guard for information operations, information as-*
 5 *surance operations, and training for such operations.*

6 *CHAPTER 4*

7 *DISTRICT OF COLUMBIA*

8 *FEDERAL FUNDS*

9 *FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL*

10 *MEDICAL CENTER*

11 *For a Federal payment to the Children's National*
 12 *Medical Center in the District of Columbia for imple-*
 13 *menting the District Emergency Operations Plan,*
 14 *\$13,770,000, to remain available until September 30, 2003,*
 15 *of which \$11,700,000 is for the expansion of quarantine fa-*
 16 *cilities, and \$2,070,000 is for the establishment of a decon-*
 17 *tamination facility for children and families: Provided,*
 18 *That the entire amount is designated by the Congress as*
 19 *an emergency requirement pursuant to section 251(b)(2)(A)*
 20 *of the Balanced Budget and Emergency Deficit Control Act*
 21 *of 1985, as amended.*

22 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

23 *For a Federal payment to the District of Columbia*
 24 *to implement the District Emergency Operations Plan,*
 25 *\$24,730,000, to remain available until December 1, 2003,*

1 *of which \$14,730,000 is for public safety expenses related*
2 *to national special security events in the District of Colum-*
3 *bia and \$10,000,000 is for the construction of Containment*
4 *Facilities to support the regional Bioterrorism Hospital*
5 *Preparedness Program: Provided, That the entire amount*
6 *is designated by the Congress as an emergency requirement*
7 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
8 *and Emergency Deficit Control Act of 1985, as amended.*

9 *FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN*
10 *AREA TRANSIT AUTHORITY*

11 *For a Federal payment to the Washington Metropoli-*
12 *tan Area Transit Authority, \$25,000,000, to remain avail-*
13 *able until December 1, 2003, to contribute to the creation*
14 *of a regional transportation back-up operations control cen-*
15 *ter: Provided, That the entire amount is designated by the*
16 *Congress as an emergency requirement pursuant to section*
17 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
18 *icit Control Act of 1985, as amended.*

19 *FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON*
20 *COUNCIL OF GOVERNMENTS*

21 *For a Federal payment to the Metropolitan Wash-*
22 *ington Council of Governments, \$1,750,000, to remain*
23 *available until September 30, 2003, for support of the Re-*
24 *gional Incident Communication and Coordination System,*
25 *as approved by the Council: Provided, That the entire*

1 amount is designated by the Congress as an emergency re-
2 quirement pursuant to section 251(b)(2)(A) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985, as
4 amended.

5 *FEDERAL PAYMENT TO THE WATER AND SEWER*

6 *AUTHORITY OF THE DISTRICT OF COLUMBIA*

7 *For a Federal payment to the Water and Sewer Au-*
8 *thority of the District of Columbia for emergency prepared-*
9 *ness, \$3,000,000, to remain available until September 30,*
10 *2003, of which \$250,000 shall be for securing fire hydrants*
11 *and manholes to prevent unauthorized entry, \$150,000 is*
12 *to upgrade the hydraulic model, \$1,800,000 is for remote*
13 *monitoring of water quality, \$700,000 is for design and*
14 *construction of ventilation system improvements, and*
15 *\$100,000 is to create an Incident Response Plan: Provided,*
16 *That the Water and Sewer Authority of the District of Co-*
17 *lumbia may reprogram up to \$120,000 between the activi-*
18 *ties specified under this heading if it notifies in writing*
19 *the Committees on Appropriations of the House of Rep-*
20 *resentatives and the Senate thirty days in advance of the*
21 *reprogramming: Provided further, That the entire amount*
22 *is designated by the Congress as an emergency requirement*
23 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
24 *and Emergency Deficit Control Act of 1985, as amended.*

1 *DISTRICT OF COLUMBIA FUNDS*
2 *OPERATING EXPENSES*
3 *PUBLIC EDUCATION SYSTEM*
4 *(RESCISSION)*

5 *Notwithstanding any other provision of law, of the*
6 *local funds appropriated under this heading for public*
7 *charter schools for the fiscal year ending September 30,*
8 *2002 in the District of Columbia Appropriations Act, 2002,*
9 *approved December 21, 2001 (Public Law 107-96),*
10 *\$37,000,000 are rescinded.*

11 *HUMAN SUPPORT SERVICES*

12 *For an additional amount for “Human Support Serv-*
13 *ices”, \$37,000,000 from local funds: Provided, That*
14 *\$11,000,000 shall be for the Child and Family Services*
15 *Agency to address increased adoption case rates, higher case*
16 *loads for adoption and emergency group home utilization:*
17 *Provided further, That \$26,000,000 shall be for the Depart-*
18 *ment of Mental Health to address a Medicaid revenue short-*
19 *fall.*

20 *PUBLIC SAFETY AND JUSTICE*
21 *(RESCISSION)*

22 *Notwithstanding any other provision of law, of the*
23 *local funds appropriated under this heading to the Depart-*
24 *ment of Corrections for support of the Corrections Informa-*

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

3 *CORRECTIONS INFORMATION COUNCIL*

4 *For operations of the Corrections Information Council,*
5 *\$100,000 from local funds.*

6 *GOVERNMENTAL DIRECTION AND SUPPORT*

7 *The Governmental Direction and Support paragraph*
8 *of the District of Columbia Appropriations Act, 2002 (Pub-*
9 *lic Law 107–96), is amended by striking: “Provided fur-*
10 *ther, That not less than \$353,000 shall be available to the*
11 *Office of the Corporation Counsel to support increases in*
12 *the Attorney Retention Allowance:” and inserting: “Pro-*
13 *vided further, That not less than \$353,000 shall be available*
14 *to the Office of the Corporation Counsel to support attorney*
15 *compensation consistent with performance measures con-*
16 *tained in a negotiated collective bargaining agreement:”.*

17 *REPAYMENT OF LOANS AND INTEREST*

18 *(RESCISSION)*

19 *Of the funds appropriated under this heading for the*
20 *fiscal year ending September 30, 2002 in the District of*
21 *Columbia Appropriations Act, 2002, approved December*
22 *21, 2001 (Public Law 107–96), \$7,950,000 are rescinded.*

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

1 2000 (Public Law 106–113; 113 Stat. 1523) that are not
2 used in the reserve funds established herein shall be used
3 for Pay-As-You-Go Capital Funds:” and inserting: “Pro-
4 vided, That any funds set aside pursuant to section 148
5 of the District of Columbia Appropriations Act, 2000 (Pub-
6 lic Law 106–113; 113 Stat. 1523) that are not used in the
7 reserve funds established herein shall be used for Pay-As-
8 You-Go Capital Funds upon certification by the Chief Fi-
9 nancial Officer of the District of Columbia that the funds
10 are available and are not required to address potential defi-
11 cits: Provided further, That of those funds necessary to ad-
12 dress potential deficits, no funds shall be obligated or ex-
13 pended except in accordance with the following conditions:

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

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

20 “(3) the amounts may be obligated or expended
21 only if the Mayor notifies the Committees on Appro-
22 priations of the House of Representatives and Senate
23 in writing 30 days in advance of any obligation or
24 expenditure; and

1 “(4) amounts made available to address poten-
2 tial deficits shall remain available until expended.”.

3 *CERTIFICATES OF PARTICIPATION*

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

8 *GENERAL PROVISIONS, THIS CHAPTER*

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

14 *SEC. 402. When the Mayor determines that it is in*
15 *the best interest of the District, the Mayor may procure in-*
16 *surance for property damage and tort liability. In addition,*
17 *when the Chief Financial Officer determines that it is in*
18 *the best interest of the District, the Chief Financial Officer*
19 *may procure insurance subject to his independent procure-*
20 *ment authority or otherwise recommend the procurement of*
21 *insurance for financial losses resulting from misfeasance or*
22 *malfeasance.*

23 *SEC. 403. CRIME VICTIMS COMPENSATION FUND. Sec-*
24 *tion 16(d)(2) of the Victims of Violent Crime Compensation*
25 *Act of 1996 (D.C. Official Code 4-515(d)(1)), as amended*

1 *by the Fiscal Year 2002 District of Columbia Appropria-*
2 *tions Act, Public Law 107–96, is amended to read as fol-*
3 *lows:*

4 “(2) 50 percent of such balance shall be trans-
5 ferred from the Fund to the executive branch of the
6 District government and shall be used without fiscal
7 year limitation for outreach activities designed to in-
8 crease the number of crime victims who apply for
9 such direct compensation payments.”.

10 *SEC. 404. WASHINGTON METROPOLITAN AREA TRAN-*
11 *SIT AUTHORITY REPROGRAMMING. The Chief Financial Of-*
12 *ficer of the Washington Metropolitan Area Transit Author-*
13 *ity may use up to \$2,400,000 from funds appropriated*
14 *under Public Law 107–117 under the account, “Federal*
15 *Payment to the Washington Metropolitan Area Transit Au-*
16 *thority”, that contains funds for protective clothing and*
17 *breathing apparatus activities, for employee and facility se-*
18 *curity and completion of the fiber optic network project.*

19 *SEC. 405. TRANSFER AUTHORITY FOR THE DISTRICT*
20 *OF COLUMBIA COURTS. The District of Columbia Courts*
21 *may expend up to \$12,500,000 to carry out the District*
22 *of Columbia Family Court Act of 2001 from the “Federal*
23 *Payment to the District of Columbia Courts” account: Pro-*
24 *vided, That such funds may be transferred to the “Federal*
25 *Payment to the District of Columbia Courts” account from*

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

7 *SEC. 406. TECHNICAL CORRECTION TO THE DISTRICT*
8 *OF COLUMBIA FAMILY COURT ACT OF 2001. Section 11–*
9 *908A(b)(4) of the District of Columbia Code (as added by*
10 *Public Law 107–114) is amended by striking “section 11–*
11 *1501(b)” and inserting “section 433 of the District of Co-*
12 *lumbia Home Rule Act”.*

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

19 *(b) Under the heading, “Federal Payment to South-*
20 *eastern University” provided under Public Law 107–96,*
21 *strike everything after “a public/private partnership” and*
22 *insert in lieu thereof, “to plan a two year associate degree*
23 *program.”.*

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

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

3 “*SEC. 119. ACCEPTANCE AND USE OF GRANTS NOT IN-*
4 *CLUDED IN CEILING. (a) IN GENERAL.—Notwithstanding*
5 *any other provision of this Act, the Mayor, in consultation*
6 *with the Chief Financial Officer, may accept, obligate, and*
7 *expend Federal, private, and other grants received by the*
8 *District government that are not reflected in the amounts*
9 *appropriated in this Act.*

10 “*(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER*
11 *REPORT AND COUNCIL APPROVAL.—No such Federal, pri-*
12 *vate, or other grant may be accepted, obligated, or expended*
13 *pursuant to subsection (a) until—*

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

17 “*(2) the Council has reviewed and approved the*
18 *acceptance, obligation, and expenditure of such grant.*

19 *Within 14 calendar days of receipt of the report sub-*
20 *mitted under paragraph (1) the Council shall be*
21 *deemed to have provided such approval if no written*
22 *notice of disapproval is filed with the Secretary to the*
23 *Council within 14 calendar days of the receipt of the*
24 *report from the Chief Financial Officer, and no oral*
25 *notice of disapproval is given during a meeting of the*

1 *Council during such 14 calendar day period. If notice*
2 *of disapproval is given during such initial 14 cal-*
3 *endar day period, the Council may approve or dis-*
4 *approve the acceptance, obligation or expenditure of*
5 *the grant by resolution within 30 calendar days of the*
6 *initial receipt of the report from the Chief Financial*
7 *Officer, or such certification shall be deemed to be ap-*
8 *proved.*

9 *“(c) PROHIBITION ON SPENDING IN ANTICIPATION OF*
10 *APPROVAL OR RECEIPT.—No amount may be obligated or*
11 *expended from the general fund or other funds of the Dis-*
12 *trict government in anticipation of the approval or receipt*
13 *of a grant under subsection (a) or in anticipation of the*
14 *approval or receipt of a Federal, private, or other grant*
15 *not subject to these provisions.*

16 *“(d) QUARTERLY REPORTS.—The Chief Financial Of-*
17 *ficer of the District of Columbia shall prepare a quarterly*
18 *report setting forth detailed information regarding all Fed-*
19 *eral, private, and other grants subject to these provisions.*
20 *Each such report shall be submitted to the Council of the*
21 *District of Columbia, and to the Committees on Appropria-*
22 *tions of the House of Representatives and the Senate, not*
23 *later than 15 days after the end of the quarter covered by*
24 *the report.”.*

1 *SEC. 409. The authority which the Chief Financial Of-*
2 *ficer of the District of Columbia exercised with respect to*
3 *personnel, procurement, and the preparation of fiscal im-*
4 *pact statements during a control period (as defined in Pub-*
5 *lic Law 104–8) shall remain in effect through July 1, 2003*
6 *or until such time as the District of Columbia Fiscal Integ-*
7 *rity Act becomes effective, whichever occurs sooner.*

8 *CHAPTER 5*

9 *DEPARTMENT OF DEFENSE—CIVIL*

10 *DEPARTMENT OF THE ARMY*

11 *CORPS OF ENGINEERS—CIVIL*

12 *OPERATION AND MAINTENANCE, GENERAL*

13 *For an additional amount for “OPERATION AND MAIN-*
14 *TENANCE, GENERAL”, \$32,000,000, to remain available*
15 *until expended: Provided, That using the funds appro-*
16 *priated herein, the Secretary of the Army, acting through*
17 *the Chief of Engineers, is directed to repair, restore, and*
18 *clean-up Corps’ projects and facilities and dredge naviga-*
19 *tion channels, restore and clean out area streams, provide*
20 *emergency streambank protection, restore other crucial pub-*
21 *lic infrastructure (including sewer and water facilities),*
22 *document flood impacts and undertake other flood recovery*
23 *efforts deemed necessary and advisable by the Chief of Engi-*
24 *neers: Provided further, That \$10,000,000 of the funds pro-*
25 *vided shall be for Southern West Virginia, Eastern Ken-*

1 *tucky, and Southwestern Virginia: Provided further, That*
2 *the remaining \$22,000,000 is designated by the Congress*
3 *as an emergency requirement pursuant to section*
4 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
5 *icit Control Act of 1985, as amended: Provided further,*
6 *That these additional funds shall be available for Western*
7 *Illinois, Eastern Missouri, and the Upper Peninsula of*
8 *Michigan.*

9 *For emergency expenses to respond to the September*
10 *11, 2001, terrorist attacks on the United States, for “Flood*
11 *Control, Mississippi River and Tributaries, Arkansas, Illi-*
12 *nois, Kentucky, Louisiana, Mississippi, Missouri, and Ten-*
13 *nessee”, \$6,500,000, to remain available until expended, to*
14 *be obligated from amounts made available in Public Law*
15 *107–117, Corps of Engineers—Civil, Operations and Main-*
16 *tenance, General: Provided, That \$6,500,000 is designated*
17 *by the Congress as an emergency requirement pursuant to*
18 *section 251(b)(2)(A) of the Balanced Budget and Emer-*
19 *gency Deficit Control Act of 1985, as amended.*

20 *DEPARTMENT OF ENERGY*

21 *ATOMIC ENERGY DEFENSE ACTIVITIES*

22 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

23 *WEAPONS ACTIVITIES*

24 *For an additional amount for “Weapons Activities”*
25 *for emergency expenses resulting from the September 11,*

1 2001, terrorist attacks, \$181,650,000: Provided, That the
2 entire amount is designated by the Congress as an emer-
3 gency requirement pursuant to section 251(b)(2)(A) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985, as amended.

6 *DEFENSE NUCLEAR NONPROLIFERATION*

7 For an additional amount for “Defense Nuclear Non-
8 proliferation” for emergency activities necessary to support
9 the safeguarding of nuclear material internationally,
10 \$100,000,000: Provided, That the entire amount is des-
11 ignated by the Congress as an emergency requirement pur-
12 suant to section 251(b)(2)(A) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended.

14 *OFFICE OF THE ADMINISTRATOR*

15 For an additional amount for “Office of the Adminis-
16 trator” for emergency expenses resulting from the September
17 11, 2001, terrorist attacks, \$1,750,000: Provided, That the
18 entire amount is designated by the Congress as an emer-
19 gency requirement pursuant to section 251(b)(2)(A) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985, as amended.

1 *ENVIRONMENTAL AND OTHER DEFENSE*
2 *ACTIVITIES*

3 *DEFENSE ENVIRONMENTAL RESTORATION AND WASTE*
4 *MANAGEMENT*

5 *For an additional amount for “Defense Environ-*
6 *mental Restoration and Waste Management” for emergency*
7 *expenses resulting from the September 11, 2001, terrorist*
8 *attacks, \$40,000,000: Provided, That the entire amount is*
9 *designated by the Congress as an emergency requirement*
10 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
11 *and Emergency Deficit Control Act of 1985, as amended.*

12 *OTHER DEFENSE ACTIVITIES*

13 *For an additional amount for “Other Defense Activi-*
14 *ties” for emergency expenses necessary to support energy*
15 *security and assurance activities, \$7,000,000: Provided,*
16 *That the entire amount is designated by the Congress as*
17 *an emergency requirement pursuant to section 251(b)(2)(A)*
18 *of the Balanced Budget and Emergency Deficit Control Act*
19 *of 1985, as amended.*

20 *GENERAL PROVISIONS, THIS CHAPTER*

21 *(RESCISSION)*

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

1 *Administration” in Public Law 107–66, \$30,000,000 are*
2 *rescinded.*

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

9 *SEC. 502. The amounts invested by the non-Federal*
10 *interests in the biomass project at Winona, Mississippi, be-*
11 *fore the date of enactment of this Act shall constitute full*
12 *satisfaction of the cost-sharing requirement under section*
13 *3002 of the Energy Policy Act of 1992 (42 U.S.C. 13542).*

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

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

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

24 *“(c) CONTRACTING REQUIREMENTS.—*

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

4 “(A) *not later than 10 days after the date*
5 *of enactment of this paragraph, request offerors*
6 *whose proposals in response to Request for Pro-*
7 *posals No. DE–RP05–010R22717 (‘Acquisition*
8 *of Facilities and Services for Depleted Uranium*
9 *Hexafluoride (DUF6) Conversion Project’) were*
10 *included in the competitive range as of January*
11 *15, 2002, to confirm or reinstate the offers in ac-*
12 *cordance with this paragraph, with a deadline*
13 *for offerors to deliver reinstatement or confirma-*
14 *tion to the Secretary of Energy not later than 20*
15 *days after the date of enactment of this para-*
16 *graph; and*

17 “(B) *not later than 30 days after the date*
18 *of enactment of this paragraph, select for award*
19 *of a contract the best value of proposals con-*
20 *firmed or reinstated under subparagraph (A),*
21 *and award a contract for the scope of work stat-*
22 *ed in the Request for Proposals, including the de-*
23 *sign, construction, and operation of—*

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

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

7 “(2) *CONTRACT TERMS.*—Notwithstanding any
8 other provision of law (except section 1341 of title 31,
9 United States Code) the Secretary of Energy shall ne-
10 gotiate with the awardee to modify the contract
11 awarded under paragraph (1) to—

12 “(A) require, as a mandatory item, that
13 groundbreaking for construction occur not later
14 than July 31, 2004, and that construction pro-
15 ceed expeditiously thereafter;

16 “(B) include as an item of performance the
17 transportation, conversion, and disposition of de-
18 pleted uranium contained in cylinders located at
19 the Oak Ridge K-25 uranium enrichment facil-
20 ity located in the East Tennessee Technology
21 Park at Oak Ridge, Tennessee, consistent with
22 environmental agreements between the State of
23 Tennessee and the Secretary of Energy; and

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

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

4 “(3) *CERTIFICATION OF GROUNDBREAKING.*—*Not*
5 *later than 5 days after the date of groundbreaking for*
6 *each facility, the Secretary of Energy shall submit to*
7 *Congress a certification that groundbreaking has oc-*
8 *curred.*

9 “(d) *FUNDING.*—

10 “(1) *IN GENERAL.*—*For purposes of carrying out*
11 *this section, the Secretary of Energy may use any*
12 *available appropriations (including transferred unob-*
13 *ligated balances).*

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

18 *SEC. 504. In addition to amounts previously appro-*
19 *priated, \$3,000,000 is hereby appropriated for the Depart-*
20 *ment of the Interior, Bureau of Reclamation, for “Water*
21 *and Related Resources” for the drilling of emergency wells*
22 *in Santa Fe, New Mexico and shall remain available until*
23 *expended.*

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL

DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

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

1 *wise available for such purpose, may be made available for*
2 *the administrative costs of United States Government agen-*
3 *cies in carrying out programs funded under this paragraph:*
4 *Provided further, That funds appropriated by this para-*
5 *graph shall be subject to the regular notification procedures*
6 *of the Committees on Appropriations: Provided further,*
7 *That the entire amount is designated by the Congress as*
8 *an emergency requirement pursuant to section 251(b)(2)(A)*
9 *of the Balanced Budget and Emergency Deficit Control Act*
10 *of 1985, as amended: Provided further, That the entire*
11 *amount shall be available only to the extent that an official*
12 *budget request that includes designation of the entire*
13 *amount as an emergency requirement pursuant to section*
14 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
15 *icit Control Act of 1985, as amended, is transmitted by the*
16 *President to Congress.*

