Appendix A

Congressional Legislature

H. R. 3338

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Wednesday, the third day of January, two thousand and one

An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

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

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2002

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,752,384,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,551,484,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel

(including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,345,340,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,724,014,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,670,197,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,654,523,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class,

and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $471,200,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,061,160,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,041,695,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,784,654,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,794,000 can be used for emergencies and

extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,335,074,000: *Provided*, That of the funds made available under this heading, $1,000,000, to remain available until expended, shall be transferred to "National Park Service—Construction" within 30 days of the enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $26,876,636,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,931,934,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,998,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $26,026,789,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $12,773,270,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $33,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $750,000 shall be available for a grant for Outdoor Odyssey, Roaring

Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available in this paragraph, $1,000,000 shall be available only for continuation of the Middle East Regional Security Issues program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,771,246,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,003,690,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $144,023,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,024,866,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in

compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,768,058,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,988,961,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $50,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $9,096,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,800,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $257,517,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $385,437,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,492,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $222,255,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $49,700,000, to remain available until September 30, 2003.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $15,800,000, to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,984,391,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,079,330,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,193,746,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,200,465,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 29 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,183,736,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $7,938,143,000, to remain available for obligation until September 30, 2004.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,429,592,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $461,399,000, to remain available for obligation until September 30, 2004.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $138,890,000;
SSGN (AP), $365,440,000;
NSSN, $1,578,914,000;
NSSN (AP), $684,288,000;
CVN Refuelings, $1,148,124,000;
CVN Refuelings (AP), $73,707,000;
Submarine Refuelings, $382,265,000;
Submarine Refuelings (AP), $77,750,000;
DDG–51 destroyer program, $2,966,036,000;
DDG–51 (AP), $125,000,000;
Cruiser conversion (AP), $75,000,000;
LPD–17 (AP), $155,000,000;
T-AKE, $370,818,000;
LHD–8, $267,238,000;
LCAC landing craft air cushion program, $46,091,000;
Prior year shipbuilding costs, $729,248,000;
Mine Hunter SWATH, $1,000,000;
Yard Oilers, $3,000,000; and
For craft, outfitting, post delivery, conversions, and first destination transformation transportation, $302,230,000;

In all: $9,490,039,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 152 passenger motor vehicles for replacement only, and the purchase of five vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per unit for two units and not to exceed $115,000 per unit for the remaining three units; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,270,976,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 25 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $995,442,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $10,567,038,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and

such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,989,524,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $866,644,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 216 passenger motor vehicles for replacement only, and the purchase of three vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $8,085,863,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 65 passenger motor vehicles for replacement only; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,389,490,000, to remain available for obligation until September 30, 2004: *Provided*, That funds provided

under this heading for Patriot Advanced Capability 3 (PAC–3) missiles may be used for procurement of critical parts for PAC–3 missiles to support production of such missiles in future fiscal years.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $40,000,000 to remain available until expended, of which, $2,000,000 may be used for a Processible Rigid-Rod Polymeric Material Supplier Initiative under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) to develop affordable production methods and a domestic supplier for military and commercial processible rigid-rod materials.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $699,130,000, to remain available for obligation until September 30, 2004: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component: *Provided further*, That of the funds appropriated under this heading, $148,430,000 shall be available only for the procurement of C–130J aircraft to be used solely for western states firefighting.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,106,074,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,498,506,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,669,931,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $15,415,275,000, to remain available for obligation until September 30, 2003: *Provided*, That for funds provided under this heading for ballistic missile defense programs, the minimum amount applicable under section 9(f)(1)(C) of the Small Business Act (15 U.S.C. 638(f)(1)(C)) shall be $75,000,000 (in lieu of the amount otherwise applicable for those programs under that section).

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $231,855,000, to remain available for obligation until September 30, 2003.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,312,986,000: *Provided*, That during fiscal year 2002, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $432,408,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military

department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That, notwithstanding any other provision of law, $25,000,000 of the funds available under this heading shall be available only to finance the cost of constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $18,391,194,000, of which $17,659,475,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2003; of which $267,915,000, to remain available for obligation until September 30, 2004, shall be for Procurement; of which $463,804,000, to remain available for obligation until September 30, 2003, shall be for Research, development, test and evaluation, and of which $14,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,105,557,000, of which $739,020,000 shall be for Operation and maintenance to remain available until September 30, 2003, $164,158,000 shall be for Procurement to remain available until September 30, 2004, and $202,379,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $842,581,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*,

That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $152,021,000, of which $150,221,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,800,000 to remain available until September 30, 2004, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $160,429,000, of which $28,003,000 for the Advanced Research and Development Committee shall remain available until September 30, 2003: *Provided*, That of the funds appropriated under this heading, $42,752,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2004, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2003: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local law enforcement activity.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $67,500,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers

made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to May 1, 2002.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

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

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

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

UH–60/CH–60 aircraft;

C–17; and

F/A–18E and F engine.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress as of September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2002, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2003.

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

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits

paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service

responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

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

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2003 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year and hereafter, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

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

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

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

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

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

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

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. Of the funds made available in this Act, not less than $55,000,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,300,000 shall be available from "Military Personnel, Air Force", $37,400,000 shall be available from "Operation and Maintenance, Air Force", and $14,300,000 shall be available from "Aircraft Procurement, Air Force": *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2002: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2003 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

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

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

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

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than $23,003,000 shall be available for the Civil Air Patrol Corporation, of which $21,503,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $1,500,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

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

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

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

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

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2003 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $40,000,000.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2002. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are

appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8042. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000: *Provided*, That the $100,000 limitation shall not apply to amounts appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide" for expenses related to certain classified activities.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense

Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2003 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2003: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year and hereafter pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

(TRANSFER OF FUNDS)

SEC. 8049. In addition to the amounts appropriated elsewhere in this Act, $10,000,000 is hereby appropriated to the Department of Defense: *Provided*, That at the direction of the Assistant Secretary of Defense for Reserve Affairs, these funds shall be transferred to the Reserve component personnel accounts in title I of this Act: *Provided further*, That these funds shall be used for incentive and bonus programs that address the most pressing recruitment and retention issues in the Reserve components.

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

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

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

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8054. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Former Soviet Union Threat Reduction, 2000/2002", $32,000,000;

"Other Procurement, Navy, 2000/2002", $15,300,000;

"Aircraft Procurement, Air Force, 2000/2002", $8,500,000;

"Other Procurement, Air Force, 2000/2002", $20,000,000;

"Aircraft Procurement, Army, 2001/2003", $16,000,000;

"Procurement of Ammunition, Army, 2001/2003", $27,400,000;

"Other Procurement, Army, 2001/2003", $28,745,000;

"Aircraft Procurement, Navy, 2001/2003", $8,600,000;

"Weapons Procurement, Navy, 2001/2003", $20,000,000;

"Other Procurement, Navy, 2001/2003", $7,600,000;

"Procurement, Marine Corps, 2001/2003", $1,000,000;

"Aircraft Procurement, Air Force, 2001/2003", $63,283,000;

"Missile Procurement, Air Force, 2001/2003", $58,450,000;

"Procurement of Ammunition, Air Force, 2001/2003", $5,800,000;

"Other Procurement, Air Force, 2001/2003", $10,200,000;

"Procurement, Defense-Wide, 2001/2003", $113,434,000;

"Research, Development, Test and Evaluation, Army, 2001/2002", $6,300,000;

"Research, Development, Test and Evaluation, Navy, 2001/2002", $18,800,000;

"Research, Development, Test and Evaluation, Air Force, 2001/2002", $69,283,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2001/2002", $780,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army

Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8056. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8057. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8058. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8059. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2001 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8060. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for

use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8061. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8062. Of the funds made available under the heading "Operation and Maintenance, Air Force", $10,200,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

SEC. 8063. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8064. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8065. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8066. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8067. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8068. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8069. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8070. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided

for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8071. Of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide", up to $5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: *Provided*, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments: *Provided further*, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: *Provided further*, That to the extent a Federal agency provides this assistance, by contract, grant or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8072. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

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

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

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

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

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8073. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8074. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8075. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

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

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8076. Up to $3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8078. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8079. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8080. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8081. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8082. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8083. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8084. Notwithstanding 31 U.S.C. 3902, during the current fiscal year and hereafter, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8085. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8086. Of the funds made available under the heading "Operation and Maintenance, Air Force", not less than $1,500,000 shall be made available by grant or otherwise, to the Council of Athabascan Tribal Governments, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8087. In addition to the amounts appropriated or otherwise made available in this Act, $3,500,000, to remain available until September 30, 2002, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $3,500,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8088. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8089. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and

the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

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

SEC. 8090. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8091. Section 8125 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259), is hereby repealed.

SEC. 8092. Of the funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Navy", up to $2,600,000 may be made available for a Maritime Fire Training Center at Barbers Point, including provision for laboratories, construction, and other efforts associated with research, development, and other programs of major importance to the Department of Defense.

SEC. 8093. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit

a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8094. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8095. The total amount appropriated in this Act is hereby reduced by $240,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:

"Military Personnel, Army", $39,400,000;
"Military Personnel, Navy", $800,000;
"Military Personnel, Marine Corps", $9,900,000;
"Military Personnel, Air Force", $19,500,000;
"Operation and Maintenance, Army", $87,600,000;
"Operation and Maintenance, Navy", $18,300,000;
"Operation and Maintenance, Marine Corps", $1,300,000;
"Operation and Maintenance, Air Force", $33,800,000; and
"Operation and Maintenance, Defense-Wide", $29,400,000.

SEC. 8096. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8097. The budget of the President for fiscal year 2003 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial

Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2001 and 2002.

SEC. 8098. Notwithstanding any other provision of law, the total amount appropriated in this Act under title I and title II is hereby reduced by $50,000,000: *Provided*, That during the current fiscal year, not more than 250 military and civilian personnel of the Department of Defense shall be assigned to legislative affairs or legislative liaison functions: *Provided further*, That of the 250 personnel assigned to legislative liaison or legislative affairs functions, 20 percent shall be assigned to the Office of the Secretary of Defense and the Office of the Chairman of the Joint Chiefs of Staff, 20 percent shall be assigned to the Department of the Army, 20 percent shall be assigned to the Department of the Navy, 20 percent shall be assigned to the Department of the Air Force, and 20 percent shall be assigned to the combatant commands: *Provided further*, That of the personnel assigned to legislative liaison and legislative affairs functions, no fewer than 20 percent shall be assigned to the Under Secretary of Defense (Comptroller), the Assistant Secretary of the Army (Financial Management and Comptroller), the Assistant Secretary of the Navy (Financial Management and Comptroller), and the Assistant Secretary of the Air Force (Financial Management and Comptroller).

SEC. 8099. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8100. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8101. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8102. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $262,000,000, to reduce cost growth in travel, to be distributed as follows:

"Operation and Maintenance, Army", $21,000,000;

"Operation and Maintenance, Navy", $14,000,000;

"Operation and Maintenance, Marine Corps", $4,000,000;

"Operation and Maintenance, Air Force", $180,000,000;

"Operation and Maintenance, Defense-wide", $20,000,000;

"Operation and Maintenance, Army Reserve", $4,000,000;

"Operation and Maintenance, Navy Reserve", $2,000,000;

"Operation and Maintenance, Air Force Reserve", $5,000,000;

"Operation and Maintenance, Army National Guard", $6,000,000; and

"Operation and Maintenance, Air National Guard", $6,000,000.

SEC. 8103. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8104. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—(1) During the current fiscal year, a financial management major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

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

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8105. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8106. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8107. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8108. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with

another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8109. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance.

SEC. 8110. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8111. In addition to the amounts provided elsewhere in this Act, the amount of $8,500,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided under authority of this section is in addition to any grant provided for under any other provision of law.

SEC. 8112. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $131,700,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, $97,700,000 shall be made available for the purpose of continuing the Arrow System Improvement Program (ASIP), continuing ballistic missile defense interoperability with Israel, and establishing an Arrow production capability in the United States: *Provided further*, That the remainder, $34,000,000, shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defense of Israel for the Arrow Deployability Program.

SEC. 8113. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8114. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide", $115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8115. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8116. In addition to amounts appropriated elsewhere in this Act, $4,500,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of the Army shall make a grant in the amount of $4,500,000 to the Fort Des Moines Memorial Park and Education Center.

SEC. 8117. In addition to amounts appropriated elsewhere in this Act, $4,250,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $4,250,000 to the National D-Day Museum.

SEC. 8118. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SEC. 8119. In addition to amounts provided in this Act, $1,700,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8120. (a) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106–79) is amended—

(1) by redesignating subsection (m) as subsection (o); and

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

"(m) AUTHORITY TO ESTABLISH MEMORIAL.—

"(1) IN GENERAL.—The Commission may establish a permanent memorial to Dwight D. Eisenhower on land under the jurisdiction of the Secretary of the Interior in the District of Columbia or its environs.

"(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).".

(b) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106–79) is amended—

(1) in subsection (j)(2), by striking "accept gifts" and inserting "solicit and accept contributions"; and

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

"(n) MEMORIAL FUND.—

"(1) ESTABLISHMENT.—There is created in the Treasury a fund for the memorial to Dwight D. Eisenhower that includes amounts contributed under subsection (j)(2).

"(2) USE OF FUND.—The fund shall be used for the expenses of establishing the memorial.

"(3) INTEREST.—The Secretary of the Treasury shall credit to the fund the interest on obligations held in the fund.".

(c) In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $2,600,000, to remain available until expended is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $2,600,000 to the Dwight D. Eisenhower Memorial Commission for direct administrative support.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8121. In addition to the amounts appropriated elsewhere in this Act, $1,700,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall transfer these funds to the Department of Energy appropriation account "Fossil Energy Research and Development", only for a proposed conceptual design study to examine the feasibility of a zero emissions, steam injection process with possible applications for increased power generation efficiency, enhanced oil recovery and carbon sequestration.

SEC. 8122. In addition to amounts appropriated elsewhere in this Act, $8,000,000 shall be available only for the settlement of subcontractor claims for payment associated with the Air Force contract F19628–97–C–0105, Clear Radar Upgrade, at Clear AFS, Alaska: *Provided*, That all affected subcontractors shall mutually resolve the amounts claimed for payment by cooperative negotiation, third-party mediation or other form of alternative dispute resolution and shall present such claims to the Secretary of the Air Force: *Provided further*, That the Secretary of the Air Force shall evaluate claims as may be submitted by subcontractors, engaged under the contract, and, notwithstanding any other provision of law shall pay such amounts from the funds provided in this paragraph which the Secretary deems appropriate to settle completely any claims which the Secretary determines to have merit, with no right of appeal in any forum: *Provided further*, That subcontractors are to be paid interest, calculated in accordance with the Contract Disputes Act of 1978, 41 U.S.C. 601–613, on any claims which the Secretary determines to have merit: *Provided further*, That the Secretary of the Air Force may delegate evaluation and payment as above to the U.S. Army Corps of Engineers, Alaska District on a reimbursable basis.

SEC. 8123. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by $1,650,000,000, to reflect savings to be achieved from business

process reforms, management efficiencies, and procurement of administrative and management support: *Provided*, That none of the funds provided in this Act may be used for consulting and advisory services for legislative affairs and legislative liaison functions.

SEC. 8124. Funds appropriated for Operation and Maintenance in title II of this Act may be used to complete certain projects for which funds have been provided from—

(1) amounts appropriated for "Operation and Maintenance, Navy" in section 110 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 530); or

(2) amounts appropriated for "Operation and Maintenance, Navy" in section 9001(a)(2)(i) of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 709).

SEC. 8125. In addition to amounts provided elsewhere in this Act, $17,900,000 is hereby appropriated for the Secretary of Defense, to remain available until expended, to establish a Regional Defense Counter-terrorism Fellowship Program: *Provided*, That funding provided herein may be used by the Secretary to fund foreign military officers to attend U.S. military educational institutions and selected regional centers for non-lethal training: *Provided further*, That United States Regional Commanders in Chief will be the nominative authority for candidates and schools for attendance with joint staff review and approval by the Secretary of Defense: *Provided further*, That the Secretary of Defense shall establish rules to govern the administration of this program.