17 *INTERNATIONAL DISASTER ASSISTANCE*

18 *For an additional amount for “International Disaster*
19 *Assistance”, \$150,000,000, to remain available until March*
20 *31, 2003: Provided, That funds appropriated by this para-*
21 *graph shall be made available for emergency expenses for*
22 *Afghanistan for humanitarian and reconstruction activities*
23 *related to preventing or responding to international ter-*
24 *rorism, including repairing homes of Afghan citizens that*
25 *were damaged as a result of military operations against*
26 *al Qaeda and the Taliban: Provided further, That of the*

1 *funds appropriated by this paragraph that are available*
2 *for Afghanistan, up to \$2,500,000 may be made available,*
3 *in addition to amounts otherwise available for such pur-*
4 *poses, for administrative expenses of the United States*
5 *Agency for International Development in support of the*
6 *provision of such assistance: Provided further, That of the*
7 *funds appropriated by this paragraph, \$50,000,000 shall*
8 *be made available for humanitarian, refugee and recon-*
9 *struction assistance for the West Bank and Gaza: Provided*
10 *further, That none of the funds provided in the preceding*
11 *proviso shall be available for assistance for the Palestinian*
12 *Authority: Provided further, That the entire amount is des-*
13 *ignated by the Congress as an emergency requirement pur-*
14 *suant to section 251(b)(2)(A) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985, as amended: Pro-*
16 *vided further, That funds appropriated by this paragraph*
17 *shall be subject to the regular notification procedures of the*
18 *Committees on Appropriations.*

19 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*

20 *FOR INTERNATIONAL DEVELOPMENT*

21 *For an additional amount for “Operating Expenses of*
22 *the United States Agency for International Development”*
23 *for emergency expenses for activities related to preventing*
24 *or responding to international terrorism, \$5,000,000, to re-*
25 *main available until March 31, 2003: Provided, That the*
26 *entire amount is designated by the Congress as an emer-*

1 *gency requirement pursuant to section 251(b)(2)(A) of the*
2 *Balanced Budget and Emergency Deficit Control Act of*
3 *1985, as amended.*

4 *OTHER BILATERAL ECONOMIC ASSISTANCE*

5 *ECONOMIC SUPPORT FUND*

6 *For an additional amount for “Economic Support*
7 *Fund” for emergency expenses for activities related to pre-*
8 *venting or responding to international terrorism,*
9 *\$700,000,000, to remain available until March 31, 2003:*
10 *Provided, That of the funds appropriated by this para-*
11 *graph, not less than \$3,500,000 shall be made available to*
12 *support programs and activities that provide professional*
13 *training for journalists from Egypt and other countries in*
14 *the Middle East: Provided further, That of the funds appro-*
15 *priated by this paragraph that are made available for as-*
16 *sistance for Pakistan, not less than \$3,500,000 shall be*
17 *made available for programs and activities which support*
18 *the development of independent media in Pakistan: Pro-*
19 *vided further, That of the funds appropriated by this para-*
20 *graph, \$50,000,000 should be made available for the Middle*
21 *East Economic Initiative: Provided further, That of the*
22 *funds appropriated by this paragraph, not less than*
23 *\$15,000,000 shall be made available for the establishment*
24 *and administration of an international exchange visitor*
25 *program for secondary school students from countries with*

1 *significant Muslim populations: Provided further, That*
2 *funds made available pursuant to the previous proviso shall*
3 *not be available for any country that is eligible for assist-*
4 *ance under the FREEDOM Support Act: Provided further,*
5 *That of the funds appropriated by this paragraph,*
6 *\$200,000,000 shall be made available for assistance for*
7 *Israel, all or a portion of which may be transferred to, and*
8 *merged with, funds appropriated by this Act under the*
9 *heading “NONPROLIFERATION, ANTI-TERRORISM, DEMINING*
10 *AND RELATED PROGRAMS” for defensive, non-lethal anti-ter-*
11 *rorism assistance in accordance with the provisions of chap-*
12 *ter 8 of part II of the Foreign Assistance Act of 1961: Pro-*
13 *vided further, That the entire amount is designated by the*
14 *Congress as an emergency requirement pursuant to section*
15 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
16 *icit Control Act of 1985, as amended: Provided further,*
17 *That funds appropriated under this heading, and funds ap-*
18 *propriated under this heading in prior Acts that are made*
19 *available for the purposes of this paragraph, may be made*
20 *available notwithstanding section 512 of Public Law 107–*
21 *115 or any similar provision of law: Provided further, That*
22 *funds appropriated by this paragraph shall be subject to*
23 *the regular notification procedures of the Committees on*
24 *Appropriations.*

1 *ASSISTANCE FOR THE INDEPENDENT STATES OF THE*
2 *FORMER SOVIET UNION*

3 *For an additional amount for “Assistance for the Inde-*
4 *pendent States of the Former Soviet Union” for emergency*
5 *expenses for activities related to preventing or responding*
6 *to international terrorism, \$110,000,000, to remain avail-*
7 *able until March 31, 2003: Provided, That funds appro-*
8 *priated by this paragraph shall be made available for as-*
9 *sistance only for Uzbekistan, the Kyrgyz Republic,*
10 *Tajikistan, Kazakistan, and Turkmenistan: Provided fur-*
11 *ther, That of the funds appropriated by this paragraph, not*
12 *less than \$7,000,000 shall be made available for the develop-*
13 *ment of democratic institutions and the protection of*
14 *human rights, which amount shall be administered by the*
15 *Bureau of Democracy, Human Rights and Labor, Depart-*
16 *ment of State: Provided further, That the entire amount*
17 *is designated by the Congress as an emergency requirement*
18 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
19 *and Emergency Deficit Control Act of 1985, as amended:*
20 *Provided further, That funds appropriated by this para-*
21 *graph shall be subject to the regular notification procedures*
22 *of the Committees on Appropriations.*

*DEPARTMENT OF STATE**INTERNATIONAL NARCOTICS CONTROL AND LAW**ENFORCEMENT*

1 *For an additional amount for “International Nar-*
2 *cotics Control and Law Enforcement” for emergency ex-*
3 *penses for activities related to preventing or responding to*
4 *international terrorism, \$104,000,000, to remain available*
5 *until March 31, 2003: Provided, That of the funds appro-*
6 *priated by this paragraph, not less than \$2,500,000 shall*
7 *be made available for the Colombian National Park Service*
8 *for training, equipment and related assistance for park*
9 *rangers: Provided further, That of the funds appropriated*
10 *by this paragraph, not to exceed \$4,000,000 shall be made*
11 *available for law enforcement training for Indonesian po-*
12 *lice forces: Provided further, That funds appropriated by*
13 *this paragraph shall be subject to the regular notification*
14 *procedures of the Committees on Appropriations: Provided*
15 *further, That the entire amount is designated by the Con-*
16 *gress as an emergency requirement pursuant to section*
17 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
18 *icit Control Act of 1985, as amended.*

MIGRATION AND REFUGEE ASSISTANCE

19 *For an additional amount for “Migration and Refugee*
20 *Assistance” for emergency expenses for activities related to*
21 *preventing and responding to international terrorism,*
22 *\$50,000,000, to remain available until March 31, 2003:*

1 *Provided, That funds appropriated by this paragraph shall*
2 *be subject to the regular notification procedures of the Com-*
3 *mittees on Appropriations.*

4 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*
5 *RELATED PROGRAMS*

6 *For an additional amount for “Nonproliferation,*
7 *Anti-Terrorism, Demining and Related Programs” for*
8 *emergency expenses for activities related to preventing or*
9 *responding to international terrorism, \$93,000,000, to re-*
10 *main available until March 31, 2003: Provided, That of the*
11 *funds appropriated by this paragraph, not less than*
12 *\$10,000,000 shall be made available for humanitarian*
13 *demining activities: Provided further, That of the funds ap-*
14 *propriated by this paragraph, not to exceed \$12,000,000*
15 *shall be made available for assistance for Indonesia: Pro-*
16 *vided further, That funds appropriated by this paragraph*
17 *that are made available for assistance for Indonesia may*
18 *be used only to train and equip an Indonesian police unit*
19 *to prevent or respond to international terrorism, and none*
20 *of the funds appropriated by this chapter may be used to*
21 *provide assistance for members of “Brimob” Mobile Police*
22 *Brigade units: Provided further, That of the funds appro-*
23 *priated by this paragraph, \$2,000,000 shall be made avail-*
24 *able for small arms and light weapons destruction in Af-*
25 *ghanistan: Provided further, That of the funds appropriated*
26 *by this paragraph, \$1,000,000 shall be made available for*

1 *the Nonproliferation and Disarmament Fund: Provided*
2 *further, That the entire amount is designated by the Con-*
3 *gress as an emergency requirement pursuant to section*
4 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
5 *icit Control Act of 1985, as amended: Provided further,*
6 *That funds appropriated by this paragraph shall be subject*
7 *to the regular notification procedures of the Committees on*
8 *Appropriations.*

9 *MILITARY ASSISTANCE*

10 *FUNDS APPROPRIATED TO THE PRESIDENT*

11 *FOREIGN MILITARY FINANCING PROGRAM*

12 *For an additional amount for “Foreign Military Fi-*
13 *ancing Program” for emergency expenses for activities re-*
14 *lated to preventing or responding to international ter-*
15 *rorism, \$347,500,000, to remain available until March 31,*
16 *2003: Provided, That funds appropriated by this paragraph*
17 *may be made available for assistance only for Afghanistan,*
18 *Pakistan, Nepal, Jordan, Bahrain, Oman, Yemen,*
19 *Uzbekistan, the Kyrgyz Republic, Tajikistan, Kazakhstan,*
20 *Turkey, Georgia, the Philippines, Colombia, Djibouti, Ethi-*
21 *opia, Kenya, and Ecuador: Provided further, That funds*
22 *appropriated by this paragraph should be made available*
23 *to establish, train, and equip a Colombian Army brigade*
24 *dedicated to providing security to civilian prosecutors in*
25 *operations to collect evidence and execute arrest warrants*

1 *against leaders of paramilitary organizations: Provided*
2 *further, That of the funds appropriated by this paragraph,*
3 *not to exceed \$3,500,000 may be made available for assist-*
4 *ance for the Colombian Armed Forces for purposes of pro-*
5 *tecting the Cano Limon pipeline: Provided further, That*
6 *prior to the obligation of funds under the previous proviso,*
7 *the Secretary of State shall determine and report to the*
8 *Committee on Appropriations that (i) of the Government*
9 *of Colombia's oil revenues from the Cano Limon pipeline,*
10 *an appropriate percentage will be made available for pri-*
11 *mary health care, basic education, microenterprise, and*
12 *other programs and activities to improve the lives of the*
13 *people of Arauca department and that a transparent mech-*
14 *anism exists to effectively monitor such funds, and (ii) Oc-*
15 *cidental Petroleum and Repsol have each agreed in writing*
16 *to refund to the United States Government an amount,*
17 *based upon each company's financial interest in the pipe-*
18 *line, equal to the percentage that each such share represents*
19 *of the amount of funds made available by this Act to the*
20 *Colombian Armed Forces for purposes of protecting the*
21 *Cano Limon pipeline: Provided further, That the amounts*
22 *refunded pursuant to an agreement entered into pursuant*
23 *to the previous proviso shall be made available for any of*
24 *the programs and activities identified in clause (i) to im-*
25 *prove the lives of the Colombian people without further ap-*

1 *propriation by Congress: Provided further, That funds*
2 *made available by this Act for assistance for Uzbekistan*
3 *may be made available if the Secretary of State determines*
4 *and reports to the Committees on Appropriations that*
5 *Uzbekistan is making substantial and continuing progress*
6 *in meeting its commitments under the “Declaration on the*
7 *Strategic Partnership and Cooperation Framework Be-*
8 *tween the Republic of Uzbekistan and the United States of*
9 *America”:* *Provided further, That the entire amount is des-*
10 *ignated by the Congress as an emergency requirement pur-*
11 *suant to section 251(b)(2)(A) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985, as amended: Pro-*
13 *vided further, That funds appropriated by this paragraph*
14 *that are made available for Afghanistan may be made*
15 *available notwithstanding section 512 of Public Law 107–*
16 *115 or any similar provision of law: Provided further, That*
17 *funds appropriated by this paragraph shall be subject to*
18 *the regular notification procedures of the Committees on*
19 *Appropriations.*

20 *PEACEKEEPING OPERATIONS*

21 *For an additional amount for “Peacekeeping Oper-*
22 *ations” for emergency expenses for activities related to pre-*
23 *venting or responding to international terrorism,*
24 *\$20,000,000, to remain available until March 31, 2003:*
25 *Provided, That the entire amount is designated by the Con-*
26 *gress as an emergency requirement pursuant to section*

1 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
2 *icit Control Act of 1985, as amended: Provided further,*
3 *That funds appropriated by this paragraph shall be avail-*
4 *able only for Afghanistan, and may be made available not-*
5 *withstanding section 512 of Public Law 107–115 or any*
6 *similar provision of law: Provided further, That funds ap-*
7 *propriated by this paragraph shall be subject to the regular*
8 *notification procedures of the Committees on Appropria-*
9 *tions.*

10 **MULTILATERAL ECONOMIC ASSISTANCE**

11 **FUNDS APPROPRIATED TO THE PRESIDENT**

12 **INTERNATIONAL FINANCIAL INSTITUTIONS**

13 **(RESCISSION)**

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

18 **GENERAL PROVISIONS, THIS CHAPTER**

19 **SEC. 601. INTERNATIONAL ORGANIZATIONS AND PRO-**
20 **GRAMS.** *Section 576 of Public Law 107–115 is amended—*

21 *(1) in subsection (a) by striking “not more*
22 *than”; and*

23 *(2) by adding the following new subsection:*

24 *“(d) OBLIGATION AND DISBURSEMENT.—Funds made*
25 *available pursuant to subsection (a) shall be obligated and*

1 *disbursed not later than July 10, 2002, unless otherwise*
2 *prohibited by law.”.*

3 *SEC. 602. ELIGIBILITY CONDITIONS. (a) Prior to pro-*
4 *viding assistance to a government with funds appropriated*
5 *by this chapter, the Secretary of State shall take into ac-*
6 *count whether such government has established, or is mak-*
7 *ing substantial progress in establishing—*

8 *(1) the rule of law, political pluralism including*
9 *the establishment of political parties, respect for fun-*
10 *damental human rights including freedoms of expres-*
11 *sion, religion and association, and the rights to due*
12 *process, a fair trial, and equal protection under the*
13 *law;*

14 *(2) democratic institutions, independent media,*
15 *credible electoral processes, and conditions for the de-*
16 *velopment of an active civil society;*

17 *(3) a market-based economy, and economic poli-*
18 *cies to reduce poverty and increase the availability of*
19 *health care and educational opportunities; and*

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

1 (b) *Nothing in this section shall apply to funds appro-*
2 *priated under this chapter for assistance for Afghanistan*
3 *or under the heading “International Disaster Assistance”.*

4 *SEC. 603. COLOMBIA. (a) COUNTER-TERRORISM AU-*
5 *THORITY.—In fiscal year 2002, funds available to the De-*
6 *partment of State under the heading “Andean Counterdrug*
7 *Initiative” in Public Law 107–115 for assistance for the*
8 *Colombian Armed Forces and the Colombian National Po-*
9 *lice, funds appropriated by this Act that are made available*
10 *for such assistance, and unexpired balances and assistance*
11 *previously provided from prior Acts making appropriations*
12 *for foreign operations, export financing, and related pro-*
13 *grams for such assistance, shall be available to support the*
14 *Colombian Government’s unified campaign against nar-*
15 *cotics trafficking and against paramilitary and guerrilla*
16 *organizations designated as terrorist organizations in that*
17 *country.*

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

23 (1) *the newly elected President of Colombia*
24 *has—*

1 (A) committed, in writing, to establish com-
2 prehensive policies to combat illicit drug cultiva-
3 tion, manufacturing, and trafficking (particu-
4 larly with respect to providing economic oppor-
5 tunities that offer viable alternatives to illicit
6 crops) and to restore government authority and
7 respect for human rights in areas under the effec-
8 tive control of paramilitary and guerrilla orga-
9 nizations;

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

13 (C) committed, in writing, to support sub-
14 stantial additional Colombian financial and
15 other resources to implement such policies and
16 reforms, particularly to meet the country's pre-
17 vious commitments under "Plan Colombia"; and

18 (2) no United States Armed Forces personnel or
19 United States civilian contractor employed by the
20 United States will participate in any combat oper-
21 ation in connection with assistance made available
22 under this Act or any other Act.

23 (c) *REPORT.*—The authority provided in subsection

24 (a) shall cease to be effective if the Secretary of State has
25 credible evidence that the Colombian Armed Forces are not

1 *conducting vigorous operations to restore government au-*
2 *thority and respect for human rights in areas under the*
3 *effective control of paramilitary and guerrilla organiza-*
4 *tions.*

5 *(d) PROVISIONS OF LAW THAT REMAIN APPLICA-*
6 *BLE.—Sections 556, 567, and 568 of Public Law 107–115,*
7 *section 8093 of the Department of Defense Appropriations*
8 *Act, 2002, and the numerical limitations on the number*
9 *of United States military personnel and United States indi-*
10 *vidual civilian contractors in section 3204(b)(1) of Public*
11 *Law 106–246, as amended, shall be applicable to funds*
12 *made available pursuant to the authority contained in sub-*
13 *section (a) and to funds made available elsewhere in this*
14 *Act that are made available for assistance for the Colom-*
15 *bian Armed Forces and the Colombian National Police.*

16 *(RESCISSION)*

17 *SEC. 604. (a) Of the funds appropriated under the*
18 *heading “Export-Import Bank of the United States” that*
19 *are available for tied-aid grants in title I of Public Law*
20 *107–115 and under such heading in prior Acts making ap-*
21 *propriations for foreign operations, export financing, and*
22 *related programs, \$50,000,000 are rescinded.*

23 *(b) Of the funds appropriated under the heading “Eco-*
24 *nomics Support Fund” in title II of the Foreign Operations,*
25 *Export Financing, and Related Programs Appropriations*
26 *Act, 2000 (as contained in Public Law 106–113) and in*

1 *prior Acts making appropriations for foreign operations,*
2 *export financing, and related programs, \$25,000,000 are re-*
3 *scinded.*

4 *SEC. 605. Of the amounts appropriated to the Presi-*
5 *dent for the United States Agency for International Devel-*
6 *opment (USAID) for the fiscal year 2002 and made avail-*
7 *able for the Ocean Freight Reimbursement Program of*
8 *USAID, \$300,000 shall be made available to the National*
9 *Forum Foundation to implement the TRANSFORM Pro-*
10 *gram to obtain available space on commercial ships for the*
11 *shipment of humanitarian assistance to needy foreign coun-*
12 *tries.*

13 *SEC. 606. Not later than 45 days after the date of the*
14 *enactment of this Act, the President shall transmit to the*
15 *Committee on Appropriations and the Committee on Inter-*
16 *national Relations of the House of Representatives and the*
17 *Committee on Appropriations and the Committee on For-*
18 *eign Relations of the Senate a report setting forth a strategy*
19 *for meeting the immediate and long-term security needs of*
20 *Afghanistan in order to promote safe and effective delivery*
21 *of humanitarian and other assistance throughout Afghani-*
22 *stan, further the rule of law and civil order, and support*
23 *the formation of a functioning, representative Afghan na-*
24 *tional government.*

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CHAPTER 7

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

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

CONSTRUCTION

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

NATIONAL PARK SERVICE

CONSTRUCTION

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

1 *Balanced Budget and Emergency Deficit Control Act of*
2 *1985, as amended.*

3 *UNITED STATES GEOLOGICAL SURVEY*
4 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

5 *For an additional amount for “Surveys, Investiga-*
6 *tions, and Research”, \$26,776,000, to remain available*
7 *until expended, of which \$20,000,000 is for high resolution*
8 *mapping and imagery of the Nation’s strategic cities, and*
9 *of which \$6,776,000 is for data storage infrastructure up-*
10 *grades and emergency power supply system improvements*
11 *at the Earth Resources Observation Systems Data Center:*
12 *Provided, That the Congress designates the entire amount*
13 *as an emergency requirement pursuant to section*
14 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
15 *icit Control Act of 1985, as amended.*

16 *BUREAU OF INDIAN AFFAIRS*
17 *OPERATION OF INDIAN PROGRAMS*
18 *(RESCISSION)*

19 *Of the funds provided under this heading in Public*
20 *Law 107–20 for electric power operations and related ac-*
21 *tivities at the San Carlos Irrigation Project, \$10,000,000*
22 *are rescinded.*

1 *DEPARTMENTAL OFFICES*2 *DEPARTMENTAL MANAGEMENT*3 *SALARIES AND EXPENSES*

4 *For an additional amount for “Departmental Manage-*
5 *ment, Salaries and Expenses”, for security enhancements,*
6 *\$7,030,000, to remain available until expended, of which*
7 *not to exceed \$4,130,000 may be transferred by the Sec-*
8 *retary to any office within the Department of the Interior*
9 *other than the Bureau of Reclamation: Provided, That the*
10 *Congress designates the entire amount as an emergency re-*
11 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
12 *Budget and Emergency Deficit Control Act of 1985, as*
13 *amended.*

14 *RELATED AGENCY*15 *DEPARTMENT OF AGRICULTURE*16 *FOREST SERVICE*17 *CAPITAL IMPROVEMENT AND MAINTENANCE*

18 *For an additional amount for “Capital Improvement*
19 *and Maintenance”, \$3,500,000, to remain available until*
20 *expended, for facility enhancements to protect property*
21 *from acts of terrorism, vandalism, and theft: Provided, That*
22 *the Congress designates the entire amount as an emergency*
23 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
24 *anced Budget and Emergency Deficit Control Act of 1985,*
25 *as amended.*

1 *OTHER RELATED AGENCY*2 *SMITHSONIAN INSTITUTION*3 *CONSTRUCTION*

4 *For an additional amount for “Construction”,*
5 *\$2,000,000, to remain available until expended, for plan-*
6 *ning, design, and construction of an alcohol collections stor-*
7 *age facility at the Museum Support Center: Provided, That*
8 *the Congress designates the entire amount as an emergency*
9 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
10 *anced Budget and Emergency Deficit Control Act of 1985,*
11 *as amended.*

12 *GENERAL PROVISIONS, THIS CHAPTER*

13 *SEC. 701. The Department of the Interior and Related*
14 *Agencies Appropriations Act, 2002 (Public Law 107–63),*
15 *under the head “Minerals Management Service, Royalty*
16 *and Offshore Minerals Management” is amended by strik-*
17 *ing the word “and” immediately following the word*
18 *“points,” in the sixth proviso, and by inserting imme-*
19 *diately after the word “program” in the sixth proviso “,*
20 *or under its authority to transfer oil to the Strategic Petro-*
21 *leum Reserve”, and by inserting at the end of the sixth pro-*
22 *viso immediately preceding the colon, the following, “and*
23 *to recover MMS transportation costs, salaries and other ad-*
24 *ministrative costs directly related to filling the Strategic*
25 *Petroleum Reserve”.*

1 *SEC. 702. In entering into agreements with foreign*
2 *countries pursuant to the Wildfire Suppression Assistance*
3 *Act (42 U.S.C. 1856m) the Secretary of Agriculture and*
4 *the Secretary of the Interior are authorized to enter into*
5 *reciprocal agreements in which the individuals furnished*
6 *under said agreements to provide wildfire services are con-*
7 *sidered, for purposes of tort liability, employees of the coun-*
8 *try receiving said services when the individuals are fighting*
9 *fires. The Secretary of Agriculture or the Secretary of the*
10 *Interior shall not enter into any agreement under this pro-*
11 *vision unless the foreign country (either directly or through*
12 *its fire organization) agrees to assume any and all liability*
13 *for the acts or omissions of American firefighters engaged*
14 *in firefighting in a foreign country. When an agreement*
15 *is reached for furnishing fire fighting services, the only rem-*
16 *edies for acts or omissions committed while fighting fires*
17 *shall be those provided under the laws of the host country*
18 *and those remedies shall be the exclusive remedies for any*
19 *claim arising out of fighting fires in a foreign country. Nei-*
20 *ther the firefighter, the sending country nor any organiza-*
21 *tion associated with the firefighter shall be subject to any*
22 *action whatsoever pertaining to or arising out of fighting*
23 *fires: Provided, That the Secretary of Agriculture shall draft*
24 *and submit to Congress legislation implementing the agree-*
25 *ment recently reached between the interested parties, includ-*

1 *ing the Department of Justice and the Department of Agri-*
2 *culture, regarding management of the Black Hills National*
3 *Forest which shall include actions for protection of resources*
4 *and communities from fire.*

5

CHAPTER 8

6

DEPARTMENT OF LABOR

7

EMPLOYMENT AND TRAINING ADMINISTRATION

8

TRAINING AND EMPLOYMENT SERVICES

9

10 *For an additional amount for “Training and Employ-*
11 *ment Services”, \$400,000,000, of which \$200,000,000 is*
12 *available for obligation through June 30, 2004 for carrying*
13 *out sections 171(d) and 173 of the Workforce Investment*
14 *Act, except that not more than \$20,000,000 may be used*
15 *for carrying out section 171(d); of which \$80,000,000 is*
16 *available for obligation through June 30, 2003 for carrying*
17 *out section 132(a)(2)(B) of such Act; of which \$10,000,000*
18 *is available for obligation through June 30, 2004, and shall*
19 *be transferred to “Economic Development Assistance Pro-*
20 *grams”, Economic Development Administration, Depart-*
21 *ment of Commerce, for economic development assistance au-*
22 *thorized by the Public Works and Economic Development*
23 *Act of 1965, as amended, including \$8,300,000 for “Public*
24 *Works” investments and \$1,700,000 for “Planning” invest-*
25 *ments; and of which \$110,000,000 is available for obligation*
July 1, 2001 through June 30, 2002 for carrying out section

1 132(a)(2)(B) of the Workforce Investment Act notwith-
2 standing sections 132(b)(2)(B) and 133(b)(2)(B) of such Act
3 and shall be allotted and allocated in a manner that restores
4 to the affected States and local workforce investment areas
5 the \$110,000,000 that was subject to rescission under Public
6 Law 107-20: Provided, That the entire amount is des-
7 ignated by the Congress as an emergency requirement pur-
8 suant to section 251(b)(2)(A) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985, as amended: Pro-
10 vided further, That notwithstanding any other provision of
11 law, the Governor of the State may include information on
12 local area unexpended balances in determining allocation
13 of the funding to local areas made available through June
14 30, 2003, under this head, for carrying out section
15 132(a)(2)(B) of the Workforce Investment Act.

16 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
17 SALARIES AND EXPENSES

18 Of the funds provided under this heading in Public
19 Law 107-116 for Occupational Safety and Health Admin-
20 istration training grants, \$1,000,000 shall be used to restore
21 reductions in Institutional Competency Building training
22 grants which commenced in September 2000, for program
23 activities ending September 30, 2002 and \$4,275,000 shall
24 be used to extend funding for these same Institutional Com-
25 petency Building training grants for program activities for

1 *the period of September 30, 2002 to September 30, 2003,*
2 *and \$5,900,000 shall be used to extend funding for targeted*
3 *training grants which commenced in September 2001 for*
4 *program activities for the period of September 30, 2002 to*
5 *September 30, 2003, provided that a grantee has dem-*
6 *onstrated satisfactory performance.*

7 *DEPARTMENT OF HEALTH AND HUMAN*

8 *SERVICES*

9 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

10 *HEALTH RESOURCES AND SERVICES*

11 *The matter preceding the first proviso under this head-*
12 *ing in Public Law 107–116 is amended—*

13 *(1) by inserting “IV,” after “titles II, III,”; and*

14 *(2) by striking “\$311,978,000” and inserting*
15 *“\$315,333,000”.*

16 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

17 *DISEASE CONTROL, RESEARCH, AND TRAINING*

18 *For emergency expenses necessary to support activities*
19 *related to countering potential biological, disease, and*
20 *chemical threats to civilian populations and for carrying*
21 *out title III of the Public Health Service Act, \$315,000,000,*
22 *to be available until expended. Of this amount, \$37,000,000*
23 *shall be for improving security, including information tech-*
24 *nology security, and \$278,000,000 shall be for equipment*
25 *and construction and renovation of facilities in Atlanta:*

1 *Provided, That notwithstanding any other provision of law,*
2 *a single contract or related contracts for development and*
3 *construction of facilities may be employed which collectively*
4 *include the full scope of the project: Provided further, That*
5 *the solicitation and contract shall contain the clause “avail-*
6 *ability of funds” found at 48 CFS 52.232–18: Provided fur-*
7 *ther, That the entire amount is designated by the Congress*
8 *as an emergency requirement pursuant to section*
9 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
10 *icit Control Act of 1985, as amended.*

11 *NATIONAL INSTITUTES OF HEALTH*

12 *BUILDINGS AND FACILITIES*

13 *(INCLUDING RESCISSION)*

14 *Of the funds provided under this heading in Public*
15 *Law 107–116, \$30,000,000 are rescinded.*

16 *For emergency expenses necessary to support activities*
17 *related to countering potential biological, disease, and*
18 *chemical threats to civilian populations, and for the study*
19 *of, construction of, renovation of, and acquisition of equip-*
20 *ment for, facilities of or used by the National Institutes of*
21 *Health, including the acquisition of real property,*
22 *\$72,000,000 to remain available until expended: Provided,*
23 *That notwithstanding any other provision of law, a single*
24 *contract or related contracts for the development and con-*
25 *struction of facilities may be employed which collectively*
26 *include the full scope of the project: Provided further, That*

1 *the solicitation and contract shall contain the clause “avail-*
2 *ability of funds” found at 48 CFS 52.232–18: Provided fur-*
3 *ther, That the entire amount is designated by the Congress*
4 *as an emergency requirement pursuant to section*
5 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
6 *icit Control Act of 1985, as amended.*

7 *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

8 *PROGRAM MANAGEMENT*

9 *That of the funds made available under this heading*
10 *in Public Law 107–116, \$1,000,000 shall be awarded to the*
11 *Johns Hopkins School of Medicine for activities associated*
12 *with an in-home study of self-administered high frequency*
13 *chest oscillation therapy for patients with chronic obstruc-*
14 *tive pulmonary disease.*

15 *OFFICE OF THE SECRETARY*

16 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

17 *For emergency expenses to respond to the September*
18 *11, 2001, terrorist attacks on the United States for “Public*
19 *Health and Social Services Emergency Fund” for baseline*
20 *and follow-up screening, long-term health monitoring and*
21 *analysis for the emergency services personnel and rescue*
22 *and recovery personnel, \$90,000,000, to remain available*
23 *until expended, of which no less than \$25,000,000 shall be*
24 *available for current and retired firefighters: Provided,*
25 *That the entire amount is designated by the Congress as*

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

4 *DEPARTMENT OF EDUCATION*

5 *SCHOOL IMPROVEMENT PROGRAMS*

6 *The matter under this heading in Public Law 107–*
7 *116 is amended by inserting before the period, “: Provided*
8 *further, That of the amount made available under subpart*
9 *8, part D, title V of the ESEA, \$2,300,000 shall be available*
10 *for Digital Educational Programming Grants”.*

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

16 *In the statement of the managers of the committee of*
17 *conference accompanying H.R. 3061 (Public Law 107–116;*
18 *House Report 107–342), in the matter relating to the Fund*
19 *for the Improvement of Education under the heading*
20 *“School Improvement Programs”—*

21 *(1) the provision specifying \$200,000 for Fresno*
22 *At-Risk Youth Services and the provision specifying*
23 *\$225,000 for the Fresno Unified School District shall*
24 *be applied by substituting the following for the two*
25 *provisions: “Fresno Unified School District, Fresno,*

1 *California, in partnership with the City of Fresno,*
2 *California, for activities to address the problems of*
3 *at-risk youth, including afterschool activities and a*
4 *mobile science unit, \$425,000”;*

5 *(2) the provision specifying \$50,000 for the*
6 *Lewiston-Auburn College/University of Southern*
7 *Maine shall be deemed to read as follows: “Lewiston-*
8 *Auburn College/University of Southern Maine*
9 *TEAMS program to prepare teachers to meet the de-*
10 *mands of Maine’s 21st century elementary and mid-*
11 *dle schools, \$50,000”;*

12 *(3) the provision specifying \$250,000 for the*
13 *Wellington Public School District, Wellington, KS,*
14 *shall be deemed to read as follows: “Wellington Public*
15 *School District, Wellington, KS, for after school ac-*
16 *tivities, \$250,000”;*

17 *(4) the provision specifying \$200,000 for the*
18 *Vermont Higher Education Council shall be deemed*
19 *to read as follows: “Vermont Higher Education Con-*
20 *sortium to develop universal early learning programs*
21 *to ensure that at least one certified teacher will be*
22 *available in center-based child care programs,*
23 *\$200,000”;*

24 *(5) the provision specifying \$250,000 for Edu-*
25 *cation Service District 117 in Wenatchee, WA, shall*

1 *be deemed to read as follows: “Education Service Dis-*
2 *trict 171 in Wenatchee, WA, to equip a community*
3 *technology center to expand technology-based training,*
4 *\$250,000”;*

5 *(6) the provision specifying \$1,000,000 for the*
6 *Electronic Data Systems Project shall be deemed to*
7 *read as follows: “Washington State Department of*
8 *Education for an electronic data systems project to*
9 *create a database that would improve the acquisition,*
10 *analysis and sharing of student information,*
11 *\$1,000,000”;*

12 *(7) the provision specifying \$250,000 for the*
13 *YMCA of Seattle-King-Snohomish County shall be*
14 *deemed to read as follows: “YWCA of Seattle-King*
15 *County-Snohomish County to support women and*
16 *families through an at-risk youth center and other*
17 *family supports, \$250,000”;*

18 *(8) the provision specifying \$50,000 for Drug*
19 *Free Pennsylvania shall be deemed to read as follows:*
20 *“Drug Free Pennsylvania to implement a demonstra-*
21 *tion project, \$50,000”;*

22 *(9) the provision specifying \$20,000,000 for the*
23 *Commonwealth of Pennsylvania Department of Edu-*
24 *cation shall be deemed to read as follows:*
25 *“\$20,000,000 is included for a grant to the Common-*

1 *wealth of Pennsylvania Department of Education to*
2 *provide assistance, through subgrants, to low-per-*
3 *forming school districts that are slated for potential*
4 *takeover and/or on the Education Empowerment List*
5 *as prescribed by Pennsylvania State Law. The initia-*
6 *tive is intended to improve the management and op-*
7 *erations of the school districts; assist with curriculum*
8 *development; provide after-school, summer and week-*
9 *end programs; offer teacher and principal profes-*
10 *sional development and promote the acquisition and*
11 *effective use of instructional technology and equip-*
12 *ment”;*

13 *(10) the provision specifying \$150,000 for the*
14 *American Theater Arts for Youth, Inc., Philadelphia,*
15 *PA, for a Mississippi Arts in Education Program*
16 *shall be deemed to read as follows: “American Theater*
17 *Arts for Youth, Inc., for a Mississippi Arts in Edu-*
18 *cation program, \$150,000”;*

19 *(11) the provision specifying \$340,000 for the*
20 *Zero to Five Foundation, Los Angeles, California,*
21 *shall be deemed to read as follows: “Zero to Five*
22 *Foundation, Los Angeles, California, to develop an*
23 *early childhood education and parenting project,*
24 *\$340,000”;*

1 (12) *the provision specifying \$900,000 for the*
2 *University of Nebraska, Kearney, Nebraska, shall be*
3 *deemed to read as follows: “University of Nebraska,*
4 *Kearney, Nebraska, for a Minority Access to Higher*
5 *Education Program to address the special needs of*
6 *Hispanic and other minority populations from grades*
7 *K–12, \$900,000”;*

8 (13) *the provision specifying \$25,000 for the*
9 *American Theater Arts for Youth for an Arts in Edu-*
10 *cation program shall be deemed to read as follows:*
11 *“American Theater Arts for Youth, Inc., in Philadel-*
12 *phia, Pennsylvania, for an Arts in Education pro-*
13 *gram, \$25,000”;* *and*

14 (14) *the provision specifying \$50,000 for the*
15 *Lewiston-Auburn College/University of Southern*
16 *Maine shall be deemed to read as follows: “Lewiston-*
17 *Auburn College/University of Southern Maine CLASS*
18 *program to prepare teachers to meet the demands of*
19 *Maine’s 21st century elementary and middle schools,*
20 *\$50,000”.*

21 *STUDENT FINANCIAL ASSISTANCE*

22 *For an additional amount for “Student Financial As-*
23 *sistance” for carrying out subpart 1 of part A of title IV*
24 *of the Higher Education Act of 1965, as amended,*
25 *\$1,000,000,000, to remain available through September 30,*
26 *2003: Provided, That the entire amount is designated by*

1 *the Congress as an emergency requirement pursuant to sec-*
2 *tion 251(b)(2)(A) of the Balanced Budget and Emergency*
3 *Deficit Control Act of 1985, as amended.*

4 *HIGHER EDUCATION*

5 *In the statement of the managers of the committee of*
6 *conference accompanying H.R. 3061 (Public Law 107–116;*
7 *House Report 107–342), in the matter relating to the Fund*
8 *for the Improvement of Postsecondary Education under the*
9 *heading “Higher Education”—*

10 *(1) the provision for Nicholls State University,*
11 *Thibodaux, LA, shall be applied by substituting*
12 *“Intergenerational” for “International”;*

13 *(2) the provision specifying \$1,000,000 for the*
14 *George J. Mitchell Scholarship Research Institute*
15 *shall be deemed to read as follows: “George J. Mitchell*
16 *Scholarship Research Institute in Portland, Maine,*
17 *for an endowment to provide scholarships that allow*
18 *students attending public schools in Maine to con-*
19 *tinue their education, \$1,000,000”;*

20 *(3) the provision specifying \$10,000,000 for the*
21 *Shriver Peace Worker Program, Inc. shall be deemed*
22 *to read as follows: “Shriver Peace Worker Program,*
23 *Inc. to establish the Sargent Shriver Peace Center,*
24 *which may include establishing an endowment for*
25 *such center, for the purpose of supporting graduate*
26 *research fellowships, professorships, and grants and*

1 *scholarships for students related to peace studies and*
 2 *social change, \$10,000,000”; and*

3 *(4) the provision specifying \$1,000,000 for Cleve-*
 4 *land State University shall be deemed to read as fol-*
 5 *lows: “Cleveland State University, College of Edu-*
 6 *cation, Cleveland, Ohio, for a K–16 Urban School*
 7 *Leadership initiative, \$1,000,000”.*

8 *EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT*

9 *The matter under this heading in Public Law 107–*
 10 *116, is amended by inserting before the period the following*
 11 *new proviso: “: Provided further, That \$5,000,000 shall be*
 12 *available to extend for one additional year the contract for*
 13 *the Eisenhower National Clearinghouse for Mathematics*
 14 *and Science Education authorized under section 2102(a)(2)*
 15 *of the Elementary and Secondary Education Act of 1965,*
 16 *prior to its amendment by the No Child Left Behind Act*
 17 *of 2001, Public Law 107–110”.*

18 *GENERAL PROVISIONS, THIS CHAPTER*

19 *SEC. 801. The Elementary and Secondary Education*
 20 *Act of 1965 is hereby amended in section 8003 by amending*
 21 *subsection (b)(2)(D)(ii)(III) to read as follows: “For a local*
 22 *educational agency that does not qualify under*
 23 *(B)(i)(II)(aa) of this subsection and has an enrollment of*
 24 *more than 100 but not more than 1,000 children described*
 25 *in subsection (a)(1), the Secretary shall calculate the total*
 26 *number of weighted student units for purposes of subsection*

1 (a)(2) by multiplying the number of such children by a fac-
2 tor of 1.25.”.

3 *SEC. 802. The Elementary and Secondary Education*
4 *Act of 1965 is hereby amended in section 8003(b)(1) by add-*
5 *ing the following as subparagraph (G):*

6 “(G) Beginning with fiscal year 2002, for
7 the purpose of calculating a payment under this
8 paragraph for a local educational agency whose
9 local contribution rate was computed under sub-
10 paragraph (C)(iii) for the previous year, the Sec-
11 retary shall use a local contribution rate that is
12 not less than 95 percent of the rate that the LEA
13 received for the preceding year.”.