SEC. 8126. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, "Aircraft Procurement, Air Force", that remain available for obligation, not to exceed $26,700,000 shall be available for recording, adjusting, and liquidating obligations for the C–17 aircraft properly chargeable to the fiscal year 1998 and 1999 "Aircraft Procurement, Air Force" account: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

SEC. 8127. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, "Missile Procurement, Air Force", that remain available for obligation, not to exceed $50,000,000 shall be available for recording, adjusting, and liquidating obligations properly chargeable to fiscal year 1997 and 1998 "Missile Procurement, Air Force" accounts: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

SEC. 8128. Notwithstanding any provisions of the Southern Nevada Public Land Management Act of 1998, Public Law 105–263, or the land use planning provision of section 202 of the Federal Land Policy and Management Act of 1976, Public Law 94–579, or of any other law to the contrary, the Secretary of the Interior may acquire non-Federal lands adjacent to Nellis Air Force Base, through a land exchange in Nevada, to ensure the continued safe operation of live ordnance departure areas at Nellis Air Force Base, Las Vegas, Nevada. The Secretary of the Air Force shall identify up to 220 acres of non-Federal lands needed to ensure the continued safe operation of the live ordnance departure areas at Nellis Air Force Base. Any such identified property acquired

by exchange by the Secretary of the Interior shall be transferred by the Secretary of the Interior to the jurisdiction, custody, and control of the Secretary of the Air Force to be managed as a part of Nellis Air Force Base. To the extent the Secretary of the Interior is unable to acquire non-Federal lands by exchange, the Secretary of the Air Force is authorized to purchase those lands at fair market value subject to available appropriations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8129. Of the amounts appropriated in this Act under the heading, "Shipbuilding and Conversion, Navy", $729,248,000 shall be available until September 30, 2002, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2002":

Carrier Replacement Program, $169,364,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2002":

LPD–17 Amphibious Transport Dock Ship Program, $172,989,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2002":

DDG–51 Destroyer Program, $35,200,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

NSSN Program, $166,561,000;

DDG–51 Destroyer Program, $108,457,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2002":

NSSN Program, $60,429,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/2005":

Submarine Refuelings, $16,248,000.

(TRANSFER OF FUNDS)

SEC. 8130. Upon enactment of this Act, the Secretary of the Navy shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/2002":

TRIDENT ballistic missile submarine program, $78,000;

SSN–21 attack submarine program, $66,000;

DDG–51 destroyer program, $6,100,000;

ENTERPRISE refueling/modernization program, $964,000;

LSD–41 dock landing ship cargo variant ship program, $237,000;

MCM mine countermeasures program, $118,000;

Oceanographic ship program, $2,317,000;

AOE combat support ship program, $164,000;

AO conversion program, $56,000;

Coast Guard icebreaker ship program, $863,000;

Craft, outfitting, post delivery, and ship special support equipment, $529,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002": DDG–51 destroyer program, $11,492,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/2002":

DDG–51 destroyer program, $3,986,000;

LHD–1 amphibious assault ship program, $85,000;

LSD–41 dock landing ship cargo variant program, $428,000;

AOE combat support ship program, $516,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $1,034,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002": DDG–51 destroyer program, $6,049,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8131. Of the funds appropriated by this Act under the heading, "Operation and Maintenance, Navy", $56,000,000 shall remain available until expended, only for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE: *Provided*, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement and that the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 8132. (a) The Secretary of Defense shall convey to Gwitchyaa Zhee Corporation the lands withdrawn by Public Land Order No. 1996, Lot 1 of United States Survey 7008, Public Land Order No. 1396, a portion of Lot 3 of United States Survey 7161, lands reserved pursuant to the instructions set forth at page 513 of volume 44 of the Interior Land Decisions issued January 13, 1916, Lot 13 of United States Survey 7161, Lot 1 of United States Survey 7008 described in Public Land Order No. 1996, and Lot 13 of the United States Survey 7161 reserved pursuant to the instructions set forth at page 513 of volume 44 of the Interior Land Decisions issued January 13, 1916.

(b) Following site restoration and survey by the Department of the Air Force that portion of Lot 3 of United States Survey 7161 withdrawn by Public Land Order No. 1396 and no longer needed by the Air Force shall be conveyed to Gwitchyaa Zhee Corporation.

SEC. 8133. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C.

7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8134. Notwithstanding section 229(a) of the Social Security Act, no wages shall be deemed to have been paid to any individual pursuant to that section in any calendar year after 2001.

SEC. 8135. The total amount appropriated in this Act is hereby reduced by $105,000,000 to reflect fact-of-life changes in utilities costs, to be derived as follows:

"Operation and Maintenance, Army", $34,700,000;

"Operation and Maintenance, Navy", $8,800,000;

"Operation and Maintenance, Marine Corps", $7,200,000;

"Operation and Maintenance, Air Force", $28,800,000;

"Operation and Maintenance, Defense-Wide", $4,500,000;

"Operation and Maintenance, Army Reserve", $2,700,000;

"Operation and Maintenance, Army National Guard", $2,700,000;

"Operation and Maintenance, Air National Guard", $3,400,000;

"Defense Working Capital Funds", $7,100,000; and

"Defense Health Program", $5,100,000.

SEC. 8136. (a) Of the total amount appropriated for "Operation and Maintenance, Air Force", $2,100,000, to remain available until expended, shall be available to the Secretary of the Air Force only for the purpose of making a grant in the amount of $2,100,000 to the Lafayette Escadrille Memorial Foundation, Inc., to be used to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coguette, France.

(b) The Secretary shall require as a condition of the grant—

(1) that the funds provided through the grant be used only for costs associated with such repair, restoration, and preservation; and

(2) that none of those funds may be used for remuneration of any entity or individual associated with fund raising for the project to carry out such repair, restoration, and preservation.

SEC. 8137. (a) DESIGNATION OF NATIONAL MEMORIAL.—The five-foot-tall white cross first erected by the Veterans of Foreign Wars of the United States in 1934 along Cima Road in San Bernardino County, California, and now located within the boundary of the Mojave National Preserve, as well as a limited amount of adjoining Preserve property to be designated by the Secretary of the Interior, is hereby designated as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war.

(b) LEGAL DESCRIPTION.—The memorial cross referred to in subsection (a) is located at latitude 35.316 North and longitude 115.548 West. The exact acreage and legal description of the property to be included by the Secretary of the Interior in the national World War I memorial shall be determined by a survey prepared by the Secretary.

(c) REINSTALLATION OF MEMORIAL PLAQUE.—The Secretary of the Interior shall use not more than $10,000 of funds available

for the administration of the Mojave National Preserve to acquire a replica of the original memorial plaque and cross placed at the national World War I memorial designated by subsection (a) and to install the plaque in a suitable location on the grounds of the memorial.

SEC. 8138. In addition to the amounts provided elsewhere in this Act, the amount of $4,200,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $4,200,000 to the U.S.S. Alabama Battleship Foundation, a nonprofit organization established under the laws of the State of Alabama, to be available only for the preservation of the former U.S.S. ALABAMA (ex BB–60) as a museum and memorial.

SEC. 8139. In addition to the amounts provided elsewhere in this Act, the amount of $4,250,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $4,250,000 to the Intrepid Sea-Air-Space Foundation only for the preservation of the former U.S.S. INTREPID (CV 11) as a museum and memorial.

SEC. 8140. In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Air Force". Such amount shall be used by the Secretary of the Air Force only to make a grant in the amount of $6,000,000 to the Medical Lake School District, Washington State school district number 326, for relocation of the Fairchild Air Force Base Elementary School within the boundary of Fairchild Air Force Base, Washington.

SEC. 8141. In addition to the amounts provided elsewhere in this Act, the amount of $3,500,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $3,500,000 to the Central Kitsap School District, Washington State school district number 401, for the purchase and installation of equipment for a special needs learning center to meet the needs of Department of Defense special needs students at Submarine Base Bangor, Washington.

SEC. 8142. (a) In addition to amounts provided elsewhere in this Act, the amount of $8,500,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available to the Secretary of Defense only for the purpose of making a grant for the purpose specified in section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 707), as amended by subsection (b). Such grant shall be made not later than 90 days after the date of the enactment of this Act.

(b) Section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 707), is amended by striking the comma after "California" the first place it appears and all that follows through "96–8867)".

SEC. 8143. (a) ACTIVITIES UNDER FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Subject to subsections (b) through (e) of section 611 of Public Law 106–60 (113 Stat. 502; 10 U.S.C. 2701 note), the Secretary of the Army, acting through the Chief of Engineers, under the Formerly Utilized Sites Remedial Action Program shall undertake the functions and activities specified in subsection (a) of such section in order to—

(1) clean up radioactive contamination at the Shpack Landfill site located in Norton and Attleboro, Massachusetts; and

(2) clean up radioactive waste at the Shallow Land Disposal Area located in Parks Township, Armstrong County, Pennsylvania, consistent with the Memorandum of Understanding Between the United States Nuclear Regulatory Commission and the United States Army Corps of Engineers for Coordination on Cleanup and Decommissioning of the Formerly Utilized Sites Remedial Action Program (FUSRAP) Sites with NRC-Licensed Facilities, dated July 5, 2001.

(b) SPECIAL RULES REGARDING SHALLOW LAND DISPOSAL AREA.—The Secretary of the Army shall seek to recover response costs incurred by the Army Corps of Engineers for cleanup of the Shallow Land Disposal Area from appropriate responsible parties in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). The Secretary of the Army and the Corps of Engineers shall not, by virtue of this cleanup, become liable for the actions or omissions of past, current, or future licensees, owners, or operators of the Shallow Land Disposal Area.

(c) FUNDING SOURCES.—Amounts appropriated to the Army Corps of Engineers for fiscal year 2001 and subsequent fiscal years and available for the Formerly Utilized Sites Remedial Action Program shall be available to carry out this section.

SEC. 8144. In addition to amounts otherwise appropriated or made available by this Act, $3,000,000 is appropriated to the Secretary of the Air Force and shall be used by the Secretary to reestablish the Tethered Aerostat Radar System at Morgan City, Louisiana, previously used by the Air Force in maritime, air, and land counter-drug detection and monitoring. Of the amounts appropriated or otherwise made available for operation and maintenance for the Air Force, the Secretary shall use $3,000,000 to operate such Tethered Aerostat Radar System upon its reestablishment.

SEC. 8145. The $100,000 limitation established by section 8046 in Public Law 106–79 and section 8043 of Public Law 106–259, shall not apply to amounts appropriated in that Act under the heading "Operation and Maintenance, Defense-Wide" for expenses related to certain classified activities associated with foreign material.

SEC. 8146. The total amount appropriated in this Act for Operation and Maintenance is hereby reduced by $100,000,000, to reflect savings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

"Operation and Maintenance, Army", $37,000,000;

"Operation and Maintenance, Navy", $29,000,000;

"Operation and Maintenance, Marine Corps", $3,000,000;

"Operation and Maintenance, Air Force", $24,000,000; and

"Operation and Maintenance, Defense-Wide", $7,000,000.

SEC. 8147. The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive assessment that identifies and evaluates changes to Department of Defense and Department of Veterans Affairs health care delivery policies, methods, practices, and procedures in order to provide improved health care services at reduced costs to the taxpayer. This assessment shall include a detailed independent review, based on a statement of work authored by the Secretaries of both departments,

of options to collocate or share facilities and care providers in areas where duplication and excess capacity may exist, optimize economies of scale through joint procurement of supplies and services, institute cooperative service agreements, and partially or fully integrate DOD and VA systems providing telehealth services, computerized patient records, provider credentialing, surgical quality assessment, rehabilitation services, administrative services, and centers of excellence for specialized health care services. The Secretaries shall jointly transmit a report to Congress by no later than March 1, 2002, explaining the findings and conclusions of this assessment, including detailed estimates of the costs, cost savings, and service benefits of each recommendation, and making legislative and administrative recommendations to implement the results of this effort: *Provided*, That of the funds provided under the heading "Defense Health Program" $2,500,000 shall be made available only for the purpose of conducting the assessment described in this section.

SEC. 8148. (a) Notwithstanding any other provision of law, operation and maintenance funds provided in this Act may be used for the purchase of ultralightweight camouflage net systems as unit spares in order to modernize the current inventory of camouflage screens to state-of-the-art protection standards more quickly than would otherwise be the case.

(b) The authority provided by subsection (a) may not be used until the Secretary of the Army submits to the congressional defense committees a report certifying that, compared to the current system that can be purchased with Army Operation and Maintenance funds, the ultralightweight camouflage net system—

(1) is technically superior against multi-spectral threat sensors;

(2) is less costly per unit; and

(3) provides improved overall force protection.

SEC. 8149. ARMY ACQUISITION MANAGEMENT. (a) FUNDING REDUCTION.—The amount appropriated in this Act for "Operation and Maintenance, Army" is hereby reduced by $5,000,000 to reflect efficiencies in Army acquisition management practices.

(b) REPORT TO CONGRESS ON ARMY REORGANIZATION.—The Secretary of the Army shall submit a report to the congressional defense committees no later than April 15, 2002 providing a detailed explanation of the final plans for realigning Army requirements generation, acquisition, resource management, and Departmental headquarters functions and systems. Such report shall include an independent assessment of the Army plan by the Center for Naval Analyses. Such report shall also include an analysis of the annual budget and personnel savings derived from this reorganization plan by major function compared to the fiscal year 2001 baseline for fiscal years 2002 through 2008.

SEC. 8150. (a) NON-PROFIT ARMY VENTURE CAPITAL CORPORATION.—Of the funds made available for "Research, Development, Test and Evaluation, Army", $25,000,000 shall be available to the Secretary of the Army only for the purpose of funding a venture capital investment corporation established pursuant to section 2371 of title 10 United States Code, to be derived as specified in subsection (b).

(b) FUNDING.—The amount specified in subsection (a) shall be derived by reducing, on a pro rata basis, amounts made available to the Army for basic research and applied research, except for

amounts for research projects designated as congressional special interest items and amounts available to the Army for research, development, test, and evaluation relating to the Future Combat System.

SEC. 8151. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8152. (a) The Secretary of Defense may waive any requirement that the fiscal year 2001 Department of Defense financial statement include the accounts and associated activities of the Department of the Army and the Department of the Navy, to the extent that the Secretary determines necessary due to the effects of the terrorist attack on the Pentagon of September 11, 2001.

(b) If any accounts and associated activities of the Department of the Army or the Department of the Navy are excluded from the fiscal year 2001 Department of Defense financial statement pursuant to subsection (a), the Secretary of Defense shall, as soon as practicable after March 1, 2002, prepare and submit to the Director of the Office of Management and Budget, a revised audited financial statement for fiscal year 2001 that includes all such accounts and activities.

(c) For purposes of this section, the term "fiscal year 2001 Department of Defense financial statement" means the audited financial statement of the Department of Defense for fiscal year 2001 required by section 3515 of title 31, United States Code, to be submitted to the Director of the Office of Management and Budget not later than March 1, 2002.

SEC. 8153. Notwithstanding any other provision of this Act, the Secretary of the Air Force may enter into a multiyear contract, or extend an existing multiyear contract, for the C–17 aircraft: *Provided*, That the authority to enter into such a contract (or contract extension) may not be exercised until a period of not less than 30 days has elapsed after the date of the submission of a report under paragraph (4) of section 2306b(l) of title 10, United States Code: *Provided further*, That the authorities provided in this section shall not be available until the Secretary of Defense submits to the congressional defense committees a certification that the applicable requirements under section 2306b of title 10, United States Code, and section 8008 of this Act with respect to such a contract (or contract extension) have been met.

SEC. 8154. Notwithstanding any other provision of law, of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", $1,450,000, to remain available until expended, is provided only for payment of any expenses incurred after April 1, 2002 of the Commission on the Future of the United States Aerospace Industry pursuant to section 1092(e)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 165A–215).

SEC. 8155. Of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-Wide", $1,000,000, to remain available until expended, shall be made available to the Secretary of Defense, notwithstanding any other provision of law, only for a grant or grants to the Somerset County Board of Commissioners (in the Commonwealth of Pennsylvania), to design and construct a memorial (including operating and maintenance expenses for appropriate security measures to protect the site) at the airplane crash site in Somerset County, Pennsylvania honoring the brave men, women, and children who perished following a valiant struggle with terrorists aboard United Airlines Flight 93 on September 11, 2001.

SEC. 8156. (a) FINDINGS.—The Congress finds that—

(1) in times when our national security is threatened by possible attacks from foreign and domestic enemies, it is necessary that the United States have a sufficient supply of certain products that are essential for defending this Nation; and

(2) it has been the consistent intent of Congress that the Department of Defense, when purchasing items to support the Armed Forces, choose items that are wholly of domestic content and manufacture, especially items identified as essential to our national defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is vital that the United States maintain a domestic manufacturing base for certain products necessary to national security, so that our Nation does not become reliant on foreign sources for such products and thereby vulnerable to disruptions in international trade; and

(2) in cases where such domestic manufacturing base is threatened, the United States should take action to preserve such manufacturing base.

SEC. 8157. (a) Not later than February 1, 2002, the Secretary of Defense shall report to the congressional defense committees on the status of the safety and security of munitions shipments that use commercial trucking carriers within the United States.

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

(1) An assessment of the Department of Defense's policies and practices for conducting background investigations of current and prospective drivers of munitions shipments.

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

(3) A review of the Department of Defense's efforts to establish uniform safety and security standards for cargo terminals not operated by the Department that store munitions shipments.

(4) An assessment of current capabilities to provide for escort security vehicles for shipments that contain dangerous munitions or sensitive technology, or pass through high-risk areas.

(5) A description of current requirements for depots and other defense facilities to remain open outside normal operating hours to receive munitions shipments.

(6) Legislative proposals, if any, to correct deficiencies identified by the Department of Defense in the report under subsection (a).

(c) Not later than 6 months after enactment of this Act, the Secretary shall report to Congress on safety and security procedures used for U.S. munitions shipments in European NATO countries, and provide recommendations on what procedures or technologies used in those countries should be adopted for shipments in the United States.

SEC. 8158. In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $15,000,000, to remain available until September 30, 2002 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $15,000,000 to the Citadel for the Padgett Thomas Barracks in Charleston, South Carolina.

SEC. 8159. MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM. (a) The Secretary of the Air Force may, from funds provided in this Act or any future appropriations Act, establish and make payments on a multi-year pilot program for leasing general purpose Boeing 767 aircraft and Boeing 737 aircraft in commercial configuration.

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

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

(1) The Secretary may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee, but only those that are not inconsistent with any of the terms and conditions mandated herein.

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

(3) The Secretary may provide for special payments in a lessor if the Secretary terminates or cancels the lease prior to the expiration of its term. Such special payments shall not exceed an amount equal to the value of 1 year's lease payment under the lease.

(4) Subchapter IV of chapter 15 of title 31, United States Code shall apply to the lease transactions under this section, except that the limitation in section 1553(b)(2) shall not apply.

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

(6) Lease arrangements authorized by this section may not commence until:

(A) The Secretary submits a report to the congressional defense committees outlining the plans for implementing the Pilot Program. The report shall describe the terms and conditions of proposed contracts and describe the expected savings, if any, comparing total costs, including operation, support, acquisition, and financing, of the lease, including modification, with the outright purchase of the aircraft as modified.

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

(7) Not later than 1 year after the date on which the first aircraft is delivered under this Pilot Program, and yearly

thereafter on the anniversary of the first delivery, the Secretary shall submit a report to the congressional defense committees describing the status of the Pilot Program. The Report will be based on at least 6 months of experience in operating the Pilot Program.

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

(9) At the conclusion of the lease term, each aircraft obtained under that lease may be returned to the contractor in the same configuration in which the aircraft was delivered.

(10) The present value of the total payments over the duration of each lease entered into under this authority shall not exceed 90 percent of the fair market value of the aircraft obtained under that lease.

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

(1) the modification of the general purpose aircraft from the commercial configuration, unless and until separate authority for such conversion is enacted and only to the extent budget authority is provided in advance in appropriations Acts for that purpose; or

(2) the purchase of the aircraft by, or the transfer of ownership to, the Air Force.

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

(f) The authority provided under this section may be used to lease not more than a total of 100 Boeing 767 aircraft and 4 Boeing 737 aircraft for the purposes specified herein.

SEC. 8160. From within amounts made available in the title II of this Act, under the heading "Operation and Maintenance, Army National Guard", and notwithstanding any other provision of law, $2,200,000 shall be available only for repairs and safety improvements to the segment of Camp McCain Road which extends from Highway 8 south toward the boundary of Camp McCain, Mississippi and originating intersection of Camp McCain Road; and for repairs and safety improvements to the segment of Greensboro Road which connects the Administration Offices of Camp McCain to the Troutt Rifle Range: *Provided*, That these funds shall remain available until expended: *Provided further*, That the authorized scope of work includes, but is not limited to, environmental documentation and mitigation, engineering and design, improving safety, resurfacing, widening lanes, enhancing shoulders, and replacing signs and pavement markings.

SEC. 8161. From funds made available under title II of this Act, the Secretary of the Army may make available a grant of $2,100,000 to the Chicago Park District for renovation of the Broadway Armory, a former National Guard facility in the Edgewater community in Chicago.

SEC. 8162. SENSE OF CONGRESS CONCERNING THE MILITARY INDUSTRIAL BASE. (a) IN GENERAL.—It is the sense of the Congress that the military aircraft industrial base of the United States be preserved. In order to ensure this we must retain—

(1) adequate competition in the design, engineering, production, sale and support of military aircraft;

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

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

(b) STUDY OF IMPACT ON THE INDUSTRIAL BASE.—In order to determine the current and future adequacy of the military aircraft industrial base a study shall be conducted. Of the funds made available under the heading "PROCUREMENT, DEFENSE-WIDE" in this Act, up to $1,500,000 may be made available for a comprehensive analysis of and report on the risks to innovation and cost of limited or no competition in contracting for military aircraft and related weapon systems for the Department of Defense, including the cost of contracting where there is no more than one primary manufacturer with the capacity to bid for and build military aircraft and related weapon systems, the impact of any limited competition in primary contracting on innovation in the design, development, and construction of military aircraft and related weapon systems, the impact of limited competition in primary contracting on the current and future capacity of manufacturers to design, engineer and build military aircraft and weapon systems. The Secretary of Defense shall report to the House and Senate Committees on Appropriations on the design of this analysis, and shall submit a report to these committees no later than 6 months from the date of enactment of this Act.

SEC. 8163. In addition to the amounts appropriated or otherwise made available in this Act, $5,200,000, to remain available until September 30, 2002, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $5,200,000 to the Armed Forces Retirement Homes.

SEC. 8164. (a) ASSESSMENT REQUIRED.—Not later than March 15, 2002, the Secretary of the Army shall submit to the Committees on Appropriations of the Senate and House of Representatives a report containing an assessment of current risks under, and various alternatives to, the current Army plan for the destruction of chemical weapons.

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

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

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

(3) A description and assessment of various options for eliminating or reducing the risks described in paragraphs (1) and (2).

(c) CONSIDERATIONS.—In preparing the report, the Secretary shall take into account the plan for the disassembly and neutralization of the agents in chemical weapons as described in Army engineering studies in 1985 and 1996, the 1991 Department of Defense Safety Contingency Plan, and the 1993 findings of the National Academy of Sciences on disassembly and neutralization of chemical weapons.

SEC. 8165. Of the amount appropriated by title II for operation and maintenance, Defense-wide, $47,261,000 may be available for the Defense Leadership and Management Program.

SEC. 8166. SENSE OF THE CONGRESS REGARDING ENVIRONMENTAL CONTAMINATION IN THE PHILIPPINES. It is the sense of the Congress that—

(1) the Secretary of State, in cooperation with the Secretary of Defense, should continue to work with the Government of the Philippines and with appropriate non-governmental organizations in the United States and the Philippines to fully identify and share all relevant information concerning environmental contamination and health effects emanating from former United States military facilities in the Philippines following the departure of the United States military forces from the Philippines in 1992;

(2) the United States and the Government of the Philippines should continue to build upon the agreements outlined in the Joint Statement by the United States and the Republic of the Philippines on a Framework for Bilateral Cooperation in the Environment and Public Health, signed on July 27, 2000; and

(3) Congress should encourage an objective non-governmental study, which would examine environmental contamination and health effects emanating from former United States military facilities in the Philippines, following the departure of United States military forces from the Philippines in 1992.

SEC. 8167. (a) AUTHORITY FOR BURIAL OF CERTAIN INDIVIDUALS AT ARLINGTON NATIONAL CEMETERY.—The Secretary of the Army shall authorize the burial in a separate gravesite at Arlington National Cemetery, Virginia, of any individual who—

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

(2) would have been eligible for burial in Arlington National Cemetery by reason of service in a reserve component of the Armed Forces but for the fact that such individual was less than 60 years of age at the time of death.

(b) ELIGIBILITY OF SURVIVING SPOUSE.—The surviving spouse of an individual buried in a gravesite in Arlington National Cemetery under the authority provided under subsection (a) shall be eligible for burial in the gravesite of the individual to the same extent as the surviving spouse of any other individual buried in Arlington National Cemetery is eligible for burial in the gravesite of such other individual.

SEC. 8168. In fiscal year 2002, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 8169. Of the total amount appropriated by this division for "Operation and Maintenance, Defense-Wide", $3,500,000 may be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77).

SEC. 8170. Of the total amount appropriated by this division for "Operation and Maintenance, Air National Guard", $435,000 may be available (subject to section 2805(c) of title 10, United States Code) for the replacement of deteriorating gas lines, mains,

valves, and fittings at the Air National Guard facility at Rosecrans Memorial Airport, St. Joseph, Missouri, and (subject to section 2811 of title 10, United States Code) for the repair of the roof of the Aerial Port Facility at that airport.

SEC. 8171. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in cooperation with the Secretaries of State and Energy, shall submit a report to Congress describing the steps that have been taken to develop cooperative threat reduction programs with India and Pakistan. Such report shall include recommendations for changes in any provision of existing law that is currently an impediment to the full establishment of such programs, a timetable for implementation of such programs, and an estimated 5-year budget that will be required to fully fund such programs.

SEC. 8172. (a) MODIFICATION OF GENERAL REQUIREMENTS.—Section 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–283) is amended—

(1) in paragraph (1), by inserting ", or its contractors or subcontractors," after "Department of Defense"; and

(2) in paragraph (3), by striking "stored, assembled, disassembled, or maintained" and inserting "manufactured, assembled, or disassembled".

(b) DETERMINATION OF EXPOSURES AT IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of the exposure of current and former employees at the Army facility at the Iowa Army Ammunition Plant, including contractor and subcontractor employees at the facility, to radioactive or other hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(c) NOTIFICATION OF EMPLOYEES REGARDING EXPOSURE.—(1) The Secretary shall take appropriate actions to—

(A) identify current and former employees at the facility referred to in subsection (b), including contractor and subcontractor employees at the facility; and

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

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

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

(B) if necessary, appropriate guidance on contacting health care providers and officials involved with cleanup of the facility who hold an appropriate security clearance.

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

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

(e) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the actions undertaken by the Secretary under this section, including any determinations under subsection (b), the number of workers identified under subsection (c)(1)(A), the content of the notice to such workers under subsection (c)(1)(B), and the status

of progress on the provision of the notice to such workers under subsection (c)(1)(B).

SEC. 8173. None of the funds made available in division A of this Act may be used to provide support or other assistance to the International Criminal Court or to any criminal investigation or other prosecutorial activity of the International Criminal Court.

TITLE IX

COUNTER-TERRORISM AND DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

COUNTER-TERRORISM AND OPERATIONAL RESPONSE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For protection against terrorist attacks that might employ either conventional means or weapons of mass destruction, and to prepare against the consequences of such attacks; to deny unauthorized users the opportunity to modify, steal, inappropriately disclose, or destroy sensitive military data or networks; and to accelerate improvements in information networks and operations, $478,000,000: *Provided*, That of the amounts made available under this heading, $333,000,000 is available only for improving force protection and chemical and biological defense capabilities of the Department of Defense, and improving capabilities to respond to attacks using weapons of mass destruction: *Provided further*, That $70,000,000 is available only for improving the effectiveness of Department of Defense capabilities in the areas of information assurance and critical infrastructure protection, and information operations; and $75,000,000 is available only to develop and demonstrate systems to protect against unconventional nuclear threats: *Provided further*, That in order to carry out the specified purposes under this heading, funds made available under this heading may be transferred to any appropriation account otherwise enacted by this Act: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 90 days of enactment of this Act, the Secretary of Defense shall provide to the Congress a report specifying the projects and accounts to which funds provided under this heading are to be transferred.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $403,000,000, to remain available until September 30, 2004: *Provided*, That of the amounts provided under

this heading, $12,750,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

This division may be cited as the "Department of Defense Appropriations Act, 2002".

DIVISION B—TRANSFERS FROM THE EMERGENCY RESPONSE FUND PURSUANT TO PUBLIC LAW 107–38

The funds appropriated in Public Law 107–38 subject to subsequent enactment and previously designated as an emergency by the President and Congress under the Balanced Budget and Emergency Deficit Control Act of 1985, are transferred to the following chapters and accounts as follows:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Office of the Secretary", $80,919,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $40,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Buildings and Facilities", $73,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $105,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $50,000,000 may be transferred to and merged with the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Buildings and Facilities",

$14,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FOOD SAFETY AND INSPECTION SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Food Safety and Inspection Service", $15,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FOOD AND NUTRITION SERVICE

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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", $39,000,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38: *Provided*, That of the amounts provided in this Act and any amounts available for reallocation in fiscal year 2002, the Secretary shall reallocate funds under section 17(g)(2) of the Child Nutrition Act of 1966 in the manner and under the formula the Secretary deems necessary to respond to the effects of unemployment and other conditions, and starting no later than March 1, 2002, such reallocation shall occur no less frequently than every other month throughout the fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $151,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCY

COMMODITY FUTURES TRADING COMMISSION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Commodity Futures Trading Commission", $16,900,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 101. Title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107–76) is amended under the heading "Food and Drug Administration, Salaries and Expenses" by striking "$13,207,000" and inserting "$13,357,000".

SEC. 102. Section 741(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107–76), is amended by striking "20,000,000 pounds" and inserting "5,000,000 pounds".

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

USA PATRIOT ACT ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Patriot Act Activities", $5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which up to $2,000,000 may be available for a feasibility report, as authorized by section 405 of Public Law 107–56: *Provided*, That funding for the implementation of such enhancements shall be treated as a reprogramming under section 605 of Public Law 107–77 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE REVIEW AND APPEALS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Administrative Review and Appeals", $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, General Legal Activities", $12,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, United States Attorneys", $56,370,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, United States Marshals Service", $10,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $5,000,000 shall be for courthouse security equipment.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction", $9,125,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $745,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $449,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction", $99,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Justice Assistance", $400,000,000, to remain available until expended, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT ACT (Public Law 107–56) and for other counter terrorism programs, to be obligated from amounts made available in Public Law 107–38, of which $9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $251,100,000 shall be for discretionary grants, including equipment, under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CRIME VICTIMS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Crime Victims Fund", $68,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Administration", $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Administration", $1,756,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Public Telecommunications Facilities, Planning and Construction", $8,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That matching requirements set forth in section 392(b) of the Communications Act of 1934, as amended, shall not apply to funds provided in this Act.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $1,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Scientific and Technical Research and Services", $5,000,000 for a cyber security initiative, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CONSTRUCTION OF RESEARCH FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction of Research Facilities", $1,225,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations, Research, and Facilities", $2,750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $4,776,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Care of the Building and Grounds", $30,000,000, to remain available until expended for security enhancements, to be obligated from amounts made available in Public Law 107–38.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $5,000,000, is for Emergency Communications Equipment, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COURT SECURITY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Court Security", $57,521,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, for security of the Federal judiciary, of which not less than $4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit: *Provided*, That the funds may

be expended directly or transferred to the United States Marshals Service.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $2,879,000, to remain available until expended, to enhance security at the Thurgood Marshall Federal Judiciary Building, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF STATE AND RELATED AGENCY

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "International Broadcasting Operations", $9,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BROADCASTING CAPITAL IMPROVEMENTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Broadcasting Capital Improvements", $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses," $1,301,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $20,705,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For emergency expenses for the cost of loan subsidies and for loan modifications as authorized by section 203 of this Act, for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia, and Pennsylvania on September 11, 2001, for "Business Loans Program Account", $75,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DISASTER LOANS PROGRAM ACCOUNT

For emergency expenses for the cost of loan subsidies and for loan modifications as authorized by section 202 of this Act, for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia, and Pennsylvania on September 11, 2001, for "Disaster Loans Program Account", $75,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

SEC. 202. For purposes of assistance available under section 7(b)(2) and (4) of the Small Business Act (15 U.S.C. 636(b)(2) and (4)) to small business concerns located in disaster areas declared as a result of the September 11, 2001, terrorist attacks—

(i) the term "small business concern" shall include not-for-profit institutions and small business concerns described in United States Industry Codes 522320, 522390, 523210, 523920, 523991, 524113, 524114, 524126, 524128, 524210, 524291, 524292, and 524298 of the North American Industry Classification System (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001);

(ii) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than 1 year following the date of enactment of this Act; and

(iii) payments of interest and principal shall be deferred, and no interest shall accrue during the 2-year period following the issuance of such disaster loan.

SEC. 203. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001, terrorist attacks shall be increased to $10,000,000 and the Administrator shall, in lieu of the fee collected under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under section 7(a) to small businesses adversely affected by the September 11, 2001, terrorist attacks and their aftermath, for a period of 1 year

following the date of enactment and to the extent the costs of such reduced fees are offset by appropriations provided by this Act.

SEC. 204. Not later than April 1, 2002, the Secretary of State shall submit to the Committees on Appropriations, in both classified and unclassified form, a report on the United States-People's Republic of China Science and Technology Agreement of 1979, including all protocols. The report is intended to provide a comprehensive evaluation of the benefits of the agreement to the Chinese economy, military, and defense industrial base. The report shall include the following elements:

(1) an accounting of all activities conducted under the Agreement for the past 5 years, and a projection of activities to be undertaken through 2010;

(2) an estimate of the annual cost to the United States to administer the Agreement;

(3) an assessment of how the Agreement has influenced the policies of the People's Republic of China toward scientific and technological cooperation with the United States;

(4) an analysis of the involvement of Chinese nuclear weapons and military missile specialists in the activities of the Joint Commission;

(5) a determination of the extent to which the activities conducted under the Agreement have enhanced the military and industrial base of the People's Republic of China, and an assessment of the impact of projected activities through 2010, including transfers of technology, on China's economic and military capabilities; and

(6) recommendations on improving the monitoring of the activities of the Commission by the Secretaries of Defense and State.