14 *SEC. 803. Amounts made available in Public Law*
15 *107–116 for the administrative and related expenses for de-*
16 *partmental management for the Department of Labor, the*
17 *Department of Health and Human Services, and the De-*
18 *partment of Education, shall be reduced on a pro rata basis*
19 *by \$45,000,000: Provided, That this provision shall not*
20 *apply to the Food and Drug Administration and the Indian*
21 *Health Service: Provided further, That not later than 15*
22 *days after the enactment of this Act, the Director of the Of-*
23 *fice of Management and Budget shall report to the House*
24 *and Senate Committees on Appropriations the accounts*

1 *subject to the pro rata reductions and the amount to be re-*
2 *duced in each account.*

3 *SEC. 804. The Higher Education Amendments of 1998*
4 *are hereby amended in section 821 as follows:*

5 *(1) in subsection (b), by striking “25” and in-*
6 *serting “35”;*

7 *(2) in subsection (e)(3), by striking “\$1,500”*
8 *and inserting “\$2,000”; and*

9 *(3) in subsection (f) by striking “25” and insert-*
10 *ing “35”.*

11 *SEC. 805. (a) Section 487 of the Public Health Service*
12 *Act (42 U.S.C. 288) is amended by striking “National Re-*
13 *search Service Awards” or “National Research Service*
14 *Award” each place either appears and inserting in lieu*
15 *thereof “Ruth L. Kirschstein National Research Service*
16 *Awards” or “Ruth L. Kirschstein National Research Serv-*
17 *ice Award” as appropriate.*

18 *(b) The heading for Section 487 of the Public Health*
19 *Service Act (42 U.S.C. 288) is amended to read as follows:*
20 *“Ruth L. Kirschstein National Research Service Awards”.*

21 *(c) Any reference in any law (other than this Act),*
22 *regulation, document, record, map, or other paper of the*
23 *United States to “National Research Service Awards” shall*
24 *be considered to be a reference to “Ruth L. Kirschstein Na-*
25 *tional Research Service Awards”.*

1 *SEC. 806. None of the funds provided by this or any*
2 *other Act may be used to enforce the amendments made by*
3 *section 166 of the Community Renewal Tax Relief Act of*
4 *2000 on the State of Alaska, including the imposition of*
5 *any penalties.*

6 *SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING*
7 *NEW YORK CITY. Notwithstanding section 1124(c)(2) of the*
8 *Elementary and Secondary Education Act of 1965 (20*
9 *U.S.C. 6333(c)(2)), for fiscal year 2002, if the local edu-*
10 *cational agency serving New York City receives an alloca-*
11 *tion under section 1124 of the Elementary and Secondary*
12 *Education Act of 1965 (20 U.S.C. 6333) in an amount that*
13 *is greater than the amount received by the agency under*
14 *section 1124 of the Elementary and Secondary Education*
15 *Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—*

16 *(1) the agency shall distribute any funds in ex-*
17 *cess of the amount of the fiscal year 2001 allocation*
18 *on an equal per-pupil basis consistent with section*
19 *1113(c) of the Elementary and Secondary Education*
20 *Act of 1965 (20 U.S.C. 6313(c)); and*

21 *(2) each county in New York City shall receive*
22 *an amount from the agency that is not less than the*
23 *amount the county received in fiscal year 2001.*

24 *SEC. 808. In the statement of the managers of the com-*
25 *mittee of conference accompanying the fiscal year 2001*

1 *Labor, Health and Human Services, and Education appro-*
2 *priations bill (Public Law 106–554; House Report 106–*
3 *1033), the provision specifying \$464,000 for the Bethel Na-*
4 *tive Corporation worker demonstration project shall be*
5 *deemed to read as follows: “for the Alaska CHAR vocational*
6 *training program, \$100,000 and \$364,000 for the Yuut*
7 *Elitnawriat People’s Learning Center in Bethel, Alaska for*
8 *vocational training for Alaska Natives.*

9 *CHAPTER 9*

10 *LEGISLATIVE BRANCH*

11 *JOINT ITEMS*

12 *CAPITOL POLICE BOARD*

13 *CAPITOL POLICE*

14 *GENERAL EXPENSES*

15 *For an additional amount for the Capitol Police*
16 *Board for necessary expenses of the Capitol Police, includ-*
17 *ing security equipment and installation, supplies, materials*
18 *and contract services, \$3,600,000, to be disbursed by the*
19 *Capitol Police Board or their designee: Provided, That the*
20 *entire amount is designated by the Congress as an emer-*
21 *gency requirement pursuant to section 251(b)(2)(A) of the*
22 *Balanced Budget and Emergency Deficit Control Act of*
23 *1985, as amended.*

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COPYRIGHT OFFICE

SALARIES AND EXPENSES

1 *For an additional amount for “Copyright Office, Sala-*
2 *ries and expenses”, \$7,500,000, to remain available until*
3 *expended: Provided, That the entire amount is designated*
4 *by the Congress as an emergency requirement pursuant to*
5 *section 251(b)(2)(A) of the Balanced Budget and Emer-*
6 *gency Deficit Control Act of 1985, as amended.*

GENERAL PROVISIONS, THIS CHAPTER

11 *SEC. 901. The amount otherwise made available under*
12 *section 506 of the Supplemental Appropriations Act, 1973*
13 *(2 U.S.C. 58) for fiscal year 2002 to any Senator from the*
14 *Senators’ Official Personnel and Office Expense Account*
15 *shall be increased by the amount (not in excess of \$20,000)*
16 *which the Senator certifies in a written request to the Sec-*
17 *retary of the Senate made not later than September 30,*
18 *2002, as being necessary for the payment or reimbursement*
19 *of expenditures incurred or obligated during fiscal year*
20 *2002 that—*

21 *(1) are otherwise payable from such account, and*

22 *(2) are directly related to responses to the ter-*
23 *rorist attacks of September 11, 2001, or the discovery*
24 *of anthrax in the Senate complex and the displace-*
25 *ment of Senate offices due to such discovery.*

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

4 *(1) in section 901 (a), by striking “buildings*
5 *and facilities” and insert “buildings and facilities,*
6 *subject to the availability of appropriations,”.*

7 *(b) Section 9 of the Act of July 31, 1946 (40 U.S.C.*
8 *212a), is amended by redesignating the subsection (b) added*
9 *by section 903(c)(2) of the Emergency Supplemental Act,*
10 *2002, as subsection (c).*

11 *(c) The amendment made by this section shall take ef-*
12 *fect as if included in the enactment of the Emergency Sup-*
13 *plemental Act, 2002.*

14 *SEC. 903. (a) Section 909(a) of chapter 9 of the Emer-*
15 *gency Supplemental Act, 2002 (40 U.S.C. 207b–2; Public*
16 *Law 107–117; 115 Stat. 2320) (in this section referred to*
17 *as the “Act”) is amended—*

18 *(1) in paragraph (1), by striking “determines*
19 *that the Capitol Police would be likely, in the absence*
20 *of such a bonus, to encounter difficulty in filling the*
21 *position” and inserting “, in the sole discretion of the*
22 *Board, determines that such a bonus will assist the*
23 *Capitol Police in recruitment efforts”; and*

24 *(2) by adding at the end the following:*

1 “(6) *DETERMINATIONS NOT APPEALABLE OR RE-*
2 *VIEWABLE.—Any determination of the Board under*
3 *this subsection shall not be appealable or reviewable*
4 *in any manner.*”.

5 **(b)** *Section 909(b) of the Act is amended—*

6 **(1)** *in paragraph (1)—*

7 **(A)** *by striking subparagraphs (A) and (B);*

8 *and*

9 **(B)** *by striking “if—” and inserting “if the*

10 *Board, in the sole discretion of the Board, deter-*

11 *mines that such a bonus will assist the Capitol*

12 *Police in retention efforts.”; and*

13 **(2)** *in paragraph (3), by striking “the reduction*

14 *or the elimination of a retention allowance may not*

15 *be appealed” and inserting “any determination of the*

16 *Board under this subsection, or the reduction or*

17 *elimination of a retention allowance, shall not be ap-*

18 *pealable or reviewable in any manner.”.*

19 **(c)** *Section 909 of the Act is amended—*

20 **(1)** *by redesignating subsections (f) and (g) as*

21 *subsections (g) and (h), respectively; and*

22 **(2)** *by inserting after subsection (e) the following:*

23 “(f) *TUITION ALLOWANCES.—The Capitol Police*

24 *Board may authorize the Chief to pay tuition allowances*

25 *for payment or reimbursement of education expenses in the*

1 *same manner and to the same extent as retention allow-*
2 *ances under subsection (b).”.*

3 *SEC. 904. (a) The Architect of the Capitol is author-*
4 *ized, subject to the availability of appropriations, to acquire*
5 *(through purchase, lease, or otherwise) buildings and facili-*
6 *ties for use as computer backup facilities (and related uses)*
7 *for offices in the legislative branch.*

8 *(b) The acquisition of a building or facility under sub-*
9 *section (a) shall be subject to the approval of—*

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

13 *(2) the Committee on Rules and Administration*
14 *of the Senate, in the case of a building or facility ac-*
15 *quired for the use of an office of the Senate; or*

16 *(3) the House Office Building Commission and*
17 *the Committee on Rules and Administration of the*
18 *Senate, in the case of a building or facility acquired*
19 *for the use of any other office in the legislative*
20 *branch.*

21 *(c) Any building or facility acquired by the Architect*
22 *of the Capitol pursuant to subsection (a) shall be a part*
23 *of the United States Capitol Grounds and shall be subject*
24 *to the provisions of the Act entitled “An Act to define the*
25 *area of the United States Capitol Grounds, to regulate the*

1 use thereof, and for other purposes”, approved July 31,
2 1946.

3 (d) This section shall apply with respect to fiscal year
4 2002 and each succeeding fiscal year.

5 CHAPTER 10

6 DEPARTMENT OF TRANSPORTATION

7 TRANSPORTATION SECURITY ADMINISTRATION

8 For additional amounts for emergency expenses to en-
9 sure transportation security, \$4,702,525,000, to remain
10 available until expended: Provided, That the entire amount
11 is designated by the Congress as an emergency requirement
12 pursuant to section 251(b)(2)(A) of the Balanced Budget
13 and Emergency Deficit Control Act of 1985, as amended:
14 Provided further, That of the amounts provided under this
15 head, \$200,000,000 shall be for port security grants under
16 the same terms and conditions as provided for under Public
17 Law 107–117; \$20,000,000 shall be used to enable the
18 Under Secretary for Transportation Security to make
19 grants and enter into contracts to enhance security for
20 intercity bus operations; and \$27,945,000 shall be used to
21 enable said Under Secretary to make grants, enter into con-
22 tracts and execute interagency agreements for the purpose
23 of deploying Operation Safe Commerce.

1 U.S. COAST GUARD

2 OPERATING EXPENSES

3 *For an additional amount for “Operating Expenses”*
4 *for emergency expenses for homeland security,*
5 *\$318,400,000, to remain available until September 30,*
6 *2003: Provided, That the entire amount is designated by*
7 *the Congress as an emergency requirement pursuant to sec-*
8 *tion 251(b)(2)(A) of the Balanced Budget and Emergency*
9 *Deficit Control Act of 1985, as amended.*

10 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

11 *For an additional amount for “Acquisition, Construc-*
12 *tion, and Improvements” for emergency expenses for home-*
13 *land security, \$347,700,000, to remain available until Sep-*
14 *tember 30, 2004: Provided, That the entire amount is des-*
15 *ignated by the Congress as an emergency requirement pur-*
16 *suant to section 251(b)(2)(A) of the Balanced Budget and*
17 *Emergency Deficit Control Act of 1985, as amended.*

18 FEDERAL AVIATION ADMINISTRATION

19 OPERATIONS

20 *For an additional amount for “Operations”,*
21 *\$100,000,000, for security activities at Federal Aviation*
22 *Administration facilities: Provided, That the entire amount*
23 *is designated by the Congress as an emergency requirement*
24 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
25 *and Emergency Deficit Control Act of 1985, as amended.*

1 *FACILITIES AND EQUIPMENT*2 *(AIRPORT AND AIRWAY TRUST FUND)*

3 *For an additional amount for “Facilities and Equip-*
4 *ment”, \$15,000,000, to be derived from the Airport and Air-*
5 *way Trust Fund and to remain available until expended:*
6 *Provided, That the entire amount is designated by the Con-*
7 *gress as an emergency requirement pursuant to section*
8 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
9 *icit Control Act of 1985, as amended.*

10 *GRANTS-IN-AID FOR AIRPORTS*11 *(AIRPORT AND AIRWAY TRUST FUND)*

12 *For an additional amount to enable the Federal Avia-*
13 *tion Administrator to compensate airports for the direct*
14 *costs associated with new, additional or revised security re-*
15 *quirements imposed on airport operators by the Adminis-*
16 *trator on or after September 11, 2001, notwithstanding any*
17 *other provision of law, \$100,000,000, to be derived from the*
18 *Airport and Airway Trust Fund and to remain available*
19 *until expended: Provided, That the entire amount is des-*
20 *ignated by the Congress as an emergency requirement pur-*
21 *suant to section 251(b)(2)(A) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985, as amended.*

1 *FEDERAL HIGHWAY ADMINISTRATION*2 *FEDERAL-AID HIGHWAYS*3 *EMERGENCY RELIEF PROGRAM*4 *(HIGHWAY TRUST FUND)*

5 *For an additional amount for “Emergency Relief Pro-*
6 *gram”, as authorized by 23 U.S.C. 125, for emergency ex-*
7 *penses to respond to the September 11, 2001, terrorist at-*
8 *tacks on New York City, \$167,000,000 for the State of New*
9 *York, to be derived from the Highway Trust Fund and to*
10 *remain available until expended: Provided, That notwith-*
11 *standing 23 U.S.C. 120(e), the Federal share for any project*
12 *on a Federal-aid highway related to the New York City ter-*
13 *rorist attacks shall be 100 percent: Provided further, That*
14 *notwithstanding 23 U.S.C. 125(d)(1), the Secretary of*
15 *Transportation may obligate more than \$100,000,000 for*
16 *those projects: Provided further, That the entire amount is*
17 *designated by the Congress as an emergency requirement*
18 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
19 *and Emergency Deficit Control Act of 1985, as amended.*

20 *FEDERAL-AID HIGHWAYS*21 *(HIGHWAY TRUST FUND)*22 *(RESCISSION)*

23 *Of the funds apportioned to each state under the pro-*
24 *grams authorized under sections 1101(a)(1), 1101(a)(2),*
25 *1101(a)(3), 1101(a)(4) and 1101(a)(5) of Public Law 105–*
26 *178, as amended, \$320,000,000 are rescinded.*

1 *FEDERAL-AID HIGHWAYS*
2 *EMERGENCY RELIEF PROGRAM*
3 *(HIGHWAY TRUST FUND)*

4 *For an additional amount for the “EMERGENCY RE-*
5 *LIEF PROGRAM”, as authorized by section 125 of title 23,*
6 *United States Code, \$120,000,000, to be derived from the*
7 *Highway Trust Fund and to remain available until ex-*
8 *pended: Provided, That the amount made available under*
9 *this paragraph shall be used solely for eligible but uncom-*
10 *pensated applications pending as of May 28, 2002, includ-*
11 *ing \$13,411,000 for projects in the State of Washington*
12 *stemming from the Nisqually earthquake and other disas-*
13 *ters, and up to \$12,000,000 for emergency expenses to re-*
14 *spond to the May 26, 2002 Interstate 40 bridge collapse over*
15 *the Arkansas River in Oklahoma.*

16 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*
17 *BORDER ENFORCEMENT PROGRAM*

18 *For necessary expenses of the Border Enforcement Pro-*
19 *gram to respond to the September 11, 2001, terrorist attacks*
20 *on the United States, \$19,300,000, to be derived from the*
21 *Highway Trust Fund, of which \$4,200,000 shall be to im-*
22 *plement section 1012 of Public Law 107–56 (USA Patriot*
23 *Act); \$10,000,000 shall be for drivers’ license fraud detec-*
24 *tion and prevention, northern border safety and security*
25 *study, and hazardous material security education and out-*
26 *reach; and \$5,100,000 shall be for the purposes of coordi-*

1 *nating drivers' license registration and social security num-*
2 *ber verification: Provided, That in connection with such*
3 *commercial drivers' license fraud deterrence projects, the*
4 *Secretary may enter into such contracts or grants with the*
5 *American Association of Motor Vehicle Administrators,*
6 *States, or other persons as the Secretary may so designate*
7 *to carry out these purposes: Provided further, That the en-*
8 *tire amount is designated by the Congress as an emergency*
9 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
10 *anced Budget and Emergency Deficit Control Act of 1985,*
11 *as amended.*

12 *FEDERAL RAILROAD ADMINISTRATION*

13 *GRANTS TO THE NATIONAL RAILROAD PASSENGER*

14 *CORPORATION*

15 *For an additional amount for the National Railroad*
16 *Passenger Corporation for emergency expenses to ensure the*
17 *safety of rail passenger operations, \$55,000,000, to remain*
18 *available until expended, of which \$20,000,000 shall be used*
19 *to repair damaged passenger equipment, \$12,000,000 shall*
20 *be used for emergency security needs, and \$23,000,000 shall*
21 *be used for the heavy overhaul of the rail passenger fleet.*

22 *FEDERAL TRANSIT ADMINISTRATION*

23 *CAPITAL INVESTMENT GRANTS*

24 *For an additional amount for "Capital Investment*
25 *Grants" for emergency expenses to respond to the September*

1 11, 2001, terrorist attacks in New York City,
2 \$1,800,000,000, to remain available until expended, to re-
3 place, rebuild, or enhance the public transportation systems
4 serving the Borough of Manhattan, New York City, New
5 York: Provided, That the Secretary may use up to one per-
6 cent of this amount for oversight activities: Provided fur-
7 ther, That these funds are subject to grant requirements as
8 determined by the Secretary to ensure that eligible projects
9 will improve substantially the mobility of commuters in
10 Lower Manhattan: Provided further, That the Federal share
11 for any project funded from this amount shall be 100 per-
12 cent: Provided further, That these funds are in addition to
13 any other appropriation available for these purposes: Pro-
14 vided further, That the entire amount is designated by the
15 Congress as an emergency requirement pursuant to section
16 251(b)(2)(A) of the Balanced Budget and Emergency Def-
17 icit Control Act of 1985, as amended.

18 *RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION*

19 *RESEARCH AND SPECIAL PROGRAMS*

20 *For an additional amount for “Research and Special*
21 *Programs” to establish a Transportation Information Oper-*
22 *ations Center for improving transportation emergency re-*
23 *sponse coordination, \$3,500,000: Provided, That the entire*
24 *amount is designated by the Congress as an emergency re-*
25 *quirement pursuant to section 251(b)(2)(A) of the Balanced*

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

3 *GENERAL PROVISIONS, THIS CHAPTER*

4 *SEC. 1001. Section 1106 of Public Law 107–117 is*
5 *amended by deleting “\$116,023,000” and inserting*
6 *“\$128,123,000”.*

7 *SEC. 1002. Section 1102 of Public Law 105–178 is*
8 *amended by adding at the end the following:*

9 *“(k) Notwithstanding any other provision of law, the*
10 *obligations for Federal-aid highway and highway safety*
11 *construction programs for fiscal year 2003 shall be not less*
12 *than \$27,746,000,000 and not more than*
13 *\$28,900,000,000.”.*

14 *SEC. 1003. Title II of Division C of Public Law 105–*
15 *277 is amended by striking “of more than 750 gross reg-*
16 *istered tons” in each place it appears, and inserting in lieu*
17 *thereof, “of more than 750 gross registered tons (as meas-*
18 *ured under Chapter 145 of Title 46) or 1,900 gross reg-*
19 *istered tons as measured under Chapter 143 of that Title)”.*

20 *SEC. 1004. Section 335 of Public Law 107–87 is*
21 *amended by inserting “and the Transportation Security*
22 *Administration” after “the Federal Aviation Administra-*
23 *tion”; by inserting “, aviation security” after “air naviga-*
24 *tion”, and by inserting “and the TSA for necessary security*
25 *checkpoints” after the word “facilities”.*

1 *SEC. 1005. Section 354 of Public Law 106–346 (114*
2 *Stat. 1356A–35) is amended by inserting “or Nail Road”*
3 *after “Star Landing Road”.*

4 *SEC. 1006. Notwithstanding any other provision of*
5 *law, \$2,750,000 of amounts made available for “Intelligent*
6 *Transportation Systems” in Public Law 107–87 and Pub-*
7 *lic Law 106–346 shall be made available for activities au-*
8 *thorized under section 5118 of Public Law 105–178.*

9 *SEC. 1007. Not later than 30 days after the date of*
10 *enactment of this Act, the Administrator of the Federal*
11 *Aviation Administration shall submit to Congress a*
12 *report—*

13 *(A) explaining how the Administrator will ad-*
14 *dress the air traffic controller staffing shortage at*
15 *Newark International Airport; and*

16 *(B) providing a deadline by which the airport*
17 *will have an adequate number of air traffic control-*
18 *lers.*

19 *SEC. 1008. The \$300,000 made available to the State*
20 *of Idaho under the matter under the heading “JOB ACCESS*
21 *AND REVERSE COMMUTE GRANTS” under the heading*
22 *“FEDERAL TRANSIT ADMINISTRATION” in title I of*
23 *the Department of Transportation and Related Agencies*
24 *Appropriations Act, 2002 (Public Law 107–87; 115 Stat.*
25 *852), shall be deemed to have been made available to the*

1 *State of Idaho to carry out a job training and supportive*
2 *services program under section 140(b) of title 23, United*
3 *States Code.*

4 *CHAPTER 11*

5 *DEPARTMENT OF THE TREASURY*

6 *FINANCIAL MANAGEMENT SERVICE*

7 *SALARIES AND EXPENSES*

8 *(RESCISSION)*

9 *Of the available balances under this heading,*
10 *\$14,000,000 are rescinded.*

11 *UNITED STATES CUSTOMS SERVICE*

12 *SALARIES AND EXPENSES*

13 *For an additional amount for “Salaries and Ex-*
14 *penses”, \$59,000,000, to remain available until expended:*
15 *Provided, That the entire amount is designated by the Con-*
16 *gress as an emergency requirement pursuant to section*
17 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
18 *icit Control Act of 1985, as amended: Provided further,*
19 *That \$10,000,000 is authorized for reimbursing State and*
20 *local law enforcement agencies that have provided necessary*
21 *Federal assistance to personnel of the United States Cus-*
22 *toms Service, along the Northern Border of the United*
23 *States.*

1 *INTERNAL REVENUE SERVICE*
2 *INFORMATION SYSTEMS*
3 *(RESCISSION)*

4 *Of the available balances under this heading,*
5 *\$10,000,000 are rescinded.*

6 *UNITED STATES SECRET SERVICE*
7 *SALARIES AND EXPENSES*

8 *For an additional amount for “Salaries and Ex-*
9 *penses”, \$17,200,000: Provided, That the entire amount is*
10 *designated by the Congress as an emergency requirement*
11 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
12 *and Emergency Deficit Control Act of 1985, as amended.*

13 *POSTAL SERVICE*

14 *PAYMENT TO THE POSTAL SERVICE FUND*

15 *For an additional amount for “Payment to the Postal*
16 *Service Fund” for emergency expenses to enable the Postal*
17 *Service to protect postal employees and postal customers*
18 *from exposure to biohazardous material and to sanitize and*
19 *screen the mail, \$87,000,000, to remain available until ex-*
20 *pendent: Provided, That the entire amount is designated by*
21 *the Congress as an emergency requirement pursuant to sec-*
22 *tion 251(b)(2)(A) of the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985, as amended.*

1 *EXECUTIVE OFFICE OF THE PRESIDENT*2 *OFFICE OF ADMINISTRATION*3 *SALARIES AND EXPENSES*

4 *For an additional amount for “Salaries and Ex-*
5 *penses”, \$5,000,000, to remain available until expended:*
6 *Provided, That the entire amount is designated by the Con-*
7 *gress as an emergency requirement pursuant to section*
8 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
9 *icit Control Act of 1985, as amended: Provided further,*
10 *That none of these funds may be obligated until the Senate*
11 *confirms a Director for Homeland Security in the Office*
12 *of Homeland Security pursuant to section 1102 of this Act.*