The report shall be developed in consultation with the Secretaries of Commerce, Defense, and Energy, the Directors of the National Science Foundation and the Federal Bureau of Investigation, and the intelligence community.

SEC. 205. From within funds available to the State of Alaska or the Alaska Region of the National Marine Fisheries Service, an additional $500,000 may be made available for the cost of guaranteeing the reduction loan authorized under section 144(d)(4)(A) of title I, division B of Public Law 106–554 (114 Stat. 2763A–242) and that subparagraph is amended to read as follows: "(4)(A) The fishing capacity reduction program required under this subsection is authorized to be financed through a reduction loan of $100,000,000 under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).".

SEC. 206. Title IV of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107–77) is amended in the third proviso of the first undesignated paragraph under the heading "Diplomatic and Consular Programs" by striking "this heading" and inserting "the appropriations accounts within the Administration of Foreign Affairs".

SEC. 207. Title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107–77) is amended in the proviso under the heading "Commission on Ocean Policy" by striking "appointment" and inserting "the first meeting of the Commission".

SEC. 208. Section 626(c) of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107–77) is amended by striking "1:00CV03110(ESG)" and inserting "1:00CV03110(EGS)".

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Defense Emergency Response Fund", $3,395,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, as follows:

(1) For increased situational awareness, $850,000,000;

(2) For increased worldwide posture, $1,495,000,000;

(3) For offensive counterterrorism, $372,000,000;

(4) For initial crisis response, $39,100,000;

(5) For the Pentagon Reservation Maintenance Revolving Fund, $475,000,000;

(6) For relocation costs and other purposes, $164,500,000: *Provided*, That $500,000 shall be made available only for the White House Commission on the National Moment of Remembrance:

Provided further, That from unobligated balances under the heading "Former Soviet Union Threat Reduction", $30,000,000 shall be transferred to "Department of State, Nonproliferation, Anti-terrorism, Demining, and Related Programs" only for the purpose of supporting expansion of the Biological Weapons Redirect and International Science and Technology Centers programs, to prevent former Soviet biological weapons experts from emigrating to proliferant states and to reconfigure former Soviet biological weapons production facilities for peaceful uses.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Amounts available in the "Defense Emergency Response Fund" (the "Fund") shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38): *Provided*, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense, including activities of the National Foreign Intelligence Program funded in defense appropriations acts, only for costs incurred for such purposes on or after September 11, 2001: *Provided further*, That the Fund may be used to liquidate obligations incurred by the Department of Defense under the authorities in section 3732 of the Revised Statutes (41 U.S.C. 11; popularly known as the "Food and Forage Act") for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*,

That the Secretary of Defense may transfer to the Fund amounts from any current appropriation made available in defense appropriations acts, only for the purpose of adjusting and liquidating obligations properly chargeable to the Fund: *Provided further*, That the authority granted in the preceding proviso shall only be exercised after the Secretary of Defense makes a determination that amounts in the Fund are insufficient to liquidate obligations made using appropriations in the Fund, and not prior to 30 days after notifying the congressional defense committees in writing regarding each proposed transfer of funds: *Provided further*, That in order to carry out the specified purposes under this heading, the Secretary of Defense may transfer funds from the Fund to any defense appropriation account enacted in appropriations acts, including "Support for International Sporting Competitions, Defense": *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 30 days of enactment of this Act, and quarterly thereafter, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a report (in unclassified and classified form, as needed) specifying the projects and accounts to which funds provided in this chapter are to be transferred.

SEC. 302. Amounts in the appropriation account "Support for International Sporting Competitions, Defense", may be used to support essential security and safety for the 2002 Winter Olympic Games in Salt Lake City, Utah, without the certification required under subsection 10 U.S.C. 2564(a): *Provided*, That the term "active duty", in section 5802 of Public Law 104–208 shall include State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard in connection with providing essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Paralympic Games.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 304. Notwithstanding any other provision of law, of the amounts appropriated in Public Law 107–38 which remained available in the Defense Emergency Response Fund on December 18, 2001, not to exceed $100,000,000 may be available for payments to Pakistan and Jordan for logistical and military support provided, or to be provided, to United States military operations in connection with Operation Enduring Freedom: *Provided*, That such payments may be made in amounts as the Secretary may determine in his discretion, and such determination is final and conclusive upon the accounting officers of the United States.

(INCLUDING TRANSFER OF FUNDS)

SEC. 305. (a) During the current fiscal year, $475,000,000 of appropriations provided in this Act shall be transferred to the Pentagon Reservation Maintenance Revolving Fund only to

reconstruct the Pentagon Reservation and for related activities as a result of the events of September 11, 2001.

(b) In addition to the amounts provided in subsection (a) or otherwise appropriated in this Act, out of funds appropriated by Public Law 107–38 but not subject to subsequent enactment, not subject to the restrictions of the fifth proviso of that Act, and not transferred before December 18, 2001, the amount of $300,000,000 is transferred to the Pentagon Reservation Maintenance Revolving Fund only to finance accelerated building renovation activities for military command centers and related activities at the Pentagon Reservation in order to accelerate completion of the currently planned Pentagon renovation project by up to 4 years: *Provided*, That notwithstanding any other provision of law, funds allocated and transferred under this section shall be made available until expended: *Provided further*, That the cost to accelerate renovation activities for military command centers and related activities at the Pentagon Reservation shall not be included in any cost cap applicable to the Pentagon renovation: *Provided further*, That the transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(TRANSFER OF FUNDS)

SEC. 306. Notwithstanding any other provision of law or this Act, of the funds unobligated in all fiscal year 2002 appropriations accounts in titles III and IV of division A of this Act, up to 1½ percent of these funds shall be available for transfer to the Operation and Maintenance accounts of the Department of Defense for such costs incurred in support of Operations Enduring Freedom and Noble Anvil: *Provided*, That the Secretary of Defense shall notify the Committees on Appropriations of the House and Senate of transfers made pursuant to this section not later than 15 days after any such transfer is made: *Provided further*, That the transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the transfer authority available under this section may be utilized only after all other funds made available to the Department of Defense pursuant to Public Law 107–38 have been obligated: *Provided further*, That no congressional interest item may be reduced for the purposes of this section: *Provided further*, That such authority to transfer shall expire on April 30, 2002.

SEC. 307. During fiscal year 2002 the President, acting by and with the consent of the Senate, is authorized to appoint a commissioned officer of the Armed Forces, in active status, to the Office of Deputy Administrator of the National Aeronautics and Space Administration notwithstanding section 202(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2472(b)). If so appointed, the provisions of section 403(c)(3), (4), and (5) of title 50, United States Code, shall be applicable while the commissioned officer serves as Deputy Administrator in the same manner and extent as if the officer was serving in a position specified in section 403(c) of title 50, United States Code, except that the officer's military pay and allowances shall be reimbursed from funds available to the National Aeronautics and Space Administration.

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PROTECTIVE CLOTHING AND BREATHING APPARATUS

For a Federal payment to the District of Columbia for protective clothing and breathing apparatus, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $7,144,000, of which $922,000 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, and $453,000 is for the Department of Public Works.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For a Federal payment to the District of Columbia for specialized hazardous materials equipment, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $1,032,000, for the Fire and Emergency Medical Services Department.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For a Federal payment to the District of Columbia for chemical and biological weapons preparedness, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $10,355,000, of which $205,000 is for the Fire and Emergency Medical Services Department, $258,000 is for the Metropolitan Police Department, and $9,892,000 is for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PHARMACEUTICALS FOR RESPONDERS

For a Federal payment to the District of Columbia for pharmaceuticals for responders, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $2,100,000, for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR RESPONSE AND COMMUNICATIONS CAPABILITY

For a Federal payment to the District of Columbia for response and communications capability, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, $14,960,000, of which $7,755,000 is for the Fire and Emergency Medical Services Department, $5,855,000 is for the Metropolitan Police Department, $113,000 is for the Department of Public Works Division of Transportation, $58,000 is for the Office of Property Management, $60,000 is for the Department of Public Works, $750,000 is for the Department of Health, $309,000 is

for the Department of Human Services, and $60,000 is for the Department of Parks and Recreation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for search, rescue and other emergency equipment and support, $8,850,000, of which $5,442,000 is for the Metropolitan Police Department, $208,000 is for the Fire and Emergency Medical Services Department, $398,500 is for the Department of Consumer and Regulatory Affairs, $1,178,500 is for the Department of Public Works, $542,000 is for the Department of Human Services, and $1,081,000 is for the Department of Mental Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for equipment, supplies and vehicles for the Office of the Chief Medical Examiner, $1,780,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for hospital containment facilities for the Department of Health, $8,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for the Office of the Chief Technology Officer, $45,494,000, for a first response landline and wireless interoperability project, of which $1,000,000 shall be used to initiate a comprehensive review, by a non-vendor contractor, of the District's current technology-based systems and to develop a plan for integrating the communications systems of the District of Columbia Metropolitan Police and Fire and Emergency Medical Services Departments with the systems of local, regional and Federal law enforcement agencies, including but not limited to the United States Capitol Police, United States Park Police, United States Secret Service, Federal Bureau of Investigation, Federal Protective Service, and the Washington Metropolitan Area Transit Authority Police: *Provided*, That such plan shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EMERGENCY TRAFFIC MANAGEMENT

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for emergency traffic management, $20,700,000, for the Department of Public Works Division of Transportation, of which $14,000,000 is to upgrade traffic light controllers, $4,700,000 is to establish a video traffic monitoring system, and $2,000,000 is to disseminate traffic information.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR TRAINING AND PLANNING

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for training and planning, $9,949,000, of which $4,400,000 is for the Fire and Emergency Medical Services Department, $990,000 is for the Metropolitan Police Department, $1,200,000 is for the Department of Health, $200,000 is for the Office of the Chief Medical Examiner, $500,000 is for the Office of Property Management, $500,000 is for the Department of Mental Health, $469,000 is for the Department of Consumer and Regulatory Affairs, $240,000 is for the Department of Public Works, $600,000 is for the Department of Human Services, $100,000 is for the Department of Parks and Recreation, and $750,000 is for the Division of Transportation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR INCREASED FACILITY SECURITY

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, for increased facility security, $25,536,000, of which $3,900,000 is for the Emergency Management Agency, $14,575,000 is for the public schools, and $7,061,000 is for the Office of Property Management.

FEDERAL PAYMENT TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For a Federal payment to the Washington Metropolitan Area Transit Authority to meet region-wide security requirements, a contribution of $39,100,000, to be obligated from amounts made available in Public Law 107–38 and to remain available until September 30, 2003, of which $5,000,000 shall be used for protective clothing and breathing apparatus, $2,200,000 shall be for completion of the fiber optic network project, $15,000,000 shall be for a chemical emergency sensor program, and $16,900,000 shall be for increased employee and facility security.

FEDERAL PAYMENT TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

For a Federal payment to the Metropolitan Washington Council of Governments to enhance regional emergency preparedness, coordination and response, $5,000,000, to be obligated from amounts

made available in Public Law 107–38 and to remain available until September 30, 2003, of which $1,500,000 shall be used to contribute to the development of a comprehensive regional emergency preparedness, coordination and response plan, $500,000 shall be used to develop a critical infrastructure threat assessment model, $500,000 shall be used to develop and implement a regional communications plan, and $2,500,000 shall be used to develop protocols and procedures for training and outreach exercises.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia and shall remain available until September 30, 2003.

For Protective Clothing and Breathing Apparatus, to remain available until September 30, 2003, $7,144,000, of which $922,000 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, and $453,000 is for the Department of Public Works.

For Specialized Hazardous Materials Equipment, to remain available until September 30, 2003, $1,032,000, for the Fire and Emergency Medical Services Department.

For Chemical and Biological Weapons Preparedness, to remain available until September 30, 2003, $10,355,000, of which $205,000 is for the Fire and Emergency Medical Services Department, $258,000 is for the Metropolitan Police Department, and $9,892,000 is for the Department of Health.

For Pharmaceuticals for Responders, to remain available until September 30, 2003, $2,100,000, for the Department of Health.

For Response and Communications capability, to remain available until September 30, 2003, $14,960,000, of which $7,755,000 is for the Fire and Emergency Medical Services Department, $5,855,000 is for the Metropolitan Police Department, $113,000 is for the Department of Public Works Division of Transportation, $58,000 is for the Office of Property Management, $60,000 is for the Department of Public Works, $750,000 is for the Department of Health, $309,000 is for the Department of Human Services, and $60,000 is for the Department of Parks and Recreation.

For search, rescue and other emergency equipment and support, to remain available until September 30, 2003, $8,850,000, of which $5,442,000 is for the Metropolitan Police Department, $208,000 is for the Fire and Emergency Medical Services Department, $398,500 is for the Department of Consumer and Regulatory Affairs, $1,178,500 is for the Department of Public Works, $542,000 is for the Department of Human Services, and $1,081,000 is for the Department of Mental Health.

For equipment, supplies and vehicles, to remain available until September 30, 2003, for the Office of the Chief Medical Examiner, $1,780,000.

For hospital containment facilities, to remain available until September 30, 2003, for the Department of Health, $8,000,000.

For the Office of the Chief Technology Officer, to remain available until September 30, 2003, $45,494,000 is for a first response

land-line and wireless interoperability project, of which $1,000,000 shall be used to initiate a comprehensive review by a non-vendor contractor of the District's current technology-based systems and to develop a plan for integrating the communications systems of the District of Columbia Metropolitan Police and Fire and Emergency Medical Services Departments with the systems of local, regional and Federal law enforcement agencies, including, but not limited to the United States Capitol Police, United States Park Police, United States Secret Service, Federal Bureau of Investigation, Federal Protective Service, and the Washington Metropolitan Area Transit Authority Police: *Provided*, That such plan shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002.

For emergency traffic management, to remain available until September 30, 2003, $20,700,000 is for the Department of Public Works Division of Transportation, of which $14,000,000 is to upgrade traffic light controllers, $4,700,000 is to establish a video traffic monitoring system, and $2,000,000 is to disseminate traffic information.

For training and planning, to remain available until September 30, 2003, $9,949,000, of which $4,400,000 is for the Fire and Emergency Medical Services Department, $990,000 is for the Metropolitan Police Department, $1,200,000 is for the Department of Health, $200,000 is for the Office of the Chief Medical Examiner, $500,000 is for the Office of Property Management, $500,000 is for the Department of Mental Health, $469,000 is for the Department of Consumer and Regulatory Affairs, $240,000 is for the Department of Public Works, $600,000 is for the Department of Human Services, $100,000 is for the Department of Parks and Recreation, and $750,000 is for the Division of Transportation.

For increased facility security, to remain available until September 30, 2003, $25,536,000, of which $3,900,000 is for the Emergency Management Agency, $14,575,000 for the public schools, and $7,061,000 for the Office of Property Management.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. Notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia may transfer up to 5 percent of the funds appropriated to the District of Columbia in this chapter between these accounts: *Provided*, That no such transfer shall take place unless the Chief Financial Officer of the District of Columbia notifies in writing the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of such transfer.

SEC. 402. The Chief Financial Officer of the District of Columbia, the Chief Financial Officer of the Washington Metropolitan Area Transit Authority and the Executive Director of the Metropolitan Washington Council of Governments shall provide quarterly reports to the President and the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this chapter beginning no later than March 15, 2002.

SEC. 403. Notwithstanding any other provision of law, all amounts under this chapter shall be apportioned quarterly by the Office of Management and Budget: *Provided*, That all such funds shall be made available no later than September 30, 2002.

SEC. 404. In the Fiscal Year 2002 District of Columbia Appropriations Act under the heading "Administrative Provisions, Payments for Representation of Indigents" under subsection (c), strike all after "March 1, 2002." through "'3600'.".

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation and Maintenance, General", $139,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Water and Related Resources", $30,259,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for "Weapons Activities", $131,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEFENSE NUCLEAR NONPROLIFERATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for "Defense Nuclear Nonproliferation", $226,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Defense Environmental Restoration and Waste Management", $8,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OTHER DEFENSE ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for "Other Defense Activities", $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCY

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear power plants, for "Salaries and Expenses", $36,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That the funds appropriated herein shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. Of the funds provided in this or any other Act for "Defense Environmental Restoration and Waste Management" at the Department of Energy, up to $500,000 may be available to the Secretary of Energy for safety improvements to roads along the shipping route to the Waste Isolation Pilot Plant site.

SEC. 502. NUTWOOD LEVEE, ILLINOIS. The Energy and Water Development Appropriations Act, 2002 (Public Law 107–66) is amended under the heading "Title I, Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Construction, General" by inserting after "$3,500,000" but before the "." ": *Provided further*, That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, may initiate construction on the Nutwood Levee, Illinois project".