13 *INDEPENDENT AGENCIES*14 *GENERAL SERVICES ADMINISTRATION*15 *REAL PROPERTY ACTIVITIES*16 *FEDERAL BUILDINGS FUND*

17 *For an additional amount for “Federal Buildings*
18 *Fund” for building security emergency expenses resulting*
19 *from the September 11, 2001, terrorist attacks on the United*
20 *States, \$51,800,000: Provided, That the entire amount is*
21 *designated by the Congress as an emergency requirement*
22 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
23 *and Emergency Deficit Control Act of 1985, as amended.*

24 *POLICY AND OPERATIONS*

25 *For an additional amount for “Policy and Oper-*
26 *ations” for emergency expenses related to vulnerabilities in*

1 *internet data transmission capability, \$2,500,000, to re-*
2 *main available until September 30, 2003: Provided, That*
3 *the entire amount is designated by Congress as an emer-*
4 *gency requirement pursuant to section 251(b)(2)(A) of the*
5 *Balanced Budget and Emergency Deficit Control Act of*
6 *1985, as amended.*

7 *GENERAL PROVISIONS, THIS CHAPTER*

8 *SEC. 1101. For purposes of section 201(a) of the Fed-*
9 *eral Property and Administrative Services Act of 1949 (re-*
10 *lating to Federal sources of supply, including lodging pro-*
11 *viders, airlines and other transportation providers), the Ei-*
12 *senhower Exchange Fellowship Program shall be deemed an*
13 *executive agency for the purposes of carrying out the provi-*
14 *sions of 20 U.S.C. 5201, and the employees of and partici-*
15 *pants in the Eisenhower Exchange Fellowship Program*
16 *shall be eligible to have access to such sources of supply on*
17 *the same basis as employees of an executive agency have*
18 *such access.*

19 *SEC. 1102. DIRECTOR FOR HOMELAND SECURITY. (a)*
20 *IN GENERAL.—There is established the position of Director*
21 *for Homeland Security in the Office of Homeland Security*
22 *established under section 1 of Executive order No. 13228.*
23 *The Director for Homeland Security shall be the head of*
24 *that Office, after appointment by the President, by and with*
25 *the advice and consent of the Senate.*

1 **(b) EFFECTIVE DATE.**—*This section shall take effect*
 2 *30 days after the date of enactment of this Act.*

3 **CHAPTER 12**

4 **DEPARTMENT OF VETERANS AFFAIRS**

5 **VETERANS BENEFITS ADMINISTRATION**

6 **COMPENSATION AND PENSIONS**

7 *For an additional amount for “Compensation and*
 8 *pensions”, \$1,100,000,000, to remain available until ex-*
 9 *pended.*

10 **VETERANS HEALTH ADMINISTRATION**

11 **MEDICAL CARE**

12 *For an additional amount for “Medical care” resulting*
 13 *from continued open enrollment for Priority Level 7 vet-*
 14 *erans, \$142,000,000.*

15 *For an additional amount for “Medical care”,*
 16 *\$275,000,000: Provided, That the entire amount is des-*
 17 *ignated by the Congress as an emergency requirement pur-*
 18 *suant to section 251(b)(2)(A) of the Balanced Budget and*
 19 *Emergency Deficit Control Act of 1985, as amended.*

20 **DEPARTMENT OF HOUSING AND URBAN**

21 **DEVELOPMENT**

22 **PUBLIC AND INDIAN HOUSING**

23 **HOUSING CERTIFICATE FUND**

24 **(RESCISSION)**

25 *Of the amounts unobligated or recaptured, prior to*
 26 *September 30, 2002, from funds appropriated under this*

1 *heading during fiscal year 2002 and prior years,*
2 *\$300,000,000 are rescinded.*

3 *COMMUNITY PLANNING AND DEVELOPMENT*

4 *COMMUNITY DEVELOPMENT FUND*

5 *For an additional amount for “Community Develop-*
6 *ment Fund”, as authorized by title I of the Housing and*
7 *Community Development Act of 1974, as amended, for*
8 *emergency expenses to respond to the September 11, 2001,*
9 *terrorist attacks on the United States, \$750,000,000, to re-*
10 *main available until expended: Provided, That the State of*
11 *New York, in cooperation with the City of New York, shall,*
12 *through the Lower Manhattan Development Corporation,*
13 *distribute these funds: Provided further, That such funds*
14 *may be used for assistance for properties and businesses (in-*
15 *cluding the restoration of utility infrastructure) damaged*
16 *by, and for economic revitalization directly related to, the*
17 *terrorist attacks on the United States that occurred on Sep-*
18 *tember 11, 2001, in New York City and for reimbursement*
19 *to the State and City of New York for expenditures incurred*
20 *from the regular Community Development Block Grant for-*
21 *mula allocation used to achieve these same purposes: Pro-*
22 *vided further, That the State of New York is authorized to*
23 *provide such assistance to the City of New York: Provided*
24 *further, That in administering these funds and funds under*
25 *section 108 of such Act used for economic revitalization ac-*

1 *tivities in New York City, the Secretary may waive, or*
2 *specify alternative requirements for, any provision of any*
3 *statute or regulation that the Secretary administers in con-*
4 *nection with the obligation by the Secretary or the use by*
5 *the recipient of these funds or guarantees (except for re-*
6 *quirements related to fair housing, nondiscrimination,*
7 *labor standards, and the environment), upon a finding that*
8 *such waiver is required to facilitate the use of such funds*
9 *or guarantees: Provided further, That such funds shall not*
10 *adversely affect the amount of any formula assistance re-*
11 *ceived by the State of New York, New York City, or any*
12 *categorical application for other Federal assistance: Pro-*
13 *vided further, That the Secretary shall publish in the Fed-*
14 *eral Register any waiver of any statute or regulation that*
15 *the Secretary administers pursuant to title I of the Housing*
16 *and Community Development Act of 1974, as amended, no*
17 *later than five days before the effective date of such waiver:*
18 *Provided further, That the Secretary shall notify the Com-*
19 *mittees on Appropriations on the proposed allocation of any*
20 *funds and any related waivers pursuant to this section no*
21 *later than five days before such allocation: Provided further,*
22 *That the entire amount is designated by the Congress as*
23 *an emergency requirement pursuant to section 251(b)(2)(A)*
24 *of the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985, as amended.*

1 *The referenced statement of the managers under the*
2 *heading “Community Development Block Grants” in title*
3 *II of Public Law 105–276 is deemed to be amended by strik-*
4 *ing “\$250,000 for renovation, accessibility, and asbestos re-*
5 *mediation for the Wellstone Neighborhood Center, Wellstone,*
6 *Missouri” and insert in lieu thereof “\$250,000 for the St.*
7 *Louis Economic Council for design, infrastructure and con-*
8 *struction related to the Enterprise Center-Wellstone in*
9 *Wellstone, Missouri”.*

10 *The referenced statement of the managers under the*
11 *heading “Community Development Fund” in title II of*
12 *Public Law 106–377 is deemed to be amended by striking*
13 *“\$1,000,000 for the Community Action Agency of Southern*
14 *New Mexico, Inc. for construction of a regional food bank*
15 *and supporting offices” and insert in lieu thereof*
16 *“\$1,000,000 for the Community Action Agency of Southern*
17 *New Mexico for construction, purchase, or renovation and*
18 *the equipping of a regional food bank and supporting of-*
19 *fices”.*

20 *The referenced statement of the managers under the*
21 *heading “Community Development Fund” in title II of*
22 *Public Law 107–73 is deemed to be amended by striking*
23 *“\$400,000 to the City of Reading, PA for the development*
24 *of the Morgantown Road Industrial Park on what is cur-*
25 *rently a brownfields site” and insert in lieu thereof*

1 “\$400,000 for the City of Reading, PA for the development
2 of the American Chain and Cable brownfield site”.

3 The referenced statement of the managers under the
4 heading “Community Development Fund” in title II of
5 Public Law 107–73 is deemed to be amended by striking
6 “\$750,000 for the Smart Start Child Care Center and Ex-
7 pertise School of Las Vegas, Nevada for construction of a
8 child care facility” and insert in lieu thereof “\$250,000 for
9 the Smart Start Child Care Center and Expertise School
10 of Las Vegas, Nevada for construction of a child care facil-
11 ity and \$500,000 for job training”.

12 HOME INVESTMENT PARTNERSHIPS PROGRAM

13 (RESCISSION)

14 Of the funds made available under this heading in
15 Public Law 107–73, \$50,000,000 are rescinded from the
16 Downpayment Assistance Initiative.

17 HOUSING PROGRAMS

18 RENTAL HOUSING ASSISTANCE

19 The limitation otherwise applicable to the maximum
20 payments that may be required in any fiscal year by all
21 contracts entered into under section 236 of the National
22 Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year
23 2002 by not more than \$300,000,000 in uncommitted bal-
24 ances of authorizations of contract authority provided for
25 this purpose in appropriations acts: Provided, That up to
26 \$300,000,000 of recaptured section 236 budget authority re-

1 *sulting from the prepayment of mortgages subsidized under*
 2 *section 236 of the National Housing Act (12 U.S.C. 1715z–*
 3 *1) shall be made available as provided in section 236(s)*
 4 *of the National Housing Act.*

5 *INDEPENDENT AGENCIES*

6 *ENVIRONMENTAL PROTECTION AGENCY*

7 *STATE AND TRIBAL ASSISTANCE GRANTS*

8 *The referenced statement of the managers under this*
 9 *heading in Public Law 106–377 is deemed to be amended*
 10 *by striking everything after “\$1,000,000” in reference to*
 11 *item 91 and inserting “to the Northern Kentucky Area De-*
 12 *velopment District for Carroll County Wastewater Infra-*
 13 *structure Project (\$500,000), City of Owenton Water Collec-*
 14 *tion and Treatment System Improvements and Freshwater*
 15 *Intake Project (\$400,000), Grant County Williamstown*
 16 *Lake Expansion Study (\$50,000), and Pendleton County*
 17 *Williamstown Lake Expansion Study (\$50,000)”.*

18 *SCIENCE AND TECHNOLOGY*

19 *For an additional amount for “Science and tech-*
 20 *nology”, \$100,000,000: Provided, That the entire amount*
 21 *is designated by the Congress as an emergency requirement*
 22 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
 23 *and Emergency Deficit Control Act of 1985, as amended.*

24 *HAZARDOUS SUBSTANCE SUPERFUND*

25 *For an additional amount for “Hazardous substance*
 26 *superfund” for additional expenses incurred for anthrax in-*

1 *vestigations and cleanup actions at the United States Cap-*
2 *itol and the Congressional office building complex,*
3 *\$12,500,000: Provided, That the entire amount is des-*
4 *ignated by the Congress as an emergency requirement pur-*
5 *suant to section 251(b)(2)(A) of the Balanced Budget and*
6 *Emergency Deficit Control Act of 1985, as amended.*

7 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

8 *DISASTER RELIEF*

9 *For an additional amount for “Disaster relief” for*
10 *emergency expenses to respond to the September 11, 2001,*
11 *terrorist attacks on the United States, \$2,660,000,000, to*
12 *remain available until expended: Provided, That in admin-*
13 *istering the Mortgage and Rental Assistance Program for*
14 *victims of September 11, 2001, the Federal Emergency*
15 *Management Agency will recognize those people who were*
16 *either directly employed in the Borough of Manhattan or*
17 *had at least 75 percent of their wages coming from business*
18 *conducted within the Borough of Manhattan as eligible for*
19 *assistance under the program, as they were directly im-*
20 *pacted by the terrorist attacks: Provided further, That*
21 *FEMA shall provide compensation to previously denied*
22 *Mortgage and Rental Assistance Program applicants who*
23 *would qualify under these new guidelines: Provided further,*
24 *That the entire amount is designated by the Congress as*
25 *an emergency requirement pursuant to section 251(b)(2)(A)*

1 *of the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985, as amended.*

3 *EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE*

4 *For an additional amount for “Emergency manage-*
5 *ment planning and assistance” for emergency expenses to*
6 *respond to the September 11, 2001, terrorist attacks on the*
7 *United States, \$745,000,000, of which \$175,000,000 is for*
8 *FEMA to make available to the States for State and local*
9 *all hazards operational planning including response plan-*
10 *ning for natural and man-made disasters including ter-*
11 *rorism; \$300,000,000 for programs as authorized by section*
12 *33 of the Federal Fire Prevention and Control Act of 1974,*
13 *as amended (15 U.S.C. 2201 et seq.); \$92,000,000 for the*
14 *existing national urban search and rescue system;*
15 *\$115,000,000 for interoperable communications equipment;*
16 *\$56,000,000 for grants to state and local governments for*
17 *emergency operations centers; and \$7,000,000 for secure*
18 *communications equipment and associated facility im-*
19 *provements and maintenance for state emergency oper-*
20 *ations centers: Provided, That the entire amount is des-*
21 *ignated by the Congress as an emergency requirement pur-*
22 *suant to section 251(b)(2)(A) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985, as amended.*

24 *CERRO GRANDE FIRE CLAIMS*

25 *For an additional amount for “Cerro Grande Fire*
26 *Claims”, \$80,000,000 for claims resulting from the Cerro*

1 *Grande fires: Provided, That the entire amount is des-*
2 *ignated by the Congress as an emergency requirement pur-*
3 *suant to section 251(b)(2)(A) of the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985, as amended.*

5 *NATIONAL SCIENCE FOUNDATION*

6 *EDUCATION AND HUMAN RESOURCES*

7 *For an additional amount for “Education and human*
8 *resources” for emergency expenses to respond to emergent*
9 *needs in cyber security, \$19,300,000: Provided, That the en-*
10 *tire amount is designated by the Congress as an emergency*
11 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
12 *anced Budget and Emergency Deficit Control Act of 1985,*
13 *as amended.*

14 *GENERAL PROVISIONS, THIS CHAPTER*

15 *SEC. 1201. The Secretary of Housing and Urban De-*
16 *velopment shall continue to administer the Disposition of*
17 *Assets in Revitalization Areas program as provided in sec-*
18 *tion 602 of Public Law 105–276 and the Secretary shall*
19 *renew all contracts and enter into new contracts with eligi-*
20 *ble participants in a manner consistent with the require-*
21 *ments of such section.*

22 *SEC. 1202. The Secretary of Housing and Urban De-*
23 *velopment shall submit a report every 90 days to the House*
24 *and Senate Committees on Appropriations on the status of*
25 *any multifamily housing project (including all hospitals*

1 *and nursing homes) insured under the National Housing*
2 *Act that has been in default for longer than 60 days. The*
3 *report shall include the location of the property, the reason*
4 *for the default, and all actions taken by the Secretary and*
5 *owner with regard to the default, including any work-out*
6 *agreements, the status and terms of any assistance or loans,*
7 *and any transfer of an ownership interest in the property*
8 *(including any assistance or loans made to the prior, cur-*
9 *rent or intended owner of the property or to the local unit*
10 *of government in which the property is located).*

11 *SEC. 1203. For purposes of assessing the use of Staf-*
12 *ford Apartments (FHA Project No: 052-44163) as student*
13 *housing, notwithstanding any other provision of law—*

14 *(1) such property shall not be considered an eli-*
15 *gible multifamily housing project pursuant to section*
16 *512(2) of MAHRAA for a period not to exceed 24*
17 *months from the date of enactment of this amend-*
18 *ment, and the Secretary shall offer to extend the cur-*
19 *rent Section 8 contract at rent levels as in effect dur-*
20 *ing fiscal year 2001, subject to annual operating cost*
21 *adjustment factor increases, for a continuous period*
22 *commencing October 1, 2001 not to exceed 24 months*
23 *from the date of enactment of this amendment, pro-*
24 *vided that such contract shall be extended further at*
25 *such rent levels to accomplish a mortgage restruc-*

1 *turing if required after such 24 month period for a*
2 *period of the earlier of one year or the closing of the*
3 *restructuring plan as set forth in the regulations pro-*
4 *mulgated at 24 CFR Part 401 as now in effect;*

5 *(2) subject to the concurrence by the Secretary of*
6 *a relocation plan for current tenants, all of the units*
7 *in the projects may be available for student housing*
8 *notwithstanding any federal use restrictions including*
9 *those required pursuant to Section 201 of the Housing*
10 *and Community Development Amendments of 1978,*
11 *as amended, and Section 250 of the National Housing*
12 *Act, as amended; and*

13 *(3) upon the concurrence by the Secretary of*
14 *such relocation plan, all of the tenants of the project*
15 *shall be relocated, and any rights of tenants to elect*
16 *to remain in the project pursuant to the provisions of*
17 *Section 8(t)(1)(B) of the United States Housing Act*
18 *of 1937, as amended, shall not apply.*

19 *TITLE II—GENERAL PROVISIONS*

20 *SEC. 2001. No part of any appropriation contained*
21 *in this Act shall remain available for obligation beyond the*
22 *current fiscal year unless expressly so provided in this Act.*

23 *SEC. 2002. (a) IN GENERAL.—Any amount appro-*
24 *priated in this Act that is designated by the Congress as*
25 *an emergency requirement pursuant to section 251(b)(2)(A)*

1 *of the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985, as amended, shall not be available for obligation*
3 *unless all such amounts appropriated in this Act are des-*
4 *ignated by the President, upon enactment of this Act, as*
5 *emergency requirements pursuant to that section.*

6 (b) *EXCEPTION.—Subsection (a) shall not apply to*
7 *chapter 3 of title I.*

8 *SEC. 2003. (a) The Senate finds that—*

9 (1) *the Federal Bureau of Investigation is the*
10 *principle investigative arm of the Department of Jus-*
11 *tice;*

12 (2) *the Federal Bureau of Investigation has the*
13 *authority and responsibility to investigate specific*
14 *crimes assigned to it, including violations concerning*
15 *organized crime and drugs, civil rights, violent*
16 *crimes, financial crimes, counterterrorism, and for-*
17 *foreign counterintelligence; and*

18 (3) *the mission of the Federal Bureau of Inves-*
19 *tigation is—*

20 (A) *to uphold the law through the investiga-*
21 *tion of violations of Federal criminal law;*

22 (B) *to protect the United States from for-*
23 *oreign intelligence and terrorist activities;*

1 (C) provide leadership and law enforcement
2 assistance to Federal, State, local, and inter-
3 national agencies; and

4 (D) to perform these responsibilities in a
5 manner that is responsive to the needs of the
6 public and is faithful to the Constitution of the
7 United States.

8 (b) It is the sense of the Senate that—

9 (1) the reorganization of the Federal Bureau of
10 Investigation is a positive and important response to
11 challenges posed by the increased threat of terrorism
12 and that continued constructive dialog between FBI
13 Director Robert Mueller and Congress will help make
14 the reorganization a success;

15 (2) the Federal Bureau of Investigation shall
16 continue to allocate adequate resources for the purpose
17 of investigating all crimes under its jurisdiction;

18 (3) the reallocation of agents and resources to
19 counterterrorism investigations should not hamper the
20 ability of the Federal Bureau of Investigation to in-
21 vestigate crimes involving drugs; and

22 (4) sufficient homeland security resources should
23 be made available to State and local law enforcement
24 and public safety officials to enable them to meet their
25 responsibilities as the Nation's first responders.

1 *SEC. 2004. In subsection (e)(4) of the Alaska Native*
2 *Claims Settlement Act created by section 702 of Public Law*
3 *107–117—*

4 *(1) paragraph (B) is amended by—*

5 *(A) striking “subsection (e)(2)” and insert-*
6 *ing in lieu thereof “subsections (e)(1) or (e)(2)”;*
7 *and*

8 *(B) striking “obligations under section 7 of*
9 *P.L. 87–305” and inserting in lieu thereof*
10 *“small or small disadvantaged business subcon-*
11 *tracting goals under section 502 of P.L. 100–*
12 *656, provided that where lower tier subcontract-*
13 *ors exist, the entity shall designate the appro-*
14 *priate contractor or contractors to receive such*
15 *credit”; and*

16 *(2) paragraph (C) is amended by striking “sub-*
17 *section (e)(2)” and inserting “subsection (e)(1) or*
18 *(e)(2)”.*

19 ***TITLE III—AMERICAN SERVICE-***
20 ***MEMBERS’ PROTECTION ACT***

21 ***SEC. 3001. SHORT TITLE.***

22 *This title may be cited as the “American*
23 *Servicemembers’ Protection Act of 2002”.*

24 ***SEC. 3002. FINDINGS.***

25 *Congress makes the following findings:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **SEC. 3003. WAIVER AND TERMINATION OF PROHIBITIONS**
8 **OF THIS TITLE.**

9 *(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 3005*
10 *AND 3007.—The President is authorized to waive the prohi-*
11 *bitions and requirements of sections 3005 and 3007 for a*
12 *single period of 1 year. A waiver under this subsection may*
13 *be issued only if the President at least 15 days in advance*
14 *of exercising such authority—*

15 *(1) notifies the appropriate congressional com-*
16 *mittees of the intention to exercise such authority;*
17 *and*

18 *(2) determines and reports to the appropriate*
19 *congressional committees that the International*
20 *Criminal Court has entered into a binding agreement*
21 *that—*

22 *(A) prohibits the International Criminal*
23 *Court from seeking to exercise jurisdiction over*
24 *the following persons with respect to actions un-*
25 *dertaken by them in an official capacity:*

1 (i) covered United States persons;
2 (ii) covered allied persons; and
3 (iii) individuals who were covered
4 United States persons or covered allied per-
5 sons; and

6 (B) ensures that no person described in sub-
7 paragraph (A) will be arrested, detained, pros-
8 ecuted, or imprisoned by or on behalf of the
9 International Criminal Court.