SEC. 503. The Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows:

(1) by inserting in section 4(c) after "2000," and before "costs" the following: "and the additional $32,000,000 further authorized to be appropriated by amendments to the Act in 2001,"; and

(2) by inserting in section 5 after "levels)," and before "plus" the following: "and, effective October 1, 2001, not to

exceed an additional $32,000,000 (October 1, 2001, price levels),".

SEC. 504. JICARILLA, NEW MEXICO, MUNICIPAL WATER SYSTEM. Public Law 107–66 is amended—

(1) under the heading of "Title I, Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Construction, General"—

(A) by striking "*Provided further*, That using $2,500,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico:"; and

(B) insert at the end before the period the following: ": *Provided further*, That using funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to transfer $2,500,000 to the Secretary of the Interior for the Bureau of Reclamation to proceed with the Jicarilla Municipal Water System in the town of Dulce, New Mexico"; and

(2) under the heading of "Title II, Department of the Interior, Bureau of Reclamation, Water and Related Resources, (Including the Transfer of Funds)", insert at the end before the period the following: ": *Provided further*, That using $2,500,000 of the funds provided herein, the Secretary of the Interior is directed to proceed with a final design and initiate construction for the repair and replacement of the Jicarilla Municipal Water System in the town of Dulce, New Mexico".

SEC. 505. (a) OCCOQUAN RIVER, VIRGINIA.—The project for navigation, Occoquan Creek, Virginia, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 19, 1890 (26 Stat. 440), is modified to direct the Secretary of the Army—

(1) to deepen the project to a depth of 9 feet; and

(2) to widen the project between Channel Marker Number 2 and the bridge at United States Route 1 to a width of 200 feet.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the project referred to in subsection (a) by the Energy and Water Development Appropriations Act, 2001 (as enacted into law by Public Law 106–377), shall be made available to carry out the modifications to the project under subsection (a).

(c) PROJECT REDESIGNATION.—

(1) IN GENERAL.—The project referred to in subsection (a) shall be known and designated as the "project for navigation, Occoquan River, Virginia".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the project referred to in subsection (a) shall be deemed to be a reference to the "project for navigation, Occoquan River, Virginia".

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "International Disaster Assistance", $50,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, for humanitarian and reconstruction activities in Afghanistan.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Operation of the National Park System", $10,098,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

UNITED STATES PARK POLICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for the "United States Park Police", $25,295,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Construction", $21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That notwithstanding any other provision of law, single but separate procurements for the construction of security improvements at the Washington Monument, for security improvements at the Lincoln Memorial, and for security improvements at the Jefferson Memorial, may be issued that include the full scope of each project, except that each solicitation and contract shall contain the clause "availability of funds" found at section 52.232.18 of title 48, Code of Federal Regulations.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses",

$2,205,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, for the working capital fund of the Department of the Interior.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses" of the Smithsonian Institution, $21,707,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses" of the National Gallery of Art, $2,148,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Operations and Maintenance" of the John F. Kennedy Center for the Performing Arts, $4,310,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses" of the National Capital Planning Commission, $758,000, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 701. (a) IN GENERAL.—The Secretary of the Smithsonian Institution shall collect and preserve in the National Museum of American History artifacts relating to the September 11th attacks on the World Trade Center and the Pentagon.

(b) TYPES OF ARTIFACTS.—In carrying out subsection (a), the Secretary of the Smithsonian Institution shall consider collecting and preserving—

(1) pieces of the World Trade Center and the Pentagon;

(2) still and video images made by private individuals and the media;

(3) personal narratives of survivors, rescuers, and government officials; and

(4) other artifacts, recordings, and testimonials that the Secretary of the Smithsonian Institution determines have lasting historical significance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Smithsonian Institution $5,000,000 to carry out this section.

SEC. 702. Section 29 of Public Law 92–203, as enacted under section 4 of Public Law 94–204 (43 U.S.C. 1626), is amended by adding at the end of subsection (e) the following:

"(4)(A) Congress confirms that Federal procurement programs for tribes and Alaska Native Corporations are enacted pursuant to its authority under Article I, Section 8 of the United States Constitution.

"(B) Contracting with an entity defined in subsection (e)(2) of this section or section 3(c) of Public Law 93–262 shall be credited towards the satisfaction of a contractor's obligations under section 7 of Public Law 87–305.

"(C) Any entity that satisfies subsection (e)(2) of this section that has been certified under section 8 of Public Law 85–536 is a Disadvantaged Business Enterprise for the purposes of Public Law 105–178.".

CHAPTER 8

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Training and employment services", $32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such amount shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "State Unemployment Insurance and Employment Service Operations", $4,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

WORKERS COMPENSATION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Workers Compensation Programs", $175,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, of such amount, $125,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment

to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $1,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $5,880,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Disease control, research, and training" for baseline safety screening for the emergency services personnel and rescue and recovery personnel, $12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, to provide grants to public entities, not-for-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers to reimburse for health care related expenses or lost revenues directly attributable to the public health emergency resulting from the September 11, 2001, terrorist acts, for "Public Health and Social Services Emergency Fund", $140,000,000, to remain available until expended, to be obligated

from amounts made available in Public Law 107–38: *Provided*, That none of the costs have been reimbursed or are eligible for reimbursement from other sources.

For emergency expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for "Public Health and Social Services Emergency Fund", $2,504,314,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38. Of this amount, $865,000,000 shall be for the Centers for Disease Control and Prevention for improving State and local capacity; $135,000,000 shall be for grants to improve hospital capacity to respond to bioterrorism; $100,000,000 shall be for upgrading capacity at the Centers for Disease Control and Prevention, including research: *Provided*, That up to $10,000,000 of this amount shall be for the tracking and control of biological pathogens; $85,000,000 shall be for the National Institute of Allergy and Infectious Diseases for bioterrorism-related research and development and other related needs; $70,000,000 shall be for the National Institute of Allergy and Infectious Diseases for the construction of a biosafety laboratory and related infrastructure costs; $593,000,000 shall be for the National Pharmaceutical Stockpile; $512,000,000 shall be for the purchase of smallpox vaccine; $71,000,000 shall be for improving laboratory security at the National Institutes of Health and the Centers for Disease Control and Prevention; $7,500,000 shall be for environmental hazard control activities conducted by the Centers for Disease Control and Prevention; $10,000,000 shall be for the Substance Abuse and Mental Health Services Administration; and $55,814,000 shall be for bioterrorism preparedness and disaster response activities in the Office of the Secretary. At the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For emergency expenses to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, for the Project School Emergency Response to Violence program, $10,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Limitation on Administrative Expenses", $7,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 9

LEGISLATIVE BRANCH

JOINT ITEMS

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States, $256,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That $34,500,000 shall be transferred to "Senate", "Sergeant at Arms and Doorkeeper of the Senate", and shall be obligated with the prior approval of the Senate Committee on Appropriations: *Provided further*, That $41,712,000 shall be transferred to "House of Representatives", "Salaries and Expenses", and shall be obligated with the prior approval of the House Committee on Appropriations: *Provided further*, That $31,000,000 shall be transferred to "Capitol Police Board", "Capitol Police", "General Expenses": *Provided further*, That $350,000 shall be transferred to "Capitol Guide Service and Special Services Office": *Provided further*, That $106,304,000 shall be transferred to "Architect of the Capitol", "Capitol Buildings and Grounds", "Capitol Buildings": *Provided further*, That $29,615,000 shall be transferred to "Library of Congress", "Salaries and Expenses": *Provided further*, That $4,000,000 shall be transferred to the "Government Printing Office", "Government Printing Office Revolving Fund": *Provided further*, That $7,600,000 shall be transferred to "General Accounting Office", "Salaries and Expenses": *Provided further*, That $1,000,000 shall be transferred as a grant to the United States Capitol Historical Society: *Provided further*, That any Legislative Branch entity receiving funds pursuant to the Emergency Response Fund established by Public Law 107–38 (without regard to whether the funds are provided under this chapter or pursuant to any other provision of law) may transfer any funds provided to the entity to any other Legislative Branch account in an amount equal to that required to provide support for security enhancements, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

SENATE

ADMINISTRATIVE PROVISIONS

SEC. 901. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Sergeant at Arms of the Senate

may acquire buildings and facilities for the use of the Senate, as appropriate, by lease, purchase, or such other arrangement as the Sergeant at Arms of the Senate considers appropriate (including a memorandum of understanding with the head of an executive agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency). Actions taken by the Sergeant at Arms of the Senate must be approved by the Committees on Appropriations and Rules and Administration.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Sergeant at Arms of the Senate may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Sergeant at Arms of the Senate considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Sergeant at Arms of the Senate pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking "The Capitol Police" and inserting "(a) The Capitol Police"; and

(B) by adding at the end the following new subsection:

"(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.".

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the Senate, the Architect of the Capitol may transfer to the Sergeant at Arms of the Senate amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the Senate office buildings during a fiscal year in order to cover any portion of the costs incurred by the Sergeant at Arms of the Senate during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 902. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Sergeant at Arms of the Senate and the head of an executive agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the agency may provide facilities, equipment, supplies, personnel, and other

support services for the use of the Senate during an emergency situation; and

(2) the Sergeant at Arms of the Senate and the head of the agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Sergeant at Arms of the Senate may enter into a memorandum of understanding described in subsection (a)(1) consistent with the Senate Procurement Regulations.

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

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 903. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an executive agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking "The Capitol Police" and inserting "(a) The Capitol Police"; and

(B) by adding at the end the following new subsection:

"(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.".

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 904. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Chief Administrative Officer of the House of Representatives and the head of an executive agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) without the approval of the Speaker of the House of Representatives.

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

SEC. 905. (a) There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) The Speaker, in consultation with the minority leader—

(1) shall provide policy direction for, and oversight of, the Office;

(2) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office;

(3) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5, United States Code, and the authority referred to in section 8468(h)(2)(B) of title 5, United States Code;

(4) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(5) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(c) The day-to-day operations of the Office shall be carried out by the Director, under the supervision of a Board, to be known as the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant at Arms, and the Chief

Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(d) Until otherwise provided by law, funds shall be available for the Office from amounts appropriated for the operations of the House of Representatives.

(e) This section shall take effect on the date of the enactment of this Act and shall apply to fiscal years beginning with fiscal year 2002.

SEC. 906. (a) As determined by the Sergeant at Arms of the House of Representatives, any anthrax-contaminated mail delivered by the United States Postal Service to the House of Representatives shall be destroyed or otherwise disposed of.

(b) No action taken under this section may serve as a basis for civil or criminal liability of any individual or entity.

(c) As used in this section, the term "anthrax-contaminated mail" means any mail matter that, as determined by the Sergeant at Arms, by reason of the events of October 2001—

(1) is contaminated by anthrax or any other substance the mailing of which is prohibited by section 1716 of title 18, United States Code, or any other law of the United States; or

(2) may be so contaminated, but the ascertainment of which is not technically feasible or is otherwise impracticable.

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

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 907. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking "but not to exceed" and all that follows and inserting the following: "but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.".

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed $1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 908. (a) The Capitol Police Board may, in order to recruit or retain qualified personnel, establish and maintain a program under which the Capitol Police may agree to repay (by direct payments on behalf of a civilian employee or member of the Capitol Police) all or a portion of any student loan previously taken out by such employee or member.

(b) The Capitol Police Board may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Board determines necessary to provide for such program.

(c) The regulations shall provide that the amount paid by the Capitol Police may not exceed—

(1) $6,000 for any civilian employee or member of the Capitol Police in any calendar year; or

(2) a total of $40,000 in the case of any employee or member.

(d) The Capitol Police may not reimburse a civilian employee or member of the Capitol Police for any repayments made by such employee or member prior to the Capitol Police entering into an agreement under this section with such employee or member.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 909. (a) RECRUITMENT AND RELOCATION BONUSES.—

(1) AUTHORIZATION OF PAYMENT.—The Capitol Police Board (hereafter in this section referred to as the "Board") may authorize the Chief of the United States Capitol Police (hereafter in this section referred to as the "Chief") to pay a bonus to an individual who is newly appointed to a position as an officer or employee of the Capitol Police, and to pay an additional bonus to an individual who must relocate to accept a position as an officer or employee of the Capitol Police, if the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position.

(2) AMOUNT OF PAYMENT.—The amount of a bonus under this subsection shall be determined by regulations of the Board, but the amount of any bonus paid to an individual under this subsection may not exceed 25 percent of the annual rate of basic pay of the position to which the individual is being appointed.

(3) MINIMUM PERIOD OF SERVICE REQUIRED.—Payment of a bonus under this subsection shall be contingent upon the individual entering into an agreement with the Capitol Police to complete a period of employment with the Capitol Police, with the required period determined pursuant to regulations of the Board. If the individual voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the individual shall repay the bonus on a pro rata basis.

(4) BONUS NOT CONSIDERED PART OF BASIC PAY.—A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(5) PAYMENT PERMITTED PRIOR TO COMMENCEMENT OF DUTY.—Under regulations of the Board, a bonus under this subsection may be paid to a newly-hired officer or employee before the officer or employee enters on duty.

(b) RETENTION ALLOWANCES.—

(1) AUTHORIZATION OF PAYMENT.—The Board may authorize the Chief to pay an allowance to an officer or employee of the United States Capitol Police if—

(A) the unusually high or unique qualifications of the officer or employee or a special need of the Capitol Police

for the officer's or employee's services makes it essential to retain the officer or employee; and

(B) the Chief determines that the officer or employee would be likely to leave in the absence of a retention allowance.

(2) AMOUNT OF PAYMENT.—A retention allowance, which shall be stated as a percentage of the rate of basic pay of the officer or employee, may not exceed 25 percent of such rate of basic pay.

(3) PAYMENT NOT CONSIDERED PART OF BASIC PAY.—A retention allowance may not be considered to be part of the basic pay of an officer or employee, and the reduction or elimination of a retention allowance may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under any of the laws made applicable to the Capitol Police pursuant to section 102 of the Congressional Accountability Act of 1995 (2 U.S.C. 1302).

(4) TIME AND MANNER OF PAYMENT.—A retention allowance under this subsection shall be paid at the same time and in the same manner as the officer's or employee's basic pay is paid.

(c) LUMP SUM INCENTIVE AND MERIT BONUS PAYMENTS.—

(1) IN GENERAL.—The Board may pay an incentive or merit bonus to an officer or employee of the United States Capitol Police who meets such criteria for receiving the bonus as the Board may establish.

(2) BONUS NOT CONSIDERED PART OF BASIC PAY.—A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(d) SERVICE STEP INCREASES FOR MERITORIOUS SERVICE FOR OFFICERS.—Upon the approval of the Chief—

(1) an officer of the United States Capitol Police in a service step who has demonstrated meritorious service (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the next higher service step, effective with the first pay period which begins after the date of the Chief's approval; and

(2) an officer of the United States Capitol Police in a service step who has demonstrated extraordinary performance (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the second next higher service step, effective with the first pay period which begins after the date of the Chief's approval.

(e) ADDITIONAL COMPENSATION FOR FIELD TRAINING OFFICERS.—

(1) IN GENERAL.—Each officer of the United States Capitol Police who is assigned to duty as a field training officer shall receive, in addition to the officer's scheduled rate of compensation, an additional amount determined by the Board (but not to exceed $2,000 per annum).

(2) MANNER OF PAYMENT.—The additional compensation authorized by this subsection shall be paid to the officer in the same manner as the officer is paid basic compensation, except that when the officer ceases to be assigned to duty as a field training officer, the loss of such additional compensation shall not constitute an adverse action for any purpose.

(f) REGULATIONS.—

(1) IN GENERAL.—The payment of bonuses, allowances, step increases, compensation, and other payments pursuant to this section shall be carried out in accordance with regulations prescribed by the Board.

(2) APPROVAL.—The regulations prescribed pursuant to this subsection shall be subject to the approval of the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

(g) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 910. In addition to the authority provided under section 121 of the Legislative Branch Appropriations Act, 2002, at any time on or after the date of the enactment of this Act, the Capitol Police Board may accept contributions of comfort and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

SEC. 911. ASSISTANCE BY EXECUTIVE DEPARTMENTS AND AGENCIES TO THE CAPITOL POLICE. (a) ASSISTANCE.—

(1) IN GENERAL.—Executive departments and Executive agencies may assist the United States Capitol Police in the performance of its duties by providing services (including personnel), equipment, and facilities on a temporary and reimbursable basis when requested by the Capitol Police Board and on a permanent and reimbursable basis upon advance written request of the Capitol Police Board; except that the Department of Defense and the Coast Guard may provide such assistance on a temporary basis without reimbursement when assisting the United States Capitol Police in its duties directly related to protection under the Act of July 31, 1946 (40 U.S.C. 212a–2). Before making a request under this paragraph, the Capitol Police Board shall consult with appropriate Members of the Senate and House of Representatives in leadership positions, except in an emergency.

(2) PROCUREMENT.—No services (including personnel), equipment, or facilities may be ordered, purchased, leased, or otherwise procured for the purposes of carrying out the duties of the United States Capitol Police by persons other than officers or employees of the Federal Government duly authorized by the Chairman of the Capitol Police Board to make such orders, purchases, leases, or procurements.

(3) EXPENDITURES OR OBLIGATION OF FUNDS.—No funds may be expended or obligated for the purpose of carrying out this section other than funds specifically appropriated to the Capitol Police Board or the United States Capitol Police for those purposes with the exception of—

(A) expenditures made by the Department of Defense or the Coast Guard from funds appropriated to the Department of Defense or the Coast Guard in providing assistance on a temporary basis to the United States Capitol Police in the performance of its duties directly related to protection under the Act of July 31, 1946 (40 U.S.C. 212a–2); and

(B) expenditures made by Executive departments and agencies, in providing assistance at the request of the United States Capitol Police in the performance of its duties, and which will be reimbursed by the United States Capitol Police under this section.

(4) PROVISION OF ASSISTANCE.—Assistance under this section shall be provided—

(A) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a–2);

(B) upon the advance written request of—

(i) the Capitol Police Board; or

(ii) in an emergency—

(I) the Sergeant at Arms and Doorkeeper of the Senate in any matter relating to the Senate; or

(II) the Sergeant at Arms of the House of Representatives in any matter relating to the House of Representatives; and

(C)(i) on a temporary and reimbursable basis;

(ii) on a permanent reimbursable basis upon advance written request of the Capitol Police Board; or

(iii) on a temporary basis without reimbursement by the Department of Defense and the Coast Guard as described under paragraph (1).

(b) REPORTS.—

(1) SUBMISSION.—With respect to any fiscal year in which an executive department or executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 90 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENT.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to each fiscal year occurring after such date.

SEC. 912. (a)(1) In the event of an emergency, as determined by the Capitol Police Board, or of a joint session of Congress, the Chief of the Capitol Police may enter into agreements—

(A) with the District of Columbia to deputize members of the District of Columbia National Guard, who are qualified for law enforcement functions, for duty with the Captiol Police for the purpose of policing the Capitol grounds; and

(B) with any appropriate governmental law enforcement authority to deputize law enforcement officers for duty with the Capitol Police for the purpose of policing the Capitol grounds.

(2) Any agreement under paragraph (1) shall be subject to initial approval by the Capitol Police Board and to final approval by the Speaker of the House of Representatives (in consultation

with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly.

(b) Subject to approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly, the Capitol Police Board shall prescribe regulations to carry out this section.

(c) This section shall expire on September 30, 2002.

SEC. 913. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

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

SEC. 914. (a) In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b), as amended by section 129(c)(1) of the Legislative Branch Appropriations Act, 2002, is amended by adding at the end the following new subsection:

"(c) The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.".

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 915. (a) Public Law 107–68 is amended by adding at the end the following:

"This Act may be cited as the 'Legislative Branch Appropriations Act, 2002'.".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

SEC. 916. Section 102 of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68) is amended—

(1) in subsection (a), by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively;

(2) in subsection (g)(1)—

(A) in subparagraph (A), by striking "subsection (i)(1)(A)" and inserting "subsection (h)(1)(A)"; and

(B) in subparagraph (B), by striking "subsection (i)(1)(B)" and inserting "subsection (h)(1)(B)".

SEC. 917. (a) Section 209 of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68) is amended in the matter amending Public Law 106–173 by striking the quotation marks and period at the end of the new subsection (g) and inserting

the following: "Any reimbursement under this subsection shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

"(h) EMPLOYMENT BENEFITS.—

"(1) IN GENERAL.—The Commission shall fix employment benefits for the Director and for additional personnel appointed under section 6(a), in accordance with paragraphs (2) and (3).

"(2) EMPLOYMENT BENEFITS FOR THE DIRECTOR.—

"(A) IN GENERAL.—The Commission shall determine whether or not to treat the Director as a Federal employee for purposes of employment benefits. If the Commission determines that the Director is to be treated as a Federal employee, then he or she is deemed to be an employee as that term is defined by section 2105 of title 5, United States Code, for purposes of chapters 63, 83, 84, 87, 89, and 90 of that title, and is deemed to be an employee for purposes of chapter 81 of that title. If the Commission determines that the Director is not to be treated as a Federal employee for purposes of employment benefits, then the Commission or its administrative support service provider shall establish appropriate alternative employment benefits for the Director. The Commission's determination shall be irrevocable with respect to each individual appointed as Director, and the Commission shall notify the Office of Personnel Management and the Department of Labor of its determination. Notwithstanding the Commission's determination, the Director's service is deemed to be Federal service for purposes of section 8501 of title 5, United States Code.

"(B) DETAILEE SERVING AS DIRECTOR.—Subparagraph (A) shall not apply to a detailee who is serving as Director.

"(3) EMPLOYMENT BENEFITS FOR ADDITIONAL PERSONNEL.—A person appointed to the Commission staff under subsection (b)(2) is deemed to be an employee as that term is defined by section 2105 of title 5, United States Code, for purposes of chapters 63, 83, 84, 87, 89, and 90 of that title, and is deemed to be an employee for purposes of chapter 81 of that title.".

(b) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68).

SEC. 918. (a) Section 133(a) of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68) is amended—

(1) by striking "90-day" in paragraph (1) and inserting "180-day"; and

(2) by striking "90 days" in paragraph (2)(C) and inserting "180 days".

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2002 (Public Law 107–68).

CHAPTER 10

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Military Construction, Army", $20,700,000, to remain available until expended: *Provided*, That these funds shall be obligated from amounts made available in Public Law 107–38.

MILITARY CONSTRUCTION, NAVY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Military Construction, Navy", $2,000,000, to remain available until expended: *Provided*, That these funds shall be obligated from amounts made available in Public Law 107–38.

MILITARY CONSTRUCTION, AIR FORCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Military Construction, Air Force", $46,700,000, to remain available until expended: *Provided*, That these funds shall be obligated from amounts made available in Public Law 107–38.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Military Construction, Defense-wide", $35,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such amount shall be available for transfer to "Military Construction, Army".

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1001. (a) AVAILABILITY OF AMOUNTS FOR MILITARY CONSTRUCTION RELATING TO TERRORISM.—Amounts made available to the Department of Defense from funds appropriated in Public Law 107–38 and this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

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

(1) The determination to use such amounts for the project.

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

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term "appropriate committees of Congress" has the

meaning given that term in section 2801 (4) of title 10, United States Code.

SEC. 1002. Section 138 of Public Law 106–246 is amended by striking "$77,500,000" and inserting in lieu "$102,000,000 for project completion".

SEC. 1003. Section 2202(a) of the National Defense Authorization Act for Fiscal Year 2002 is amended in the "Navy: Family Housing" table, by striking "Naval Construction Battalion Center, Gulfport" and inserting "Naval Station, Pascagoula".

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

TRANSPORTATION SECURITY ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the "Transportation Security Administration", $94,800,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38: *Provided*, That $93,300,000 shall be for the Under Secretary of Transportation for Security to award competitive grants to critical national seaports to finance the costs of enhancing facility and operational security: *Provided further*, That such grants shall be awarded based on the need for security assessments and enhancements as determined by the Under Secretary of Transportation for Security, the Administrator of the Maritime Administration, and the Commandant of the U.S. Coast Guard: *Provided further*, That such grants shall not supplant funding already provided either by the ports or by any Federal entity: *Provided further*, That no more than $1,000,000 of the grant funds available under this heading shall be used for administration.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, in addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, to be derived from the Airport and Airway Trust Fund, $50,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COAST GUARD

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operating Expenses", $209,150,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations", $200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Facilities and Equipment", $108,500,000, to be derived from the Airport and Airway Trust Fund, to remain available until September 30, 2004, and to be obligated from amounts made available in Public Law 107–38.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Research, Engineering, and Development", $50,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until September 30, 2003, and to be obligated from amounts made available in Public Law 107–38.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for "Grants-in-aid for airports", to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, $175,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

FEDERAL HIGHWAY ADMINISTRATION

MISCELLANEOUS APPROPRIATIONS

(HIGHWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Miscellaneous Appropriations", including the operation and construction of ferries and ferry facilities, $100,000,000, to be derived from the Highway Trust Fund, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the "Emergency Relief Program", as authorized by section 125 of title 23, United States Code, $75,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Safety and Operations", $6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $100,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Formula Grants", $23,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CAPITAL INVESTMENT GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Capital Investment Grants", $100,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38: *Provided*, That in administering funds made available under this paragraph, the Federal Transit Administrator shall direct funds to those transit agencies most severely impacted by the terrorist attacks of September 11, 2001, excluding any transit agency receiving a Federal payment elsewhere in this Act: *Provided further*, That the provisions of 49 U.S.C. 5309(h) shall not apply to funds made available under this paragraph.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Research and Special Programs," $2,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for other safety and security related audit and monitoring responsibilities, for "Salaries and Expenses", $1,300,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses," $650,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 449; 23 U.S.C. 502 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) FOLLOW-ON DEPLOYMENT.—(i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the Department of Transportation has the authority to extend the original contract that was competitively awarded for the deployment of the system in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

"(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment

areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).";

(3) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

"(E) DEFINITIONS.—In this paragraph:

"(i) The term 'initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

"(ii) The term 'follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia."; and

(4) in subparagraph (D), as redesignated by paragraph (1), by striking "subparagraph (D)" and inserting "subparagraph (F)".

SEC. 1102. No appropriated funds or revenues generated by the National Railroad Passenger Corporation may be used to implement section 204(c)(2) of Public Law 105–134 until the Congress has enacted an Amtrak reauthorization Act.

SEC. 1103. (a) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, no funds shall be available for the program authorized under section 1101(a)(11) of Public Law 105–178 and $29,542,304 shall be set aside for the project as authorized under title IV of the National Highway System Designation Act of 1995, as amended: *Provided*, That, if funds authorized under these provisions have been distributed then the amount so specified shall be recalled proportionally from those funds distributed to the States under section 110(b)(4)(A) and (B) of title 23, United States Code.

(b) Notwithstanding any other provision of law, for fiscal year 2002, funds available for environmental streamlining activities under section 104(a)(1)(A) of title 23, United States Code, may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

(c) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for the National motor carrier safety program, $5,896,000 shall be for State commercial driver's license program improvements.

(d) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for border infrastructure improvements, up to $2,300,000 shall be made available to carry out section 1119(d) of the Transportation Equity Act for the 21st Century, as amended.

SEC. 1104. Notwithstanding any other provision of law, of the amounts appropriated in fiscal year 2002 for the Research and Special Programs Administration, $3,170,000 of funds provided for research and special programs shall remain available until September 30, 2004, and $22,786,000 of funds provided for the pipeline safety program derived from the pipeline safety fund shall remain available until September 30, 2004.

SEC. 1105. Item 1497 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 312), relating to Alaska, is amended by inserting "and construct capital improvements to intermodal marine freight and passenger facilities and access thereto" before "in Anchorage".

SEC. 1106. The Department of Transportation and Related Agencies Appropriations Act, 2002 is amended in section 330 by striking "$144,000,000" and inserting "$148,300,000" and in section 349 by striking "$5,000,000" and inserting "$9,300,000" and by striking "$120,323,000" and inserting "$116,023,000".

SEC. 1107. Notwithstanding any other provision of law, none of the funds in the Department of Transportation and Related Agencies Appropriations Act, 2002 shall be available for salaries and expenses of more than 102 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the funds in this Act, or any other Appropriations Act for fiscal year 2002, shall be available for the position of Under Secretary of Transportation for Policy or the position of Assistant Secretary for Public Affairs.

SEC. 1108. Section 1511(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178), as amended, is amended by striking "Rhode Island" and inserting in lieu thereof "Rhode Island, and Texas" and by inserting before the period in subsection (b)(1)(A) ", provided that Texas may not compete for funds previously allocated or appropriated to any other State".

CHAPTER 12

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $2,032,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $1,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $23,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Acquisition, Construction, Improvements, and Related Expenses", $8,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to: (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416).

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $31,431,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $5,200,000 may be used for necessary expenses of site acquisition, construction, operations, maintenance and repair of the special purpose canine training facilities in Front Royal, Virginia.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", to meet requirements, including technology, along the Northern Border, Southwest Border, and at critical seaports, $392,603,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That of such amount, $245,503,000 shall not be available for obligation until 15 days after the United States Customs Service submits to the Committees on Appropriations and the Secretary of the Treasury a financial plan based upon a comprehensive assessment of the most effective uses of the Service's resources, including the funds provided in this Act, for protection along the Northern Border, Southwest Border, and at critical seaports: *Provided further*, That the Secretary of the Treasury is directed to review the activities proposed to be carried out with the funds subject to the previous

proviso and notify the Committees on Appropriations of the findings of his review within 15 days of receipt of such plan.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation, Maintenance and Procurement, Air and Marine Interdiction Programs", $6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Processing, Assistance, and Management", $12,990,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

TAX LAW ENFORCEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Tax Law Enforcement", $4,544,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

INFORMATION SYSTEMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Information Systems", $15,991,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38: *Provided*, That of these amounts $13,548,000 is for a backup computer recovery system to be designed and constructed in close coordination with the business systems modernization effort of the Internal Revenue Service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $104,769,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For emergency expenses to the Postal Service Fund to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material, to sanitize and screen the mail, and to replace or repair Postal Service facilities destroyed or damaged in New York City as a result of the September 11, 2001, terrorist attacks, $500,000,000, to remain available until expended, to be obligated from amounts made available in Public

Law 107–38: *Provided*, That of the amounts appropriated, no funds shall be obligated for the purpose of sanitizing and screening the mail until the Postal Service submits to the Committees on Appropriations, the House Committee on Government Reform, and the Senate Committee on Governmental Affairs an emergency preparedness plan to combat the threat of biological and chemical substances in the mail, including a plan for expenditure of funds in support of the emergency preparedness plan.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $50,040,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Federal Buildings Fund", $126,512,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operating Expenses", $1,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

REPAIRS AND RESTORATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Repairs and Restoration", $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Section 652(c)(1) of Public Law 107–67 is amended by striking "Section 414(c)" and inserting "Section 416(c)".

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "General operating expenses", $2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Community Development Fund", $2,000,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of Public Law 107–73: *Provided further*, That the State of New York, in conjunction with the City of New York, shall, through the Lower Manhattan Redevelopment Corporation ("the corporation"): (1) distribute the funds provided for the "Community Development Fund"; (2) within 45 days of enactment of this Act, issue the initial criteria and requirements necessary to accept applications from individuals, nonprofits, and small businesses for economic losses from the September 11, 2001, terrorist attacks; and (3) begin processing such applications: *Provided further*, That the corporation shall expeditiously respond to any application from an individual, nonprofit, or small business for economic losses under this heading: *Provided further*, That of the total amount made available for the "Community Development Fund", including amounts previously made available by transfer pursuant to the fifth proviso of Public Law 107–38, no less than $500,000,000 shall be made available for individuals, nonprofits, or small businesses described in the prior three provisos, with a limit of $500,000 per small business for economic losses: *Provided further*, That amounts made available in the previous proviso shall only be available for individuals, nonprofits, or small businesses located in New York City in the area located on or south of West 14th Street (west of its intersection with 5th Avenue), or on or south of East 14th Street (east of its intersection with 5th Street): *Provided further*, That, of the amount provided in this paragraph, $10,000,000 shall be used for a program to aid the travel and tourism industry in New York City.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Office of Inspector General", $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "National Institute of Environmental Health Sciences" for carrying out under current authorities, worker training, research, and education activities, $10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

Public Law 107–73 is amended under this heading by adding "and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986," after the words, "as amended,".

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for "Science and technology", $90,308,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for "Environmental programs and management", $39,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for "Hazardous substance superfund", $41,292,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

STATE AND TRIBAL ASSISTANCE GRANTS

For making grants for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for "State and tribal assistance grants", $5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking "Florida Department of Environmental Protection" in reference to item number 92, and inserting "Southwest Florida Water Management District"; and by striking "Southeast" in reference to item number 9, and inserting "Southwest".

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking "repairs to water and sewer lines" in reference to item number 171 and inserting "water and wastewater infrastructure improvements".

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Disaster relief", $4,356,871,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", $25,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38 of which not less than $10,000,000 shall be used to enhance the capabilities of the National Security Division.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Emergency management planning and assistance", $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, which shall be available for support of the 2002 Winter Olympics.

For an additional amount for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and to support activities related to countering terrorism, for "Emergency management planning and assistance", $210,000,000, to remain available until September 30, 2003, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), as in effect on December 7, 2001, to be obligated from amounts made available in Public Law 107–38: *Provided*, That up to 5 percent of this amount shall be transferred to "Salaries and Expenses" for program administration.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Human space flight", $76,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Science, aeronautics and technology", $32,500,000, to remain available until expended,

to be obligated from amounts made available in Public Law 107–38.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Research and related activities", $300,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. (a) This section may be cited as the "Unity in the Spirit of America Act" or the "USA Act".

(b) The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"SEC. 401. PROJECTS.