10 (b) *AUTHORITY TO EXTEND WAIVER OF SECTIONS*
11 *3005 AND 3007.—The President is authorized to waive the*
12 *prohibitions and requirements of sections 3005 and 3007*
13 *for successive periods of 1 year each upon the expiration*
14 *of a previous waiver pursuant to subsection (a) or this sub-*
15 *section. A waiver under this subsection may be issued only*
16 *if the President at least 15 days in advance of exercising*
17 *such authority—*

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

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

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

1 (i) prohibits the International Crimi-
2 nal Court from seeking to exercise jurisdic-
3 tion over the following persons with respect
4 to actions undertaken by them in an official
5 capacity:

6 (I) covered United States persons;

7 (II) covered allied persons; and

8 (III) individuals who were cov-
9 ered United States persons or covered
10 allied persons; and

11 (ii) ensures that no person described in
12 clause (i) will be arrested, detained, pros-
13 ecuted, or imprisoned by or on behalf of the
14 International Criminal Court; and

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

18 (c) *AUTHORITY TO WAIVE SECTIONS 3004 AND 3006*
19 *WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF*
20 *A NAMED INDIVIDUAL.*—The President is authorized to
21 *waive the prohibitions and requirements of sections 3004*
22 *and 3006 to the degree such prohibitions and requirements*
23 *would prevent United States cooperation with an investiga-*
24 *tion or prosecution of a named individual by the Inter-*
25 *national Criminal Court. A waiver under this subsection*

1 *may be issued only if the President at least 15 days in ad-*
2 *vance of exercising such authority—*

3 *(1) notifies the appropriate congressional com-*
4 *mittees of the intention to exercise such authority;*
5 *and*

6 *(2) determines and reports to the appropriate*
7 *congressional committees that—*

8 *(A) a waiver pursuant to subsection (a) or*
9 *(b) of the prohibitions and requirements of sec-*
10 *tions 3005 and 3007 is in effect;*

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

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

19 *(D) in investigating events related to ac-*
20 *tions by the named individual, none of the fol-*
21 *lowing persons will be investigated, arrested, de-*
22 *tained, prosecuted, or imprisoned by or on behalf*
23 *of the International Criminal Court with respect*
24 *to actions undertaken by them in an official ca-*
25 *capacity:*

1 (i) *Covered United States persons.*

2 (ii) *Covered allied persons.*

3 (iii) *Individuals who were covered*
4 *United States persons or covered allied per-*
5 *sons.*

6 (d) *TERMINATION OF WAIVER PURSUANT TO SUB-*
7 *SECTION (c).—Any waiver or waivers exercised pursuant*
8 *to subsection (c) of the prohibitions and requirements of sec-*
9 *tions 3004 and 3006 shall terminate at any time that a*
10 *waiver pursuant to subsection (a) or (b) of the prohibitions*
11 *and requirements of sections 3005 and 3007 expires and*
12 *is not extended pursuant to subsection (b).*

13 (e) *TERMINATION OF PROHIBITIONS OF THIS TITLE.—*
14 *The prohibitions and requirements of sections 3004, 3005,*
15 *3006, and 3007 shall cease to apply, and the authority of*
16 *section 3008 shall terminate, if the United States becomes*
17 *a party to the International Criminal Court pursuant to*
18 *a treaty made under article II, section 2, clause 2 of the*
19 *Constitution of the United States.*

20 **SEC. 3004. PROHIBITION ON COOPERATION WITH THE**
21 **INTERNATIONAL CRIMINAL COURT.**

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

23 (1) *apply only to cooperation with the Inter-*
24 *national Criminal Court and shall not apply to co-*
25 *operation with an ad hoc international criminal tri-*

1 *bunal established by the United Nations Security*
2 *Council before or after the date of the enactment of*
3 *this Act to investigate and prosecute war crimes com-*
4 *mitted in a specific country or during a specific con-*
5 *flict; and*

6 *(2) shall not prohibit—*

7 *(A) any action permitted under section*
8 *3008; or*

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

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

19 *(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROG-*
20 *ATORY FROM THE INTERNATIONAL CRIMINAL COURT.—*
21 *Notwithstanding section 1781 of title 28, United States*
22 *Code, or any other provision of law, no agency of the United*
23 *States Government may transmit for execution any letter*
24 *rogatory issued, or other request for cooperation made, by*

1 *the International Criminal Court to the tribunal, officer,*
2 *or agency in the United States to whom it is addressed.*

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

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

17 (f) *PROHIBITION ON USE OF APPROPRIATED FUNDS*
18 *TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Not-*
19 *withstanding any other provision of law, no funds appro-*
20 *priated under any provision of law may be used for the*
21 *purpose of assisting the investigation, arrest, detention, ex-*
22 *tradition, or prosecution of any United States citizen or*
23 *permanent resident alien by the International Criminal*
24 *Court.*

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

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

19 **SEC. 3005. RESTRICTION ON UNITED STATES PARTICIPA-**
20 **TION IN CERTAIN UNITED NATIONS PEACE-**
21 **KEEPING OPERATIONS.**

22 (a) *POLICY.*—*Effective beginning on the date on which*
23 *the Rome Statute enters into force pursuant to Article 126*
24 *of the Rome Statute, the President should use the voice and*
25 *vote of the United States in the United Nations Security*

1 Council to ensure that each resolution of the Security Coun-
2 cil authorizing any peacekeeping operation under chapter
3 VI of the charter of the United Nations or peace enforcement
4 operation under chapter VII of the charter of the United
5 Nations permanently exempts, at a minimum, members of
6 the Armed Forces of the United States participating in such
7 operation from criminal prosecution or other assertion of
8 jurisdiction by the International Criminal Court for ac-
9 tions undertaken by such personnel in connection with the
10 operation.

11 (b) *RESTRICTION.*—Members of the Armed Forces of
12 the United States may not participate in any peacekeeping
13 operation under chapter VI of the charter of the United Na-
14 tions or peace enforcement operation under chapter VII of
15 the charter of the United Nations, the creation of which is
16 authorized by the United Nations Security Council on or
17 after the date that the Rome Statute enters into effect pursu-
18 ant to Article 126 of the Rome Statute, unless the President
19 has submitted to the appropriate congressional committees
20 a certification described in subsection (c) with respect to
21 such operation.

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

24 (1) members of the Armed Forces of the United
25 States are able to participate in the peacekeeping or

1 *peace enforcement operation without risk of criminal*
2 *prosecution or other assertion of jurisdiction by the*
3 *International Criminal Court because, in authorizing*
4 *the operation, the United Nations Security Council*
5 *permanently exempted, at a minimum, members of*
6 *the Armed Forces of the United States participating*
7 *in the operation from criminal prosecution or other*
8 *assertion of jurisdiction by the International Crimi-*
9 *nal Court for actions undertaken by them in connec-*
10 *tion with the operation;*

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

1 (3) *the national interests of the United States*
2 *justify participation by members of the Armed Forces*
3 *of the United States in the peacekeeping or peace en-*
4 *forcement operation.*

5 **SEC. 3006. PROHIBITION ON DIRECT OR INDIRECT TRANS-**
6 **FER OF CLASSIFIED NATIONAL SECURITY IN-**
7 **FORMATION AND LAW ENFORCEMENT INFOR-**
8 **MATION TO THE INTERNATIONAL CRIMINAL**
9 **COURT.**

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

17 (b) *INDIRECT TRANSFER.*—*The procedures adopted*
18 *pursuant to subsection (a) shall be designed to prevent the*
19 *transfer to the United Nations and to the government of*
20 *any country that is party to the International Criminal*
21 *Court of classified national security information and law*
22 *enforcement information that specifically relates to matters*
23 *known to be under investigation or prosecution by the Inter-*
24 *national Criminal Court, except to the degree that satisfac-*
25 *tory assurances are received from the United Nations or*

1 *that government, as the case may be, that such information*
2 *will not be made available to the International Criminal*
3 *Court for the purpose of facilitating an investigation, ap-*
4 *prehension, or prosecution.*

5 (c) *CONSTRUCTION.*—*The provisions of this section*
6 *shall not be construed to prohibit any action permitted*
7 *under section 3008.*

8 **SEC. 3007. PROHIBITION OF UNITED STATES MILITARY AS-**
9 **SISTANCE TO PARTIES TO THE INTER-**
10 **NATIONAL CRIMINAL COURT.**

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

17 (b) *NATIONAL INTEREST WAIVER.*—*The President*
18 *may, without prior notice to Congress, waive the prohibi-*
19 *tion of subsection (a) with respect to a particular country*
20 *if he determines and reports to the appropriate congres-*
21 *sional committees that it is important to the national inter-*
22 *est of the United States to waive such prohibition.*

23 (c) *ARTICLE 98 WAIVER.*—*The President may, without*
24 *prior notice to Congress, waive the prohibition of subsection*
25 *(a) with respect to a particular country if he determines*

1 *and reports to the appropriate congressional committees*
2 *that such country has entered into an agreement with the*
3 *United States pursuant to Article 98 of the Rome Statute*
4 *preventing the International Criminal court from pro-*
5 *ceeding against United States personnel present in such*
6 *country.*

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

9 (1) *a NATO member country;*

10 (2) *a major non-NATO ally (including Aus-*
11 *tralia, Egypt, Israel, Japan, Jordan, Argentina, the*
12 *Republic of Korea, and New Zealand); or*

13 (3) *Taiwan.*

14 **SEC. 3008. AUTHORITY TO FREE MEMBERS OF THE ARMED**
15 **FORCES OF THE UNITED STATES AND CER-**
16 **TAIN OTHER PERSONS DETAINED OR IMPRIS-**
17 **ONED BY OR ON BEHALF OF THE INTER-**
18 **NATIONAL CRIMINAL COURT.**

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

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

4 (1) *Covered United States persons.*

5 (2) *Covered allied persons.*

6 (3) *Individuals detained or imprisoned for offi-*
7 *cial actions taken while the individual was a covered*
8 *United States person or a covered allied person, and*
9 *in the case of a covered allied person, upon the re-*
10 *quest of such government.*

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

17 (1) *legal representation and other legal assist-*
18 *ance to that person (including, in the case of a person*
19 *entitled to assistance under section 1037 of title 10,*
20 *United States Code, representation and other assist-*
21 *ance in the manner provided in that section);*

22 (2) *exculpatory evidence on behalf of that person;*
23 *and*

24 (3) *defense of the interests of the United States*
25 *through appearance before the International Criminal*

1 *Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.*

2 *(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of*
3 *4 bribes or the provision of other such incentives to induce*
4 *5 the release of a person described in subsection (b).*

6 **SEC. 3009. ALLIANCE COMMAND ARRANGEMENTS.**

7 *(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the*
8 *9 appropriate congressional committees a report with respect*
9 *10 to each military alliance to which the United States is*
10 *11 party—*

11 *(1) describing the degree to which members of the*
12 *13 Armed Forces of the United States may, in the context of military operations undertaken by or pursuant*
13 *14 to that alliance, be placed under the command or*
14 *15 operational control of foreign military officers subject*
15 *16 to the jurisdiction of the International Criminal*
16 *17 Court because they are nationals of a party to the*
17 *18 International Criminal Court; and*

18 *(2) evaluating the degree to which members of*
19 *20 the Armed Forces of the United States engaged in*
20 *21 military operations undertaken by or pursuant to*
21 *22 that alliance may be exposed to greater risks as a re-*
22 *23*
23 *24*
24 *25*

1 *sult of being placed under the command or oper-*
2 *ational control of foreign military officers subject to*
3 *the jurisdiction of the International Criminal Court.*

4 (b) *DESCRIPTION OF MEASURES TO ACHIEVE EN-*
5 *HANCED PROTECTION FOR MEMBERS OF THE ARMED*
6 *FORCES OF THE UNITED STATES.*—*Not later than 1 year*
7 *after the date of the enactment of this Act, the President*
8 *should transmit to the appropriate congressional commit-*
9 *tees a description of modifications to command and oper-*
10 *ational control arrangements within military alliances to*
11 *which the United States is a party that could be made in*
12 *order to reduce any risks to members of the Armed Forces*
13 *of the United States identified pursuant to subsection*
14 *(a)(2).*

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

19 **SEC. 3010. WITHHOLDINGS.**

20 *Funds withheld from the United States share of assess-*
21 *ments to the United Nations or any other international or-*
22 *ganization during any fiscal year pursuant to section 705*
23 *of the Admiral James W. Nance and Meg Donovan Foreign*
24 *Relations Authorization Act, Fiscal Years 2000 and 2001*
25 *(as enacted by section 1000(a)(7) of Public Law 106–113;*

1 113 Stat. 1501A–460), are authorized to be transferred to
2 the Embassy Security, Construction and Maintenance Ac-
3 count of the Department of State.

4 **SEC. 3011. APPLICATION OF SECTIONS 3004 AND 3006 TO EX-**
5 **ERCISE OF CONSTITUTIONAL AUTHORITIES.**

6 (a) *IN GENERAL.*—Sections 3004 and 3006 shall not
7 apply to any action or actions with respect to a specific
8 matter involving the International Criminal Court taken
9 or directed by the President on a case-by-case basis in the
10 exercise of the President’s authority as Commander in Chief
11 of the Armed Forces of the United States under article II,
12 section 2 of the United States Constitution or in the exercise
13 of the executive power under article II, section 1 of the
14 United States Constitution.

15 (b) *NOTIFICATION TO CONGRESS.*—

16 (1) *IN GENERAL.*—Subject to paragraph (2), not
17 later than 15 days after the President takes or directs
18 an action or actions described in subsection (a) that
19 would otherwise be prohibited under section 3004 or
20 3006, the President shall submit a notification of such
21 action to the appropriate congressional committees. A
22 notification under this paragraph shall include a de-
23 scription of the action, a determination that the ac-
24 tion is in the national interest of the United States,
25 and a justification for the action.

1 (2) *EXCEPTION.*—*If the President determines*
2 *that a full notification under paragraph (1) could*
3 *jeopardize the national security of the United States*
4 *or compromise a United States law enforcement ac-*
5 *tivity, not later than 15 days after the President takes*
6 *or directs an action or actions referred to in para-*
7 *graph (1) the President shall notify the appropriate*
8 *congressional committees that an action has been*
9 *taken and a determination has been made pursuant*
10 *to this paragraph. The President shall provide a full*
11 *notification under paragraph (1) not later than 15*
12 *days after the reasons for the determination under*
13 *this paragraph no longer apply.*

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

17 **SEC. 3012. NONDELEGATION.**

18 *The authorities vested in the President by sections*
19 *3003 and 3011(a) may not be delegated by the President*
20 *pursuant to section 301 of title 3, United States Code, or*
21 *any other provision of law. The authority vested in the*
22 *President by section 3005(c)(3) may not be delegated by the*
23 *President pursuant to section 301 of title 3, United States*
24 *Code, or any other provision of law to any official other*

1 *than the Secretary of Defense, and if so delegated may not*
2 *be subdelegated.*

3 **SEC. 3013. DEFINITIONS.**

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

7 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
8 *TEES.—The term “appropriate congressional commit-*
9 *tees” means the Committee on International Relations*
10 *of the House of Representatives and the Committee on*
11 *Foreign Relations of the Senate.*

12 (2) *CLASSIFIED NATIONAL SECURITY INFORMA-*
13 *TION.—The term “classified national security infor-*
14 *mation” means information that is classified or clas-*
15 *sifiable under Executive Order 12958 or a successor*
16 *Executive order.*

17 (3) *COVERED ALLIED PERSONS.—The term “cov-*
18 *ered allied persons” means military personnel, elected*
19 *or appointed officials, and other persons employed by*
20 *or working on behalf of the government of a NATO*
21 *member country, a major non-NATO ally (including*
22 *Australia, Egypt, Israel, Japan, Jordan, Argentina,*
23 *the Republic of Korea, and New Zealand), or Taiwan,*
24 *for so long as that government is not a party to the*
25 *International Criminal Court and wishes its officials*

1 *and other persons working on its behalf to be exempt-*
2 *ed from the jurisdiction of the International Criminal*
3 *Court.*

4 (4) *COVERED UNITED STATES PERSONS.*—*The*
5 *term “covered United States persons” means members*
6 *of the Armed Forces of the United States, elected or*
7 *appointed officials of the United States Government,*
8 *and other persons employed by or working on behalf*
9 *of the United States Government, for so long as the*
10 *United States is not a party to the International*
11 *Criminal Court.*

12 (5) *EXTRADITION.*—*The terms “extradition” and*
13 *“extradite” mean the extradition of a person in ac-*
14 *cordance with the provisions of chapter 209 of title*
15 *18, United States Code, (including section 3181(b) of*
16 *such title) and such terms include both extradition*
17 *and surrender as those terms are defined in Article*
18 *102 of the Rome Statute.*

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

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

1 (8) *PARTICIPATE IN ANY PEACEKEEPING OPER-*
2 *ATION UNDER CHAPTER VI OF THE CHARTER OF THE*
3 *UNITED NATIONS OR PEACE ENFORCEMENT OPER-*
4 *ATION UNDER CHAPTER VII OF THE CHARTER OF THE*
5 *UNITED NATIONS.—The term “participate in any*
6 *peacekeeping operation under chapter VI of the char-*
7 *ter of the United Nations or peace enforcement oper-*
8 *ation under chapter VII of the charter of the United*
9 *Nations” means to assign members of the Armed*
10 *Forces of the United States to a United Nations mili-*
11 *tary command structure as part of a peacekeeping op-*
12 *eration under chapter VI of the charter of the United*
13 *Nations or peace enforcement operation under chapter*
14 *VII of the charter of the United Nations in which*
15 *those members of the Armed Forces of the United*
16 *States are subject to the command or operational con-*
17 *trol of one or more foreign military officers not ap-*
18 *pointed in conformity with article II, section 2,*
19 *clause 2 of the Constitution of the United States.*

20 (9) *PARTY TO THE INTERNATIONAL CRIMINAL*
21 *COURT.—The term “party to the International Crimi-*
22 *nal Court” means a government that has deposited an*
23 *instrument of ratification, acceptance, approval, or*
24 *accession to the Rome Statute, and has not with-*

1 *drawn from the Rome Statute pursuant to Article 127*
2 *thereof.*

3 (10) *PEACEKEEPING OPERATION UNDER CHAP-*
4 *TER VI OF THE CHARTER OF THE UNITED NATIONS*
5 *OR PEACE ENFORCEMENT OPERATION UNDER CHAP-*
6 *TER VII OF THE CHARTER OF THE UNITED NA-*
7 *TIONS.—The term “peacekeeping operation under*
8 *chapter VI of the charter of the United Nations or*
9 *peace enforcement operation under chapter VII of the*
10 *charter of the United Nations” means any military*
11 *operation to maintain or restore international peace*
12 *and security that—*

13 (A) *is authorized by the United Nations Se-*
14 *curity Council under chapter VI or VII of the*
15 *charter of the United Nations; and*

16 (B) *is paid for from assessed contributions*
17 *of United Nations members that are made avail-*
18 *able for peacekeeping or peace enforcement ac-*
19 *tivities.*

20 (11) *ROME STATUTE.—The term “Rome Statute”*
21 *means the Rome Statute of the International Crimi-*
22 *nal Court, adopted by the United Nations Diplomatic*
23 *Conference of Plenipotentiaries on the Establishment*
24 *of an International Criminal Court on July 17, 1998.*

1 (12) *SUPPORT*.—The term “support” means as-
2 sistance of any kind, including financial support,
3 transfer of property or other material support, serv-
4 ices, intelligence sharing, law enforcement coopera-
5 tion, the training or detail of personnel, and the ar-
6 rest or detention of individuals.

7 (13) *UNITED STATES MILITARY ASSISTANCE*.—
8 The term “United States military assistance”
9 means—

10 (A) assistance provided under chapter 2 or
11 5 of part II of the Foreign Assistance Act of
12 1961 (22 U.S.C. 2151 et seq.); or

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

18 **SEC. 3014. REPEAL OF LIMITATION.**

19 The Department of Defense Appropriations Act, 2002
20

(division A of Public Law 107–117) is amended by striking

21 section 8173.

22 **SEC. 3015. ASSISTANCE TO INTERNATIONAL EFFORTS.**

23 Nothing in this title shall prohibit the United States
24 from rendering assistance to international efforts to bring
25 to justice Saddam Hussein, Slobodan Milosovic, Osama bin

1 *Laden, other members of Al Queda, leaders of Islamic*
2 *Jihad, and other foreign nationals accused of genocide, war*
3 *crimes or crimes against humanity.*

4 **TITLE IV—MAIL DELIVERY IN**
5 **ALASKA**

6 **SEC. 4001. RURAL SERVICE IMPROVEMENT.**

7 (a) *SHORT TITLE.*—*This title may be cited as the*
8 *“Rural Service Improvement Act of 2002”.*

9 (b) *FINDINGS.*—*Congress makes the following findings:*

10 (1) *The State of Alaska is the largest State in*
11 *the Union and has a very limited system of roads*
12 *connecting communities.*

13 (2) *Alaska has more pilots per capita than any*
14 *other State in the Union.*

15 (3) *Pilots flying in Alaska are often the most*
16 *skilled and best-prepared pilots in the world.*

17 (4) *Air travel within the State of Alaska is often*
18 *hampered by severe weather conditions and treach-*
19 *erous terrain.*

20 (5) *The United States Government owns nearly*
21 *$\frac{2}{3}$ of Alaska’s landmass, including large tracts of*
22 *land separating isolated communities within the*
23 *State.*

1 (6) *Such Federal ownership has inhibited the*
2 *ability of Alaskans to build roads connecting isolated*
3 *communities.*

4 (7) *Most communities and a large portion of the*
5 *population within the State can only be reached by*
6 *air.*

7 (8) *The vast majority of food items and everyday*
8 *necessities destined for these isolated communities and*
9 *populations can only be transported through the air.*

10 (9) *The Intra-Alaska Bypass Mail system, cre-*
11 *ated by Congress and operated by the United States*
12 *Postal Service under section 5402 of title 39, United*
13 *States Code, with input from the Department of*
14 *Transportation, connecting hundreds of rural and iso-*
15 *lated communities within the State, is a critical piece*
16 *of the Alaska and the national transportation system.*
17 *The system is like a 4-legged stool, designed to—*

18 (A) *provide the most affordable means of de-*
19 *livering food and everyday necessities to these*
20 *rural and isolated communities;*

21 (B) *establish a system whereby the Postal*
22 *Service can meet its obligations to deliver mail*
23 *to every house and business in America;*

24 (C) *support affordable and reliable pas-*
25 *senger service; and*

1 (D) support affordable and reliable nonmail
2 freight service.