"(a) DEFINITION.—In this section, the term 'Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

"(b) IDENTIFICATION OF PROJECTS.—

"(1) ESTIMATED NUMBER.—Not later than March 1, 2002, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall—

"(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the 'estimated number'); and

"(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

"(2) IDENTIFIED PROJECTS.—The Foundation may identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation may name projects in honor of victims described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

"(c) ELIGIBLE ENTITIES.—To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, a nonprofit organization (which may be a religious organization), an Indian tribe, or an institution of higher education.

"(d) PROJECTS.—The Foundation shall name, under this section, projects—

"(1) that advance the goals of unity, and improving the quality of life in communities; and

"(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of the Unity in the Spirit of America Act, as determined by the Foundation.

"(e) WEBSITE AND DATABASE.—The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.".

SEC. 1302. Within funds previously appropriated as authorized under the Native American Housing and Self Determination Act of 1996 (Public Law 104–330, section 1(a); 110 Stat. 4016) and made available to Cook Inlet Housing Authority, Cook Inlet Housing Authority may use up to $9,500,000 of such funds to construct student housing for Native college students, including an on-site computer lab and related study facilities, and, notwithstanding any provision of such Act to the contrary, Cook Inlet Housing Authority may use a portion of such funds to establish a reserve fund and to provide for maintenance of the project.

SEC. 1303. Of the amounts made available under both the heading "Housing certificate fund" and the heading "Salaries and Expenses" in title II of Public Law 107–73, not to exceed $11,300,000 shall be for the recordation and liquidation of obligations and deficiencies incurred in prior years in connection with the provision of technical assistance authorized under section 514 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("section 514"), and notwithstanding any other provision of law, for new obligations for such technical assistance: *Provided*, That of the $11,300,000 made available, up to $1,300,000 shall be for reimbursement of vouchers submitted by section 514 grantees as of October 15, 2001: *Provided further*, That of the total amount provided under the heading "Salaries and Expenses" in title II of Public Law 107–73, $500,000 shall be made available from salaries and expenses allocated to the Office of General Counsel and $1,000,000 shall be made available from salaries and expenses allocated to the Office of Multifamily Housing Assistance Restructuring in the Department of Housing and Urban Development for new obligations for the provision of technical assistance authorized under section 514: *Provided further*, That of the $11,300,000 provided under this section, no more than $10,000,000 shall be made available for new obligations for technical assistance under section 514: *Provided further*, That from amounts made available under this section, the Inspector General of the Department of Housing and Urban Development ("HUD Inspector General") shall audit each provision of technical assistance obligated under the requirements of section 514 over the last 4 years: *Provided further*, That to the extent the HUD Inspector General determines that the use of any funding for technical assistance does not meet the requirements of section 514, the Secretary of Housing and Urban Development ("Secretary") shall recapture any such funds: *Provided further*, That no funds appropriated under title II of Public Law 107–73 and subsequent appropriations acts for the Department of Housing and Urban Development shall be made available for 4 years to any entity (or any subsequent entity comprised of significantly the same officers) that has been identified as having violated the requirements of section 514 by the HUD Inspector General: *Provided further*, That, notwithstanding any other provision of law, no funding for technical assistance shall be available for carryover

from any previous year: *Provided further*, That the recordation and liquidation of obligations and deficiencies under this heading shall not pardon or release an officer or employee of the United States Government for an act or acts in violation of the Anti-deficiency Act (31 U.S.C. 1341): *Provided further*, That the Secretary shall implement the provisions under this section in a manner that does not accelerate outlays.

SEC. 1304. The referenced statement of the managers pertaining to economic development initiatives under the heading "Community Development Fund" in Public Law 107–73 is deemed to be amended by striking "Willacacy County Boys and Girls Club in Willacacy County, Texas" in reference to an appropriation for the Willacy County Boys and Girls Club, and inserting "Willacy County Boys and Girls Club in Willacy County, Texas"; by striking "Acres Home Community Development Corporation" in reference to an appropriation in Houston, Texas, and inserting "Old Acres Homes Citizens Council"; and by striking "$250,000 to the Good Shepard School in Braddock, Pennsylvania for facility renovation;" in reference to an appropriation in Braddock, Pennsylvania, and inserting "$250,000 for facility renovation, of which $50,000 is for the Good Shepard School in Braddock, Pennsylvania, and $200,000 is for the Phipps Conservatory and Botanical Gardens in Pittsburgh, Pennsylvania;".

CHAPTER 14

GENERAL PROVISIONS, THIS DIVISION

SEC. 1401. Amounts which may be obligated pursuant to this division are subject to the terms and conditions provided in Public Law 107–38.

SEC. 1402. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1403. Notwithstanding any other provision of law, of the funds made available in this or any other Act, funds may be transferred to the Department of Defense from an agency receiving National Guard services related to homeland security to cover the costs of such services that the agency incurred after the date of enactment of this Act: *Provided*, That such authority to transfer shall expire on April 30, 2002: *Provided further*, That each agency receiving National Guard services related to homeland security shall submit to the House and Senate Committees on Appropriations a detailed report of the National Guard's homeland defense activities and expenses incurred after the date of enactment of this Act and planned for the remainder of fiscal year 2002 for that agency and any proposed transfers 15 days prior to such transfers pursuant to this authority.

This division may be cited as the "Emergency Supplemental Act, 2002".

DIVISION C—SPENDING LIMITS AND BUDGETARY ALLOCATIONS FOR FISCAL YEAR 2002

SEC. 101. (a) DISCRETIONARY SPENDING LIMITS.—Section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) for the discretionary category: $681,441,000,000 in new budget authority and $670,206,000,000 in outlays;";

(2) in subparagraph (C), by striking the second "and" after the semicolon; and

(3) in subparagraph (D), by striking "$1,232,000,000" and inserting "$1,473,000,000".

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the enactment of this section, the chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall each—

(1) revise the aggregate levels of new budget authority and outlays for fiscal year 2002 set in sections 101(2) and 101(3) of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a);

(2) revise allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations of their respective House as initially set forth in the joint explanatory statement of managers accompanying the conference report on that concurrent resolution, to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a); and

(3) publish those revised aggregates and allocations in the Congressional Record.

(c) REPEAL OF SECTION 203 OF BUDGET RESOLUTION FOR FISCAL YEAR 2002.—Section 203 of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress) is repealed.

(d) ADJUSTMENTS.—If, for fiscal year 2002, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limit on new budget authority for any category due to technical estimates made by the Director of the Office of Management and Budget, the Director shall make an adjustment equal to the amount of the excess, but not to exceed an amount equal to 0.12 percent of the sum of the adjusted discretionary limits on new budget authority for all categories for fiscal year 2002.

SEC. 102. PAY-AS-YOU-GO ADJUSTMENT.—In preparing the final sequestration report for fiscal year 2002 required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal years 2001 and 2002 under section 252 of that Act to zero.

SEC. 103. When the President submits a budget of the United States Government under section 1105(a) of title 31, United States Code, for fiscal year 2003, he shall submit a report to the Congress that identifies any emergency-designated funding (pursuant to section 251(b)(2)(A) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985) in legislation enacted after September 11, 2001, and before such submission in response to the events of September 11, 2001, that is of an ongoing and recurring nature.

SEC. 104. (a) The section 302(a) allocations, as adjusted pursuant to section 101(b), shall be deemed to be allocations set forth in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 2002 for all purposes under titles III and IV of the Congressional Budget Act of 1974.

(b) REPEALER.—Section 221(d)(2) of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress, 1st session) is repealed.

DIVISION D—MISCELLANEOUS PROVISIONS

TITLE I—CONVEYANCE OF HOMESTAKE MINE

SEC. 101. SHORT TITLE.

This title may be cited as the "Homestake Mine Conveyance Act of 2001".

SEC. 102. FINDINGS.

Congress finds the following:

(1) The United States is among the leading nations in the world in conducting basic scientific research.

(2) That leadership position strengthens the economy and national defense of the United States and provides other important benefits.

(3) The Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research.

(4) The Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory.

(5) Such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States.

(6) The establishment of the laboratory is in the national interest and would substantially improve the capability of the United States to conduct important scientific research.

(7) For economic reasons, Homestake intends to cease operations at the Mine in 2001.

(8) On cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine.

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory.

(10) Use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars for the Federal Government.

(11) If the Mine is selected as the site for the laboratory, it is essential that closure of the Mine not preclude the location of the laboratory at the Mine.

(12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property.

(13) To secure the use of the Mine as the location for the laboratory and to realize the benefits of the proposed laboratory it is necessary for the United States to—

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. 103. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AFFILIATE.—

(A) IN GENERAL.—The term "affiliate" means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) INCLUSIONS.—The term "affiliate" includes a director, officer, or employee of an affiliate.

(3) CONVEYANCE.—The term "conveyance" means the conveyance of the Mine to the State under section 104(a).

(4) FUND.—The term "Fund" means the Environment and Project Trust Fund established under section 108.

(5) HOMESTAKE.—

(A) IN GENERAL.—The term "Homestake" means the Homestake Mining Company of California, a California corporation.

(B) INCLUSION.—The term "Homestake" includes—

(i) a director, officer, or employee of Homestake;

(ii) an affiliate of Homestake; and

(iii) any successor of Homestake or successor to the interest of Homestake in the Mine.

(6) INDEPENDENT ENTITY.—The term "independent entity" means an independent entity selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator—

(A) to conduct a due diligence inspection under section 104(b)(2)(A); and

(B) to determine the fair value of the Mine under section 105(a).

(7) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LABORATORY.—

(A) IN GENERAL.—The term "laboratory" means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) INCLUSION.—The term "laboratory" includes operating and support facilities of the laboratory.

(9) MINE.—

(A) IN GENERAL.—The term "Mine" means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) INCLUSIONS.—The term "Mine" includes—

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, backfill, broken rock, fixtures, facilities, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State; and

(ii) any water that flows into the Mine from any source.

(C) EXCLUSIONS.—The term "Mine" does not include—

(i) the feature known as the "Open Cut";

(ii) any tailings or tailings storage facility (other than backfill in the portion of the Mine described in subparagraph (A)); or

(iii) any waste rock or any site used for the dumping of waste rock (other than broken rock in the portion of the Mine described in subparagraph (A)).

(10) PERSON.—The term "person" means—

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity;

(E) an Indian tribe; and

(F) any department, agency, or instrumentality of the United States.

(11) PROJECT SPONSOR.—The term "project sponsor" means an entity that manages or pays the costs of one or more projects that are carried out or proposed to be carried out at the laboratory.

(12) SCIENTIFIC ADVISORY BOARD.—The term "Scientific Advisory Board" means the entity designated in the management plan of the laboratory to provide scientific oversight for the operation of the laboratory.

(13) STATE.—

(A) IN GENERAL.—The term "State" means the State of South Dakota.

(B) INCLUSIONS.—The term "State" includes an institution, agency, officer, or employee of the State.

SEC. 104. CONVEYANCE OF REAL PROPERTY.

(a) IN GENERAL.—

(1) DELIVERY OF DOCUMENTS.—Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of one or more quitclaim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE.—The Mine shall be conveyed as is, with no representations as to the condition of the property.

(b) REQUIREMENTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Administrator's acceptance of the final report or certification of the independent entity under paragraph (4) is a condition precedent of the conveyance and of the assumption of liability by the United States in accordance with this title.

(2) DUE DILIGENCE INSPECTION.—

(A) IN GENERAL.—As a condition precedent of conveyance and of Federal participation described in this title, Homestake shall permit an independent entity to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine may present an imminent and substantial endangerment to public health or the environment.

(B) CONSULTATION.—As a condition precedent of the conduct of a due diligence inspection, the Administrator, in consultation with Homestake, the South Dakota Department of Environment and Natural Resources, and the independent entity, shall define the methodology and standards to be used, and other factors to be considered, by the independent entity in—

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(C) PARTICIPATION BY HOMESTAKE.—Nothing in this paragraph requires Homestake to participate in the conduct of the due diligence inspection.

(3) REPORT TO THE ADMINISTRATOR.—

(A) IN GENERAL.—The independent entity shall submit to the Administrator a report that—

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that may present an imminent and substantial endangerment to public health or the environment.

(B) PROCEDURE.—

(i) DRAFT REPORT.—Before finalizing the report under this paragraph, the independent entity shall—

(I) issue a draft report;

(II) submit to the Administrator, Homestake, and the State a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least one public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) FINAL REPORT.—In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) REVIEW AND APPROVAL BY ADMINISTRATOR.—

(A) IN GENERAL.—Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall—

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) CONDITIONS FOR REJECTION.—The Administrator may reject the final report if the report discloses one or more conditions that—

(i) as determined by the Administrator, may present an imminent and substantial endangerment to the public health or the environment and require a response action; or

(ii) otherwise make the conveyance in section 104, or the assumption of liability, the release of liability, or the indemnification in section 106 contrary to the public interest.

(C) RESPONSE ACTIONS AND CERTIFICATION.—

(i) RESPONSE ACTIONS.—

(I) IN GENERAL.—If the Administrator rejects the final report, Homestake may carry out or bear the cost of, or permit the State or another person to carry out or bear the cost of, such response actions as are necessary to correct any condition identified by the Administrator under subparagraph (B)(i) that may present an imminent and substantial endangerment to public health or the environment.

(II) LONG-TERM RESPONSE ACTIONS.—

(aa) IN GENERAL.—In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing response action, or response action that can be completed only as part of the final closure of the laboratory, it shall be a condition of conveyance that Homestake, the State, or another person deposit into the Fund such amount as is estimated by the independent entity, on a net present value basis and after taking into account estimated interest on that basis to be sufficient to pay the costs of the long-term response action or the response action that will be completed as part of the final closure of the laboratory.

(bb) LIMITATION ON USE OF FUNDS.—None of the funds deposited into the Fund under item (aa) shall be expended for any purpose other than to pay the costs of the long-term response action, or the response action that will be completed as part of the final closure of the Mine, identified under that item.

(ii) CONTRIBUTION BY HOMESTAKE.—The total amount that Homestake may expend, pay, or deposit into the Fund under subclauses (I) and (II) of clause (i) shall not exceed—

(I) $75,000,000; less

(II) the fair value of the Mine as determined under section 105(a).

(iii) CERTIFICATION.—

(I) IN GENERAL.—After any response actions described in clause (i)(I) are carried out and any required funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(II) ACCEPTANCE OR REJECTION OF CERTIFICATION.—Not later than 60 days after an independent entity makes a certification under subclause (I), the Administrator shall accept or reject the certification.

(c) REVIEW OF CONVEYANCE.—For the purposes of the conveyance, the requirements of this section shall be considered to be sufficient to meet any requirement of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. ASSESSMENT OF PROPERTY.

(a) VALUATION OF PROPERTY.—The independent entity shall assess the fair value of the Mine.

(b) FAIR VALUE.—For the purposes of this section, the fair value of the Mine shall be the fair market value as determined by an appraisal in conformance with the Uniform Appraisal Standards for Federal Land Acquisition. To the extent appraised items only have value to the Federal Government for the purpose of constructing the laboratory, the appraiser shall also add to the assessment of fair value the estimated cost of replacing the shafts, winzes, hoists, tunnels, ventilation system and other equipment and improvements at the Mine that are expected to be used at, or that will be useful to, the laboratory.

(c) REPORT.—Not later than the date on which each report developed in accordance with section 104(b)(3) is submitted to the Administrator, the independent entity described in subsection (a) shall submit to the State a report that identifies the fair value assessed under subsection (a).

SEC. 106. LIABILITY.

(a) ASSUMPTION OF LIABILITY.—

(1) ASSUMPTION.—Subject to paragraph (2), notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall assume any and all liability relating to the Mine and laboratory, including liability for—

(A) damages;

(B) reclamation;

(C) the costs of response to any hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), contaminant, or other material on, under, or relating to the Mine and laboratory; and

(D) closure of the Mine and laboratory.

(2) CLAIMS AGAINST UNITED STATES.—In the case of any claim brought against the United States, the United States shall be liable for—

(A) damages under paragraph (1)(A), only to the extent that an award of damages is made in a civil action brought under chapter 171 of title 28, United States Code, notwithstanding that the act or omission giving rise to the claim was not committed by an employee of the United States; and

(B) response costs under paragraph (1)(C), only to the extent that an award of response costs is made in a civil action brought under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(iv) any other applicable Federal environmental law, as determined by the Administrator.

(b) LIABILITY PROTECTION.—On completion of the conveyance, neither Homestake nor the State shall be liable to any person or the United States for injuries, costs, injunctive relief, reclamation, damages (including damages to natural resources or the environment), or expenses, or liable under any other claim (including claims for indemnification or contribution, claims by third parties for death, personal injury, illness, or loss of or damage to property, or claims for economic loss), under any law (including a regulation) for any claim arising out of or in connection with contamination, pollution, or other condition, use, or closure of the Mine and laboratory, regardless of when a condition giving rise to the liability originated or was discovered.