3 (10) Without the Intra-Alaska Bypass Mail
4 system—

5 (A) it would be difficult and more expensive
6 for the Postal Service to meet its obligation of
7 delivering mail to every house and business in
8 America; and

9 (B) food, medicine, freight, and everyday
10 necessities and passenger service for these rural
11 and isolated communities would cost several
12 times the current level.

13 (11) Attempts by Congress to support passenger
14 and nonmail freight service in Alaska using the
15 Intra-Alaska Bypass Mail system have yielded some
16 positive results, but some carriers have been manipu-
17 lating the system by carrying few, if any, passengers
18 and little nonmail freight while earning most of their
19 revenues from the carriage of nonpriority bypass
20 mail.

21 (12) As long as the Federal Government con-
22 tinues to own large tracts of land within the State of
23 Alaska which impedes access across these lands to
24 connect isolated communities, it is in the best interest

1 *of the Postal Service, the residents of Alaska and the*
2 *United States—*

3 *(A) to ensure that the Intra-Alaska Bypass*
4 *Mail system remains strong, viable, and afford-*
5 *able for the Postal Service;*

6 *(B) to ensure that residents of rural and*
7 *isolated communities in Alaska continue to have*
8 *affordable, reliable, and safe passenger service;*

9 *(C) to ensure that residents of rural and*
10 *isolated communities in Alaska continue to have*
11 *affordable, reliable, and safe nonmail freight*
12 *service;*

13 *(D) to encourage that intra-Alaska air car-*
14 *riers move toward safer, more secure, and more*
15 *reliable air transportation under the Federal*
16 *Aviation Administration's guidelines and in ac-*
17 *cordance with part 121 of title 14, Code of Fed-*
18 *eral Regulations, where such operations are sup-*
19 *ported by the needs of the community; and*

20 *(E) that Congress, pursuant to the author-*
21 *ity granted under Article I, section 8 of the*
22 *United States Constitution to establish Post Of-*
23 *fices and post roads, make changes to ensure that*
24 *the Intra-Alaska Bypass Mail system continues*
25 *to be used to support substantial passenger and*

1 *nonmail freight service and to reduce costs for*
2 *the Postal Service.*

3 (c) *SELECTION OF CARRIERS OF NONPRIORITY BYPASS*
4 *MAIL TO CERTAIN POINTS IN ALASKA.—*

5 (1) *DEFINITIONS.—Section 5402 of title 39,*
6 *United States Code, is amended—*

7 (A) *by striking subsection (e);*

8 (B) *by redesignating subsections (a) through*
9 *(d) as subsections (b) through (e), respectively;*
10 *and*

11 (C) *by inserting before subsection (b), as re-*
12 *designated, the following:*

13 “(a) *In this section—*

14 “(1) *the term ‘acceptance point’ means the point*
15 *at which nonpriority bypass mail originates;*

16 “(2) *the terms ‘air carrier’, ‘interstate air trans-*
17 *portation’, and ‘foreign air transportation’ have the*
18 *meanings given such terms in section 40102(a) of title*
19 *49, U.S.C.;*

20 “(3) *the term ‘base fare’ is the fare paid to the*
21 *carrier issuing the passenger ticket or carrying*
22 *nonmail freight which may entail service being pro-*
23 *vided by more than 1 carrier;*

24 “(4) *the term ‘bush carrier’ means a carrier op-*
25 *erating aircraft certificated within the payload ca-*

1 *capacity requirements of subsection (g)(1)(D)(i) on a*
2 *city pair route;*

3 “(5) the term ‘bush passenger carrier’ means a
4 *passenger carrier that meets the requirements of sub-*
5 *section (g)(1)(D)(i) and provides passenger service on*
6 *a city pair route;*

7 “(6) the term ‘bush route’ means an air route in
8 *which only a bush carrier is tendered nonpriority by-*
9 *pass mail between the origination point, being either*
10 *an acceptance point or a hub, as determined by the*
11 *Postal Service, and the destination city;*

12 “(7) the term ‘city pair’ means service between
13 *an origin and destination city pair;*

14 “(8) the term ‘composite rate’—

15 “(A) means a combination of mainline and
16 *bush rates paid to a bush carrier for a direct*
17 *flight from an acceptance point to a bush des-*
18 *tination beyond a hub point; and*

19 “(B) shall be based on the mainline rate
20 *paid to the hub, plus the lowest bush rate paid*
21 *to bush carriers in the State of Alaska;*

22 “(9) the term ‘equitable tender’ means the prac-
23 *tice of the Postal Service of equitably distributing*
24 *mail on a fair and reasonable basis between those air*
25 *carriers that offer equivalent services and costs be-*

1 *tween 2 communities in accordance with the regula-*
2 *tions of the Postal Service;*

3 “(10) the term ‘existing mainline carrier’ means
4 a mainline carrier (as defined in this section) that on
5 January 1, 2001, was—

6 “(A) certified under part 121;

7 “(B) qualified to provide mainline nonpri-
8 ority bypass mail service; and

9 “(C) actually engaged in the carriage of
10 mainline nonpriority bypass mail through sched-
11 uled service within the State of Alaska;

12 “(11) the term ‘freight service’ means the trans-
13 port of cargo that otherwise cannot be carried on a
14 qualified passenger aircraft because of—

15 “(A) size or weight restrictions imposed on
16 the aircraft or carrier providing the service; or

17 “(B) prohibitions on the carriage of pas-
18 sengers and hazardous materials on the same
19 flight;

20 “(12) the term ‘mainline carrier’ means a car-
21 rier operating aircraft under part 121 and certifi-
22 cated within the payload capacity requirements of
23 subsection (g)(1)(D)(ii) on a given city pair route;

1 “(13) the term ‘mainline route’ means a city
2 pair in which a mainline carrier is tendered nonpri-
3 ority bypass mail;

4 “(14) the term ‘new’, when referencing a carrier,
5 means a carrier that—

6 “(A) meets the respective requirements of
7 subsection (g)(1)(D)(i) or (ii), depending on the
8 type of route being served and the size of aircraft
9 being used to provide service; and

10 “(B) began providing nonpriority bypass
11 mail service on a city pair route within the
12 State of Alaska after January 1, 2001;

13 “(15) the term ‘part 121’ means part 121 of title
14 14, Code of Federal Regulations;

15 “(16) the term ‘part 135’ means part 135 of title
16 14, Code of Federal Regulations;

17 “(17) the term ‘scheduled service’ means—

18 “(A) flights are operated in common car-
19 riage available to the general public under a
20 published schedule;

21 “(B) flight schedules are announced in ad-
22 vance to the general public in systems specified
23 by the Postal Service, in addition to the Official
24 Airline Guide or the air cargo equivalent of that
25 Guide;

1 “(C) flights depart whether full or not; and

2 “(D) customers contract for carriage sepa-
3 rately on a regular basis;

4 “(18) the term ‘Secretary’ means the Secretary of
5 Transportation;

6 “(19) the term ‘121 bush passenger carrier’
7 means a bush passenger carrier providing passenger
8 service on bush routes under part 121;

9 “(20) the term ‘121 mainline passenger carrier’
10 means a mainline carrier providing passenger service
11 through scheduled service on routes under part 121;

12 “(21) the term ‘121 passenger aircraft’ means an
13 aircraft flying passengers on a city pair route that is
14 operated under part 121;

15 “(22) the term ‘121 passenger carrier’ means a
16 passenger carrier that provides scheduled service
17 under part 121;

18 “(23) the term ‘135 bush passenger carrier’
19 means a bush passenger carrier providing passenger
20 service through scheduled service on bush routes under
21 part 135; and

22 “(24) the term ‘135 passenger carrier’ means a
23 passenger carrier that provides scheduled service
24 under part 135.”.

1 (2) *REQUIREMENTS FOR SELECTION.*—Section
2 5402(g)(1) of title 39, United States Code, is
3 amended—

4 (A) in the matter preceding subparagraph
5 (A), by inserting after “in the State of Alaska,”
6 the following: “shall adhere to an equitable ten-
7 der policy within a qualified group of carriers,
8 in accordance with the regulations of the Postal
9 Service, and”;

10 (B) in subparagraph (C) by striking “to the
11 best” and all that follows and inserting a semi-
12 colon; and

13 (C) in subparagraph (D) by inserting “with
14 at least 3 scheduled (noncontract) flights per
15 week between two points” after “scheduled serv-
16 ice”.

17 (3) *APPLICATION OF RATES.*—Section 5402(g)(2)
18 of title 39, United States Code, is amended—

19 (A) by striking “and” at the end of sub-
20 paragraph (A);

21 (B) by striking the period at the end of sub-
22 paragraph (B) and inserting a semicolon; and

23 (C) by adding at the end the following:

24 “(C) shall offer a bush passenger carrier pro-
25 viding service on a route between an acceptance point

1 *and a hub not served by a mainline carrier the op-*
2 *portunity to receive equitable tender of nonpriority*
3 *bypass mail at mainline service rates when a main-*
4 *line carrier begins serving that route if the bush pas-*
5 *senger carrier—*

6 *“(i) meets the requirements of paragraph*
7 *(1);*

8 *“(ii) provided at least 20 percent of the pas-*
9 *senger service (as calculated in subsection (h)(5))*
10 *between such city pair for the 6 months imme-*
11 *diately preceding the date on which the bush car-*
12 *rier seeks such tender; and*

13 *“(iii) continues to provide not less than 20*
14 *percent of the passenger service on the city pair*
15 *while seeking such tender;*

16 *“(D) shall offer bush passenger carriers and*
17 *nonmail freight carriers the opportunity to receive eq-*
18 *uitable tender of nonpriority bypass mail at mainline*
19 *service rates from a hub point to a destination city*
20 *if the city pair is also being served by a mainline*
21 *carrier and—*

22 *“(i) for a passenger carrier—*

23 *“(I) the carrier meets the requirements*
24 *of paragraph (1);*

1 “(II) the carrier provided at least 20
2 percent of the passenger service (as cal-
3 culated in subsection (h)(5)) on the city
4 pair route for the 6 months immediately
5 preceding the date on which the carrier
6 seeks such tender; and

7 “(III) the carrier continues to provide
8 not less than 20 percent of the passenger
9 service on the route; or

10 “(i) for a nonmail freight carrier—

11 “(I) the carrier meets the requirements
12 of paragraph (1); and

13 “(II) the carrier provided at least 25
14 percent of the nonmail freight service (as
15 calculated in subsection (i)(6)) on the city
16 pair route for the 6 months immediately
17 preceding the date on which the carrier
18 seeks such tender;

19 “(E)(i) shall not offer equitable tender of nonpri-
20 ority mainline bypass mail at mainline rates to a
21 bush carrier operating from an acceptance point to a
22 hub point, except as described in subparagraph (C);
23 and

1 “(ii) may tender nonpriority bypass mail at
2 bush rates to a bush carrier if the Postal Service de-
3 termines that—

4 “(I) the bush carrier meets the requirements
5 of paragraph (1);

6 “(II) the service to be provided on such
7 route by the bush carrier is not otherwise avail-
8 able through direct mainline service; and

9 “(III) tender of mail to such bush carrier
10 will not decrease the efficiency of nonpriority by-
11 pass mail service (in terms of payments to all
12 carriers providing service on the city pair route
13 and timely delivery) for the route;

14 “(F) may offer tender of nonpriority bypass
15 mail to a passenger carrier from an acceptance point
16 to a destination city beyond a hub point at a com-
17 posite rate if the Postal Service determines that—

18 “(i) the carrier provides passenger service
19 in accordance with the requirements of sub-
20 section (h)(2);

21 “(ii) the carrier qualifies under subsection
22 (h) to be tendered nonpriority bypass mail out
23 of the hub point being bypassed;

24 “(iii) the tender of such mail will not de-
25 crease efficiency of delivery of nonpriority by-

1 *pass mail service into or out of the hub point*
2 *being bypassed; and*

3 “(iv) *such tender will result in reduced pay-*
4 *ments to the carrier by the Postal Service over*
5 *flying the entire route; and*

6 “(G) *notwithstanding subparagraph (F), shall*
7 *offer equitable tender of nonpriority mail in propor-*
8 *tion to passenger and nonmail freight mail pools de-*
9 *scribed in this section between qualified passenger*
10 *and nonmail freight carriers on a route from an ac-*
11 *ceptance point to a bush destination at a composite*
12 *rate if—*

13 “(i)(I) *for a passenger carrier, the carrier*
14 *receiving the composite rate provided 20 percent*
15 *of the passenger service on the city pair route for*
16 *the 12 months immediately preceding the date on*
17 *which the carrier seeks tender of such mail; or*

18 “(II) *for a nonmail freight carrier, the car-*
19 *rier receiving the composite rate provided at*
20 *least 25 percent of the nonmail freight service for*
21 *the 12 months immediately preceding the date on*
22 *which the carrier seeks tender of such mail; and*

23 “(ii)(I) *nonpriority mail was being ten-*
24 *dered to a passenger carrier or a nonmail freight*

1 *carrier at a composite rate on such city pair*
2 *route on January 1, 2000; or*

3 “(II) *the hub being bypassed was not served*
4 *by a mainline carrier on January 1, 2000.*”

5 *The tender of nonpriority bypass mail under subparagraph*
6 *(G) shall be on an equitable basis between the qualified car-*
7 *riers that provide the direct service on the city pair route*
8 *and the qualified carriers that provide service between the*
9 *hub point being bypassed and the destination point, based*
10 *on the volume of nonpriority bypass mail on both routes.”.*

11 (4) *SELECTION OF CARRIERS TO HUB POINTS.—*

12 *Section 5402(g) of title 39, United States Code, is*
13 *amended by adding at the end the following:*

14 “(4)(A) *Except as provided under subparagraph (B)*
15 *and paragraph (5), the Postal Service shall select only exist-*
16 *ing mainline carriers to provide nonpriority bypass mail*
17 *service between an acceptance point and a hub point in*
18 *the State of Alaska.*

19 “(B) *The Postal Service may select a carrier other*
20 *than an existing mainline carrier to provide nonpriority*
21 *bypass mail service on a mainline route in the State of*
22 *Alaska if—*

23 “(i) *the Postal Service determines (in accordance*
24 *with criteria established in advance by the Postal*
25 *Service) that the mail service between the acceptance*

1 *point and the hub point is deficient and provides*
2 *written notice of the determination to existing main-*
3 *line carriers to the hub point; and*

4 *“(i) after the 30-day period following issuance*
5 *of notice under clause (i), including notice of inad-*
6 *equately capacity, the Postal Service determines that*
7 *deficiencies in service to the hub point have not been*
8 *eliminated.*

9 *“(5)(A) The Postal Service shall offer equitable tender*
10 *of nonpriority bypass mail to a new 121 mainline pas-*
11 *senger carrier entering a mainline route in the State of*
12 *Alaska, if that carrier—*

13 *“(i) meets the requirements of subsection*
14 *(g)(1)(D)(ii); and*

15 *“(ii) has provided at least 50 percent of the*
16 *number of insured passenger seats as the number of*
17 *available passenger seats being provided by the main-*
18 *line passenger carrier providing the greatest number*
19 *of available passenger seats on that route for the 6*
20 *months immediately preceding the date on which such*
21 *carrier seeks tender.*

22 *“(B) A new 121 mainline passenger carrier that is ten-*
23 *dered nonpriority mainline bypass mail under subpara-*
24 *graph (A)—*

1 “(i) shall be eligible for equitable tender of such
2 mail only on city pair routes where the carrier meets
3 the conditions of subparagraph (A);

4 “(ii) may not count the passenger service pro-
5 vided under subparagraph (A) toward the carrier
6 meeting the minimum requirements of this section;
7 and

8 “(iii) shall provide at least 20 percent of the pas-
9 senger service (as determined for bush passenger car-
10 riers in subsection (h)(5)) on such route to remain el-
11 igible to be tendered nonpriority mainline bypass
12 mail.

13 “(C) Notwithstanding paragraphs (1)(B) and (5)(A),
14 a new 121 mainline passenger carrier, otherwise qualified
15 under this subsection, may immediately receive equitable
16 tender of nonpriority mainline bypass mail to a hub point
17 if it meets the requirements of subsections (g)(1) (A), (C),
18 and (D) and (h)(2)(B) and—

19 “(i) all qualified 121 mainline passenger car-
20 riers discontinue service on that city pair route; or

21 “(ii) no 121 mainline passenger carrier serves
22 that city pair route.

23 “(D) A carrier operating under a code share agreement
24 on the date of enactment of the Rural Service Improvement
25 Act of 2002 that received tender of nonpriority mainline

1 *bypass mail on a city pair route may count the passenger*
2 *service provided under the entire code share arrangement*
3 *on such route if the code share agreement terminates. That*
4 *carrier shall continue to provide at least 20 percent of the*
5 *passenger service (as determined for bush passenger carriers*
6 *in subsection (h)(5)) between the city pair as a 121 main-*
7 *line passenger carrier while seeking such tender.*

8 “(6)(A) *Notwithstanding subsection (g)(1)(B), pas-*
9 *senger carriers providing Essential Air Service under a De-*
10 *partment of Transportation order issued under subchapter*
11 *II of chapter 417 of title 49, U.S.C., shall be tendered all*
12 *nonpriority mail, in addition to all nonpriority bypass*
13 *mail, by the Postal Service to destination cities served by*
14 *the Essential Air Service flights consistent with that order*
15 *unless the Postal Service finds that the Essential Air Serv-*
16 *ice carrier’s service does not meet the needs of the Postal*
17 *Service.*

18 “(B) *Service provided under this paragraph, including*
19 *service provided to points served in conjunction with service*
20 *being subsidized under the Essential Air Service contract,*
21 *may not be applied toward any of the minimum eligibility*
22 *requirements of this section.”.*

23 (5) *SELECTION OF CARRIERS TO BUSH*
24 *POINTS.—Section 5402 of title 39, United States*
25 *Code, is amended by adding at the end the following:*

1 “(h)(1) *Except as provided under paragraph (7), on*
2 *a given city pair route, the Postal Service shall offer equi-*
3 *table tender of 70 percent of the nonpriority bypass mail*
4 *on that route to all carriers providing scheduled passenger*
5 *service in accordance with part 121 or part 135 that—*

6 “(A) *meet the requirements of subsection (g)(1);*

7 “(B) *provided 20 percent or more of the pas-*
8 *senger service (as calculated in paragraph (5)) be-*
9 *tween the city pair for the 12 months preceding the*
10 *date on which the 121 passenger aircraft or the 135*
11 *passenger carrier seek tender of nonpriority bypass*
12 *mail; and*

13 “(C) *meet the requirements of paragraph (2).*

14 “(2) *To remain eligible for equitable tender under this*
15 *subsection, the carrier or aircraft shall—*

16 “(A) *continue to provide not less than 20 percent*
17 *of the passenger service on the city pair route for*
18 *which the carrier is seeking the tender of such nonpri-*
19 *ority bypass mail;*

20 “(B)(i) *for operations under part 121, operate*
21 *aircraft type certificated to carry at least 19 pas-*
22 *sengers;*

23 “(ii) *for operations under part 135, operate air-*
24 *craft type certificated to carry at least 5 passengers;*
25 *or*

1 “(iii) for operations under part 135 where only
2 a water landing is available, operate aircraft type
3 certificated to carry at least 3 passengers;

4 “(C) insure all available passenger seats on the
5 city pair route on which the carrier seeks tender of
6 such mail; and

7 “(D) operate flights under its published schedule.

8 “(3)(A) Except as provided under subparagraph (E),
9 if a 135 passenger carrier serves a city pair route and meets
10 the requirements of paragraph (1) or (2) when a 121 pas-
11 senger carrier becomes qualified to be tendered nonpriority
12 bypass mail on such route with a 121 passenger aircraft
13 in accordance with paragraphs (1) and (2), the qualifying
14 135 passenger carriers on that route shall convert to oper-
15 ations with a 121 passenger aircraft within 5 years after
16 the 121 passenger aircraft begins receiving tender on that
17 route in order to remain eligible for equitable tender under
18 paragraph (1). The 135 carrier shall—

19 “(i) begin the process of conversion not later
20 than 2 years after the 121 passenger aircraft begins
21 carrying nonpriority bypass mail on that route; and

22 “(ii) submit a part 121 compliance statement
23 not later than 4 years after the 121 passenger aircraft
24 begins carrying nonpriority bypass mail on that
25 route.

1 “(B) Completion of conversion under subparagraph
2 (A) shall not be required if all 121 passenger carriers dis-
3 continue the carriage of nonpriority bypass mail with 121
4 passenger aircraft on the city pair route.

5 “(C) Any qualified carrier operating in the State of
6 Alaska under this section may request a waiver from sub-
7 paragraph (A). Such a request, at the discretion of the Sec-
8 retary, may be granted for good cause shown. The request-
9 ing party shall state the basis for such a waiver.

10 “(D) If 6 years and 3 months after the date of enact-
11 ment of the Rural Service Improvement Act of 2002, a 135
12 passenger carrier is providing service on a city pair route
13 and a 121 passenger aircraft becomes eligible to receive ten-
14 der of nonpriority bypass mail on that route, that 135 pas-
15 senger carrier shall convert to operations under part 121
16 within 12 months of the 121 passenger carrier being ten-
17 dered nonpriority bypass mail. The Postal Service shall not
18 continue the tender of nonpriority bypass mail to a 135
19 passenger carrier that fails to convert to part 121 oper-
20 ations within 12 months after the 121 passenger carrier
21 being tendered such mail under this paragraph.

22 “(E) Notwithstanding the requirements of this sub-
23 section, if only 1 passenger carrier or aircraft is qualified
24 to be tendered nonpriority bypass mail as a passenger car-
25 rier or aircraft on a city pair route, the Postal Service shall

1 tender 20 percent of the nonpriority bypass mail described
2 under paragraph (1) to the passenger carrier or aircraft
3 providing the next highest level of passenger service on such
4 route.

5 “(4) Qualification for the tender of mail under this
6 subsection shall not be counted toward the minimum quali-
7 fications necessary to be tendered nonpriority bypass mail
8 on any other route.

9 “(5)(A)(i) In this section, the percent of the passenger
10 service shall be calculated using the data described under
11 clause (ii). To ensure accurate reporting of market share
12 the Postal Service shall compare the resulting percentage
13 to the data collected under subsection (k). Any carrier pur-
14 posefully falsifying data or significantly misstating market
15 share in an attempt to qualify for tender of nonpriority
16 bypass mail may be subject to penalties described in sub-
17 section (o).

18 “(ii) The Postal Service shall calculate the percent of
19 passenger service provided by a carrier on a city pair route
20 by calculating the lesser of—

21 “(I) the amount of the passenger excise tax paid
22 by or on behalf of a carrier, as determined by review-
23 ing the collected amount of base fares for passengers
24 actually flown by a carrier from the origination point
25 to the destination point, divided by the value of the

1 *total passenger excise taxes, as determined by review-*
2 *ing the collected amount of base fares paid by or on*
3 *behalf of all passenger carriers providing service from*
4 *the hub point to the bush destination point; or*

5 *“(II) the amount of half of the passenger excise*
6 *tax paid by or on behalf of a carrier, as determined*
7 *by reviewing the collected amount of base fares for*
8 *passengers actually flown by a carrier on the city*
9 *pair route, divided by the value of the total passenger*
10 *excise taxes, as determined by reviewing the collected*
11 *amount of base fares paid by or on behalf of all pas-*
12 *senger carriers providing service between the origina-*
13 *tion point and the destination point.*

14 *“(B) For the purposes of calculating passenger service*
15 *as described under subparagraph (A), a bush passenger car-*
16 *rier providing intervillage bush passenger service may in-*
17 *clude the carriage of passengers carried along any point*
18 *of the route between the route’s origination point and the*
19 *final destination point. Such calculation shall be based only*
20 *on the carriage of passengers on regularly scheduled flights*
21 *and only on flights being flown in a direction away from*
22 *the hub point. Passenger service provided on chartered*
23 *flights shall not be included in the carrier’s calculation of*
24 *passenger service.*

1 “(6)(A) *The Secretary shall establish new bush rates*
2 *for passenger carriers receiving tender of nonpriority by-*
3 *pass mail under this subsection.*

4 “(B) *The Secretary shall establish a bush rate based*
5 *on data collected under subsection (k) from 121 bush pas-*
6 *senger carriers. Such rates shall be paid to all bush pas-*
7 *senger carriers operating on city pair routes where a 121*
8 *bush passenger carrier is tendered nonpriority bypass mail.*

9 “(C) *The Secretary shall establish a bush rate based*
10 *on data collected under subsection (k) from 135 bush pas-*
11 *senger carriers. Such rates shall be paid to all bush pas-*
12 *senger carriers operating on city pair routes where no 121*
13 *bush passenger carrier is tendered nonpriority bypass mail.*

14 “(D) *The Secretary shall establish a bush rate based*
15 *on data collected under subsection (k) from bush passenger*
16 *carriers operating aircraft on city pair routes where only*
17 *water landings are available. Such rates shall be paid to*
18 *all bush passenger carriers operating on the city pair routes*
19 *where only water landings are available.*

20 “(7) *The percentage rate in paragraph (1) shall be 75*
21 *percent 3 years and 3 months after the date of enactment*
22 *of the Rural Service Improvement Act of 2002.*

23 “(i)(1) *Except as provided under paragraph (7), on*
24 *a given city pair route, the Postal Service shall offer equi-*
25 *table tender of 20 percent of the nonpriority bypass mail*

1 *on such route to those carriers transporting 25 percent or*
2 *more of the total nonmail freight (in revenue or weight as*
3 *determined by the Postal Service), for the 12 months imme-*
4 *diately preceding the date on which the freight carrier seeks*
5 *tender of nonpriority bypass mail.*

6 “(2) *To remain eligible for equitable tender under this*
7 *subsection, a freight carrier shall continue to provide not*
8 *less than 25 percent of the nonmail freight service on the*
9 *city pair route for which the carrier is seeking tender of*
10 *such mail.*

11 “(3) *If a new freight carrier enters a market, that*
12 *freight carrier shall meet the minimum requirements of sub-*
13 *section (g)(1) and shall operate for 12 months on a given*
14 *city pair route before being eligible for equitable tender of*
15 *nonpriority bypass mail on that route.*

16 “(4) *If no carrier qualifies for tender of nonpriority*
17 *bypass mail under this subsection, such mail to be divided*
18 *under this subsection, as described in paragraph (1), shall*
19 *be tendered to the nonmail freight carrier providing the*
20 *highest percentage of nonmail freight service (in terms of*
21 *revenue or weight as determined by the Postal Service as*
22 *calculated under paragraph (6)) on the city pair route. If*
23 *no nonmail freight carrier is present on a route to receive*
24 *tender of nonpriority bypass mail under this paragraph,*
25 *the nonpriority bypass mail to be divided under paragraph*

1 *(1) shall be divided equitably among carriers qualified*
2 *under subsection (h).*

3 *“(5) Qualification for the tender of mail under this*
4 *subsection shall not be counted toward the minimum quali-*
5 *fications necessary to be tendered nonpriority bypass mail*
6 *on any other route.*

7 *“(6)(A) In this subsection, the percent of nonmail*
8 *freight shall be determined by calculating the lesser of—*

9 *“(i) the amount of the freight excise tax paid by*
10 *or on behalf of a carrier, as determined by reviewing*
11 *the collected amount of base fares for nonmail freight*
12 *actually flown by a carrier from the origination point*
13 *to the destination point, divided by the value of the*
14 *total nonmail freight excise taxes, as determined by*
15 *reviewing the collected amount of base fares paid by*
16 *or on behalf of all nonmail freight carriers providing*
17 *service from the origination point to the destination*
18 *point; or*

19 *“(ii) the amount of half of the nonmail freight*
20 *excise tax paid by or on behalf of a carrier, as deter-*
21 *mined by reviewing the collected amount of base fares*
22 *for nonmail freight actually flown by a carrier on the*
23 *city pair route, divided by the value of the total*
24 *nonmail freight excise taxes, as determined by review-*
25 *ing the collected amount of base fares paid by or on*

1 *behalf of all nonmail freight carriers providing service*
2 *on the city pair route.*

3 “(B) *To ensure accurate reporting of market share the*
4 *Postal Service shall compare the resulting percentage under*
5 *subparagraph (A) to the percent of nonmail freight carried*
6 *on a city pair route as calculated from data provided pur-*
7 *suant to subsection (k), by dividing the revenue of, or weight*
8 *of (as determined by the Postal Service), nonmail freight*
9 *earned by or carried by a carrier from the transport of*
10 *nonmail freight from an origination point to a destination*
11 *point by the total amount of revenue earned, or the weight*
12 *of, nonmail freight carried (as determined by the Postal*
13 *Service) by all carriers from the transport of nonmail*
14 *freight from the origination point to the destination point.*
15 *Any carrier purposefully falsifying data or significantly*
16 *misstating market share in an attempt to qualify for tender*
17 *of nonpriority bypass mail may be subject to penalties de-*
18 *scribed in subsection (o).*

19 “(7) *The percentage rate in paragraph (1) shall be 25*
20 *percent 3 years and 3 months after the date of enactment*
21 *of the Rural Service Improvement Act of 2002.*

22 “(j)(1) *Except as provided by paragraph (3), there*
23 *shall be equitable tender of 10 percent of the nonpriority*
24 *bypass mail to all carriers on each city pair route meeting*

1 *the requirements of subsection (g)(1) that do not otherwise*
2 *qualify for tender under subsection (h) or (i).*

3 “(2) *If no carrier qualifies under this subsection with*
4 *respect to a city pair route, the 10 percent of nonpriority*
5 *bypass mail allocated under paragraph (1) shall be divided*
6 *evenly between the pools described under subsections (h) and*
7 *(i) to be equitably tendered among qualified carriers under*
8 *such subsections, such that—*

9 “(A) *the amount of nonpriority bypass mail*
10 *available for tender among qualified carriers under*
11 *subsection (h) shall be 75 percent; and*

12 “(B) *the amount of nonpriority bypass mail*
13 *available for tender among qualified carriers under*
14 *subsection (i) shall be 25 percent.*

15 “(3)(A) *Except as provided by subparagraph (B), the*
16 *percentage rate under paragraph (1) shall be 0 percent 3*
17 *years and 3 months after the date of enactment of the Rural*
18 *Service Improvement Act of 2002.*

19 “(B) *The percentage rate under paragraph (1) shall*
20 *remain 10 percent for equitable tender for 6 years and 3*
21 *months after the date of enactment of the Rural Service Im-*
22 *provement Act of 2002 for a nonpriority bypass mail car-*
23 *rier on bush routes originating from the main hub of the*
24 *carrier designated under subparagraph (C), if the carrier*
25 *seeking the tender of such mail—*

1 “(i) meets the requirements of subsection (g)(1);

2 “(ii) is not qualified under subsection (h) or (i);

3 “(iii) operates routes originating from the main

4 hub of the carrier designated under subparagraph (C);

5 and

6 “(iv) has invested at least \$500,000 in a phys-

7 ical hanger facility prior to January 1, 2002 in such

8 a hub city.

9 “(C) For purposes of subparagraph (B), a carrier may

10 designate only one hub city as its main hub and once such

11 designation is transmitted to the Postal Service it may not

12 be changed. Such selection and transmission must be trans-

13 mitted to the Postal Service within 6 months of the date

14 of enactment of the Rural Service Improvement Act of 2002.

15 A carrier attempting to receive tender of nonpriority bypass

16 mail under this subsection shall not be eligible for such ten-

17 der after the carrier becomes qualified for tender of nonpri-

18 ority bypass mail under subsection (h) or (i) on any route.

19 The purchase of another carrier’s hanger facility after such

20 date of enactment shall not be considered sufficient to meet

21 the requirement of subparagraph (B)(iv).

22 “(k)(1) Not less than every 2 years, in conjunction

23 with annual updates, the Secretary shall review the need

24 for a bush mail rate investigation. The Secretary shall use

25 show cause procedures to speedily and more accurately de-

1 *termine the cost of providing bush mail service. In deter-*
2 *mining such rates, the Secretary shall not take into account*
3 *the cost of passenger insurance rates or premiums paid by*
4 *the passenger carriers or other costs associated with pas-*
5 *senger service.*

6 “(2) *In order to assure sufficient, reliable, and timely*
7 *traffic data to meet the requirements of this subsection, the*
8 *Secretary shall require—*

9 “(A) *the monthly submission of the bush carrier’s*
10 *data on T-100 diskettes, or any other suitable form*
11 *of data collection, as determined by the Secretary;*
12 *and*

13 “(B) *the carriers to retain all books, records, and*
14 *other source and summary documentation to support*
15 *their reports and to preserve and maintain such docu-*
16 *mentation in a manner that readily permits the*
17 *audit and examination by representatives of the Post-*
18 *al Service or the Secretary.*

19 “(3) *Documentation under paragraph (2) shall be re-*
20 *tained for 7 years or until the Secretary indicates that the*
21 *records may be destroyed. Copies of flight logs for aircraft*
22 *sold or disposed of shall be retained.*

23 “(4) *Carriers qualified to be tendered nonpriority by-*
24 *pass mail shall submit to the Secretary the number and*
25 *type of aircraft in the carrier’s fleet, the level of passenger*

1 *insurance covering its fleet, and the name of the insurance*
2 *company providing such coverage.*

3 “(5) *Not later than 30 days after the last day of each*
4 *calendar month, carriers shall report to the Secretary the*
5 *excise taxes paid by city pair to the Department of the*
6 *Treasury and the weight of and revenue earned by the car-*
7 *riage of nonmail freight. Final compiled data shall be made*
8 *available to carriers providing service in the hub.*

9 “(l) *No qualified carrier may be tendered nonpriority*
10 *bypass mail under subsections (h) and (i) simultaneously*
11 *on a route unless no other carrier is tendered mail under*
12 *either subsection.*

13 “(m)(1) *Carriers qualifying for tender under sub-*
14 *sections (h) and (i) simultaneously shall be tendered non-*
15 *priority bypass mail under subsection (h).*

16 “(2) *A carrier shall be tendered nonpriority bypass*
17 *mail under subsection (i) if that carrier—*

18 “(A) *was qualified under both subsections (h)*
19 *and (i) simultaneously; and*

20 “(B) *becomes unqualified under subsection (h)*
21 *but remains qualified under subsection (i).*

22 “(n)(1) *A carrier operation resulting from a merger*
23 *or acquisition between any 2 carriers operating between*
24 *points in Alaska shall have the passenger and nonmail*
25 *freight of all such merged or acquired carriers on the appli-*

1 *cable route counted toward meeting the resulting carrier's*
2 *minimum requirements to receive equitable tender of non-*
3 *priority bypass mail on such route for the 12-month period*
4 *following the merger or acquisition.*

5 “(2) *After the 12-month period described under para-*
6 *graph (1), the carrier resulting from the merger or acquisi-*
7 *tion shall demonstrate that the carrier meets the minimum*
8 *passenger or nonmail freight carriage requirements of this*
9 *section to continue receiving tender of such mail.*

10 “(o) *In addition to any penalties applied to a carrier*
11 *by the Federal Aviation Administration or the Secretary,*
12 *any carrier that significantly misstates passenger or*
13 *nonmail freight data required to be reported under this sec-*
14 *tion on any route, in an attempt to qualify for tender of*
15 *nonpriority bypass mail, shall receive—*

16 “(1) *a 1-month suspension of tender of nonpri-*
17 *ority bypass mail on the route where the data was*
18 *misstated for the first offense;*

19 “(2) *a 6-month suspension of tender of nonpri-*
20 *ority bypass mail on the route where the data was*
21 *misstated for the second offense;*

22 “(3) *a 1-year suspension of tender of all nonpri-*
23 *ority bypass mail in the entire State of Alaska for the*
24 *third offense in the State; and*

1 “(4) a permanent suspension of tender of all
2 nonpriority bypass mail in the entire State of Alaska
3 for the fourth offense in the State.

4 “(p)(1) The Postal Service or the Secretary, in car-
5 rying out subsection (g)(2), (h), or (i), may deny equitable
6 tender to an otherwise qualified carrier who does not oper-
7 ate under this section in good faith or under the intent of
8 the ‘Rural Service Improvement Act of 2002’.

9 “(2) The Postal Service or the Secretary may waive
10 any provision of subsection (h) or (i), if the carrier provides
11 substantial passenger or nonmail freight service on the
12 route where the carrier seeks tender of nonpriority mail and
13 nonpriority bypass mail.

14 “(3) To ensure adequate competition among passenger
15 and nonmail freight carriers on a mainline route the Postal
16 Service or the Secretary may waive the requirements of sub-
17 section (g) (1)(D), (2)(E), (4), or (5), or any provision of
18 subsection (h), if—

19 “(A) a 121 bush passenger carrier seeks tender of
20 nonpriority mail or nonpriority bypass mail on a
21 mainline route not served by a 121 mainline pas-
22 senger carrier and the 121 bush passenger carrier
23 provides substantial passenger or nonmail freight
24 service on the route; or

1 “(B) a carrier meeting the requirements of sub-
2 section (g)(1)(D)(ii) seeks tender of nonpriority by-
3 pass mail and provides substantial nonmail freight
4 service on the city pair route.

5 Waivers granted under this paragraph shall cease to be
6 valid once a qualified mainline carrier begins providing
7 service and seeks tender of nonpriority bypass mail in ac-
8 cordance with this section on the city pair route. The re-
9 ceipt of waivers and subsequent operation of service on a
10 city pair route under this subsection shall not be counted
11 toward meeting the requirements of any part of this section
12 for any other city pair route. In granting waivers under
13 this paragraph and offering equitable tender of nonpriority
14 bypass mail the Postal Service or the Secretary shall give
15 preference to passenger service needs over nonmail freight
16 needs on a city pair route.

17 “(4) In granting waivers for or denying tender to car-
18 riers under this subsection, the Postal Service or the Sec-
19 retary shall consider in the following order of importance—

20 “(A) the passenger needs of the destination to be
21 served (including amount and level);

22 “(B) the nonmail freight needs of the destination
23 to be served;

24 “(C) the amount of nonpriority bypass mail
25 service already available to the destination;

1 “(D) the mail needs of the destination to be
2 served;

3 “(E) the savings to the Postal Service in terms
4 of payments made to carriers;

5 “(F) the amount or level of passenger service al-
6 ready available to the destination; and

7 “(G) the amount of nonmail freight service al-
8 ready available to the destination.

9 “(g) The Secretary shall make a regular review of car-
10 riers receiving, or attempting to qualify to receive, equitable
11 tender of nonpriority bypass mail. If the Secretary suspends
12 or revokes an operating certificate, the Secretary shall no-
13 tify the Postal Service. Upon such notification, the Postal
14 Service shall cease tender of mail to such carrier until the
15 Secretary certifies the carrier is operating in a safe manner.
16 Upon such receipt, the carrier shall demonstrate that it oth-
17 erwise meets the minimum carriage requirements of this
18 section before being tendered mail under this section.

19 “(r) The Postal Service shall have the authority to ten-
20 der nonpriority bypass mail to any carrier that meets the
21 requirements of subsection (g)(1) on any route on an emer-
22 gency basis. Such emergency tender shall cease when a car-
23 rier qualifies for tender on such route under the terms of
24 this section.

1 “(s) Notwithstanding any other provision of law, and
2 except for written contracts authorized under subsections
3 (b), (c) and (d) of this section, tender by the Postal Service
4 of any category of mail to a carrier for transportation be-
5 tween any two points within the State of Alaska shall not
6 give rise to any contract between the Postal Service and
7 a carrier, nor shall any such carrier acquire any right in
8 continued or future tender of such mail by virtue of past
9 or present receipt of such mail. This subsection shall apply
10 to any case commenced before, on, or after the date of enact-
11 ment of this subsection.”.

12 (d) *ACTIONS OF AIR CARRIERS TO QUALIFY.*—Begin-
13 ning 6 months after the date of enactment of this Act, if
14 the Secretary determines, based on the Secretary’s findings
15 and recommendations of the Postal Service, that an air car-
16 rier being tendered nonpriority bush bypass mail is not tak-
17 ing actions to attempt to qualify as a bush passenger or
18 nonmail freight carrier under section 5402 of title 39,
19 United States Code (as amended by this title), the Postal
20 Service shall immediately cease tender of all nonpriority
21 bypass mail to such carrier.

22 (e) *TECHNICAL AND CONFORMING AMENDMENTS.*—

23 (1) *TITLE 39.*—Section 5402 of title 39, United
24 States Code, is amended—

1 (A) in subsections (b) through (e) (as reded-
2 signed by this title) and subsection (f) by strik-
3 ing “Secretary of Transportation” each place it
4 appears and inserting “Secretary”; and

5 (B) in subsection (f)—

6 (i) by striking “subsections (a), (b),
7 and (c)” and inserting “subsections (b), (c),
8 and (d)”; and

9 (ii) by striking “subsection (d)” and
10 inserting “subsection (e)”.

11 (2) *TITLE 49.*—Section 41901 of title 49, United
12 States Code, is amended in subsection (a), by striking
13 “5402(d)” and inserting “5402(e)”.

14 (f) *REPORTS TO CONGRESS.*—Not later than 12
15 months after the date of enactment of this Act, the Postal
16 Service and the Secretary of Transportation shall submit
17 a report to the Committee on Government Reform of the
18 House of Representatives and the Committee on Govern-
19 mental Affairs of the Senate on the progress of imple-
20 menting this title.

21 (g) *EFFECTIVE DATES.*—

22 (1) *IN GENERAL.*—Except as provided under
23 paragraph (2), this title (including the amendments
24 made by this title) shall take effect on the date of en-
25 actment of this Act.

1 (2) *SELECTION OF CARRIERS.—Subsection (c)(5)*
2 *shall take effect 15 months after the date of enactment*
3 *of this Act.*

4 *This Act may be cited as the “2002 Supplemental Ap-*
5 *propriations Act for Further Recovery From and Response*
6 *To Terrorist Attacks on the United States”.*

Attest:

Secretary.

107TH CONGRESS
2D SESSION

H. R. 4775

AMENDMENT