(c) INDEMNIFICATION.—Notwithstanding any other provision of law, on completion of the conveyance in accordance with this title, the United States shall indemnify, defend, and hold harmless Homestake and the State from and against—

(1) any and all liabilities and claims described in subsection (a), without regard to any limitation under subsection (a)(2); and

(2) any and all liabilities and claims described in subsection (b).

(d) WAIVER OF SOVEREIGN IMMUNITY.—For purposes of this title, the United States waives any claim to sovereign immunity with respect to any claim of Homestake or the State under this title.

(e) TIMING FOR ASSUMPTION OF LIABILITY.—If the conveyance is effectuated by more than one legal transaction, the assumption of liability, liability protection, indemnification, and waiver of sovereign immunity provided for under this section shall apply to each legal transaction, as of the date on which the transaction is completed and with respect to such portion of the Mine as is conveyed under that transaction.

(f) EXCEPTIONS FOR CERTAIN CLAIMS.—Nothing in this section constitutes an assumption of liability by the United States, or relief of liability of Homestake, for—

(1) any unemployment, worker's compensation, or other employment-related claim or cause of action of an employee of Homestake that arose before the date of conveyance;

(2) any claim or cause of action that arose before the date of conveyance, other than claims relating to environmental response costs or natural resource damages; or

(3) any violation of any provision of criminal law.

(g) EXCEPTION FOR OFF-SITE ENVIRONMENTAL CLAIMS.—Nothing in this title constitutes an assumption of liability by the United States, relief of liability for Homestake, or obligation to indemnify Homestake, for any claim, injury, damage, liability, or reclamation or cleanup obligation with respect to any property or asset that is not conveyed under this title, except to the extent that any such claim, injury, damage, liability, or reclamation or cleanup obligation is based on activities or events at the Mine subsequent to the date of conveyance.

SEC. 107. INSURANCE COVERAGE.

(a) PROPERTY AND LIABILITY INSURANCE.—

(1) IN GENERAL.—To the extent property and liability insurance is available and subject to the requirements described in paragraph (2), the State shall purchase property and liability insurance for the Mine and the operation of the laboratory to provide coverage against the liability described in subsections (a) and (b) of section 106.

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are the following:

(A) TERMS OF INSURANCE.—In determining the type, extent of coverage, and policy limits of insurance purchased under this subsection, the State shall—

(i) periodically consult with the Administrator and the Scientific Advisory Board; and

(ii) consider certain factors, including—

(I) the nature of the projects and experiments being conducted in the laboratory;

(II) the availability and cost of commercial insurance; and

(III) the amount of funding available to purchase commercial insurance.

(B) ADDITIONAL TERMS.—The insurance purchased by the State under this subsection may provide coverage that is—

(i) secondary to the insurance purchased by project sponsors; and

(ii) in excess of amounts available in the Fund to pay any claim.

(3) FINANCING OF INSURANCE PURCHASE.—

(A) IN GENERAL.—Subject to section 108, the State may finance the purchase of insurance required under this subsection by using—

(i) funds made available from the Fund; and

(ii) such other funds as are received by the State for the purchase of insurance for the Mine and laboratory.

(B) NO REQUIREMENT TO USE STATE FUNDS.—Nothing in this title requires the State to use State funds to purchase insurance required under this subsection.

(4) ADDITIONAL INSURED.—Any insurance purchased by the State under this subsection shall—

(A) name the United States as an additional insured; or

(B) otherwise provide that the United States is a beneficiary of the insurance policy having the primary right to enforce all rights of the United States under the policy.

(5) TERMINATION OF OBLIGATION TO PURCHASE INSURANCE.—The obligation of the State to purchase insurance under this subsection shall terminate on the date on which—

(A) the Mine ceases to be used as a laboratory; or

(B) sufficient funding ceases to be available for the operation and maintenance of the Mine or laboratory.

(b) PROJECT INSURANCE.—

(1) IN GENERAL.—The State, in consultation with the Administrator and the Scientific Advisory Board, may require, as a condition of approval of a project for the laboratory, that a project sponsor provide property and liability insurance or other applicable coverage for potential liability associated with the project described in subsections (a) and (b) of section 106.

(2) ADDITIONAL INSURED.—Any insurance obtained by the project sponsor under this section shall—

(A) name the State and the United States as additional insureds; or

(B) otherwise provide that the State and the United States are beneficiaries of the insurance policy having the primary right to enforce all rights under the policy.

(c) STATE INSURANCE.—

(1) IN GENERAL.—To the extent required by State law, the State shall purchase, with respect to the operation of the Mine and the laboratory—

(A) unemployment compensation insurance; and

(B) worker's compensation insurance.

(2) PROHIBITION ON USE OF FUNDS FROM FUND.—A State shall not use funds from the Fund to carry out paragraph (1).

SEC. 108. ENVIRONMENT AND PROJECT TRUST FUND.

(a) ESTABLISHMENT.—On completion of the conveyance, the State shall establish, in an interest-bearing account at an accredited financial institution located within the State, the Environment and Project Trust Fund.

(b) AMOUNTS.—The Fund shall consist of—

(1) an annual deposit from the operation and maintenance funding provided for the laboratory in an amount to be determined—

(A) by the State, in consultation with the Administrator and the Scientific Advisory Board; and

(B) after taking into consideration—

(i) the nature of the projects and experiments being conducted at the laboratory;

(ii) available amounts in the Fund;

(iii) any pending costs or claims that may be required to be paid out of the Fund; and

(iv) the amount of funding required for future actions associated with the closure of the facility;

(2) an amount determined by the State, in consultation with the Administrator and the Scientific Advisory Board, and

to be paid by the appropriate project sponsor, for each project to be conducted, which amount—

(A) shall be used to pay—

(i) costs incurred in removing from the Mine or laboratory equipment or other materials related to the project;

(ii) claims arising out of or in connection with the project; and

(iii) if any portion of the amount remains after paying the expenses described in clauses (i) and (ii), other costs described in subsection (c); and

(B) may, at the discretion of the State, be assessed—

(i) annually; or

(ii) in a lump sum as a prerequisite to the approval of the project;

(3) interest earned on amounts in the Fund, which amount of interest shall be used only for a purpose described in subsection (c); and

(4) all other funds received and designated by the State for deposit in the Fund.

(c) EXPENDITURES FROM FUND.—Amounts in the Fund shall be used only for the purposes of funding—

(1) waste and hazardous substance removal or remediation, or other environmental cleanup at the Mine;

(2) removal of equipment and material no longer used, or necessary for use, in conjunction with a project conducted at the laboratory;

(3) a claim arising out of or in connection with the conducting of such a project;

(4) purchases of insurance by the State as required under section 107;

(5) payments for and other costs relating to liability described in section 106; and

(6) closure of the Mine and laboratory.

(d) FEDERAL PAYMENTS FROM FUND.—The United States—

(1) to the extent the United States assumes liability under section 106—

(A) shall be a beneficiary of the Fund; and

(B) may direct that amounts in the Fund be applied to pay amounts and costs described in this section; and

(2) may take action to enforce the right of the United States to receive one or more payments from the Fund.

(e) NO REQUIREMENT OF DEPOSIT OF PUBLIC FUNDS.—Nothing in this section requires the State to deposit State funds as a condition of the assumption by the United States of liability, or the relief of the State or Homestake from liability, under section 106.

SEC. 109. WASTE ROCK MIXING.

After completion of the conveyance, the State shall obtain the approval of the Administrator before disposing of any material quantity of laboratory waste rock if—

(1) the disposal site is on land not conveyed under this title; and

(2) the State determines that the disposal could result in commingling of laboratory waste rock with waste rock disposed of by Homestake before the date of conveyance.

SEC. 110. REQUIREMENTS FOR OPERATION OF LABORATORY.

After the conveyance, nothing in this title exempts the laboratory from compliance with any law (including a Federal environmental law).

SEC. 111. CONTINGENCY.

This title shall be effective contingent on approval by the National Science Board and the making of an award by the National Science Foundation for the establishment of the laboratory at the Mine.

SEC. 112. OBLIGATION IN THE EVENT OF NONCONVEYANCE.

If the conveyance under this title does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this title.

SEC. 113. PAYMENT AND REIMBURSEMENT OF COSTS.

The United States may seek payment—

(1) from the Fund, under section 108(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this title; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this title.

SEC. 114. CONSENT DECREES.

Nothing in this title affects any obligation of a party under—

(1) the 1990 Remedial Action Consent Decree (Civ. No. 90–5101 D. S.D.); or

(2) the 1999 Natural Resource Damage Consent Decree (Civ. Nos. 97–5078 and 97–5100, D. S.D.).

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 116. CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act.

TITLE II—GENERAL PROVISION, THIS DIVISION

SEC. 201. TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS. (a) MEMBERSHIP.—Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)) is amended—

(1) by striking "There is hereby" and inserting the following:

"(1) IN GENERAL.—There is"; and

(2) by striking the second sentence and inserting the following:

"(2) MEMBERSHIP.—The Board shall be composed of—

"(A) the Secretary of Health and Human Services;

"(B) the Librarian of Congress;

"(C) the Secretary of State;

"(D) the Chairman of the Commission of Fine Arts;

"(E) the Mayor of the District of Columbia;

"(F) the Superintendent of Schools of the District of Columbia;

"(G) the Director of the National Park Service;

"(H) the Secretary of Education;

"(I) the Secretary of the Smithsonian Institution;

"(J)(i) the Speaker and the Minority Leader of the House of Representatives;

"(ii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and

"(iii) three additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;

"(K)(i) the Majority Leader and the Minority Leader of the Senate;

"(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and

"(iii) three additional Members of the Senate appointed by the President of the Senate; and

"(L) thirty-six general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b).".

(b) TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.—Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) (referred to in this subsection as a "new general trustee"), except that the initial term of office of each new general trustee shall—

(1) commence on the date on which the new general trustee is appointed by the President; and

(2) terminate on September 1, 2007.

This Act may be cited as the "Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

Appendix B

RESRAD Modeling Memorandum

SITE RESIDENT – Non-Farming, No Use Of Groundwater

As a result of a Human Health Risk Assessment, the following PRG values were developed for the onsite, non-farming resident for a 1E-6 level of risk:

U-238	1.667 pCi/g
U-235	0.416
U-234	11.575
Ra-226	0.027

In order to determine the maximum acceptable concentrations under this scenario, which would meet the Massachusetts ARAR of 10 mrem/yr, the uranium PRG values were adjusted by one order of magnitude to the 1E-5 risk level. The Ra-226 PRG was increased until the uranium concentrations at 1E-5 risk level plus the Ra-226 concentration would yield no more than 10 mrem/yr. This value was determined to be about 1.9 pCi/g above background, which is approximately the 1E-4 risk level for Ra-226, corrected for background. To correct for background, 0.65 pCi/g was subtracted from U-238 and U-234. As a result, the following values, which are measurements above background, were used in this ResRad test case.

U-238	16 pCi/g
U-235	4.16
U-234	115
Ra-226	1.9

This model is based on homogeneous distributed on contamination at the levels noted over the entire 8-acre (32,393 m^2) site. Other parameters are provided in Table 1. In the modeled scenario, there were only 2 pathways for exposure: direct radiation (89% of dose) and soil ingestion (11% of dose). The following is a breakdown of fraction of the dose from each radioisotope at the time of maximum dose (T=0 years) at the given concentrations.

U-238	.0922 pCi/g
U-235	.1081
U-234	.0911
Ra-226	.7086

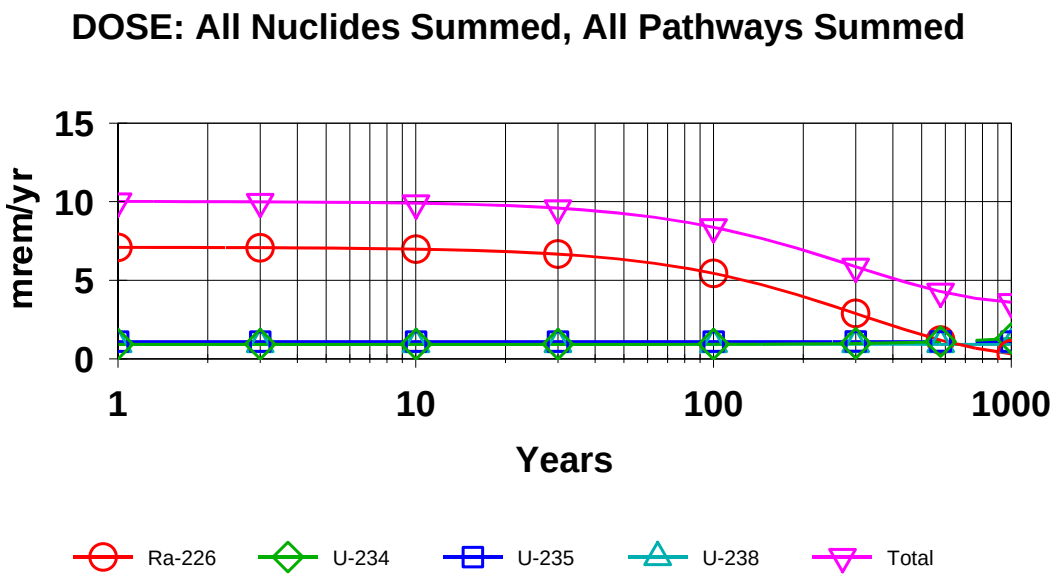
Conclusion: The ResRad modeling for a non-farming, site resident who does NOT use groundwater shows that uranium isotope concentrations associated with PRG's at 1E-5 risk and a concentration of up to 1.9 pCi/g for Ra-226 would be compliant with the Massachusetts ARAR for unrestricted site release (10 mrem/yr).

Table 1
Input Parameters Summary
SITE RESIDENT – Non-Farming, No Use Of Groundwater

Parameter	USACE(1)	PRG(2)
Area of contaminated zone (m**2)	22,270	32,393
Indoor time fraction	0.5	0.683
Outdoor time fraction	0.25	0.073
Soil ingestion rate (g/yr)	36.5	36.5
Distribution coefficient for uranium isotopes	10,900	10,900
Distribution coefficient for radium-226	70	70
Drinking water intake (L/yr)	511	0
Contamination fraction of drinking water	1	0
Contamination fraction of household water	0	0
Contamination fraction of livestock water	1	0
Contamination fraction of irrigation water	1	0
Contamination fraction of aquatic food	0.5	0
Contamination fraction of plant food	0.17	0
Contamination fraction of meat	1	0
Contamination fraction of milk	0.17	0
Mass loading for inhalation (gm/m**3)	6.4E-5	0
Inhalation rate (m**3/yr)	5550	0

Note (1) – The US Army Corps of Engineers values used in their model was for a resident farmer
Note (2) – The values used in this document are for a non-farming resident who receives all household and drinking water from a non-site derived source. Parameters not shown are similar to the USACE model.

Figure 1
Dose-Time Graphing
SITE RESIDENT – Non-Farming, No Use Of Groundwater



resident non-farmer PRG's without water e-5 u Ra 2.RAD 03/16/2004 09:36 Includes All Pathways

SITE RESIDENT – Non-Farming, Groundwater Used

As a result of a Human Health Risk Assessment (HHRA), the following PRG values were developed for the Onsite Resident for a 1E-6 level of risk:

U-238	1.667 pCi/g
U-235	0.416
U-234	11.575
Ra-226	0.027

Although the HHRA addresses groundwater contamination separately from soil contaminants, the ResRad modeling process allows for contributions from groundwater. As such, groundwater was evaluated in this test case.

The above concentration for Ra-226 was increased to reflect a 1E-5 risk since the 0.027 value would not be distinguishable from background concentrations. This increase did not result in the dose exceeding the Massachusetts ARAR of 10 mrem/yr. In addition, to correct for background, 0.65 pCi/g was subtracted from U-238 and U-234. The radium value, even at the 1E-5 risk level, was too low to subtract background, which is believed to also be about 0.65 pCi/g; therefore, the 0.27 value was assumed to exist at that level above background. It should be noted that even this value (0.27 pCi/g) may be difficult to distinguish from background levels of Ra-226. After these adjustments, the following values were used in this ResRad test case.

U-238	1.0 pCi/g
U-235	0.416
U-234	10.9
Ra-226	0.27

This model is based on homogeneous distributed on contamination at the levels noted over the entire 8-acre (32,393 m^2) site. Other parameters are provided in Table 2. In the modeled scenario, there were 3 pathways for exposure: groundwater (93% of dose), direct radiation (5% of dose) and soil ingestion (2% of dose). The following is a breakdown of fraction of the dose from each radioisotope at time of the maximum dose (T= 834 years) at the given concentrations.

U-238	.0118
U-235	.1945
U-234	.0418
Ra-226	.7519

Conclusion: The ResRad modeling for a non-farming, site resident who uses groundwater shows that nearly all of the dose stems from the groundwater. The PRG associated with Ra-226, at 1E-5 risk level (0.27 pCi/g), is below expected background concentrations. The PRG values at 1E-6 risk for uranium isotopes and Ra-226 at 0.27 pCi/g *above*

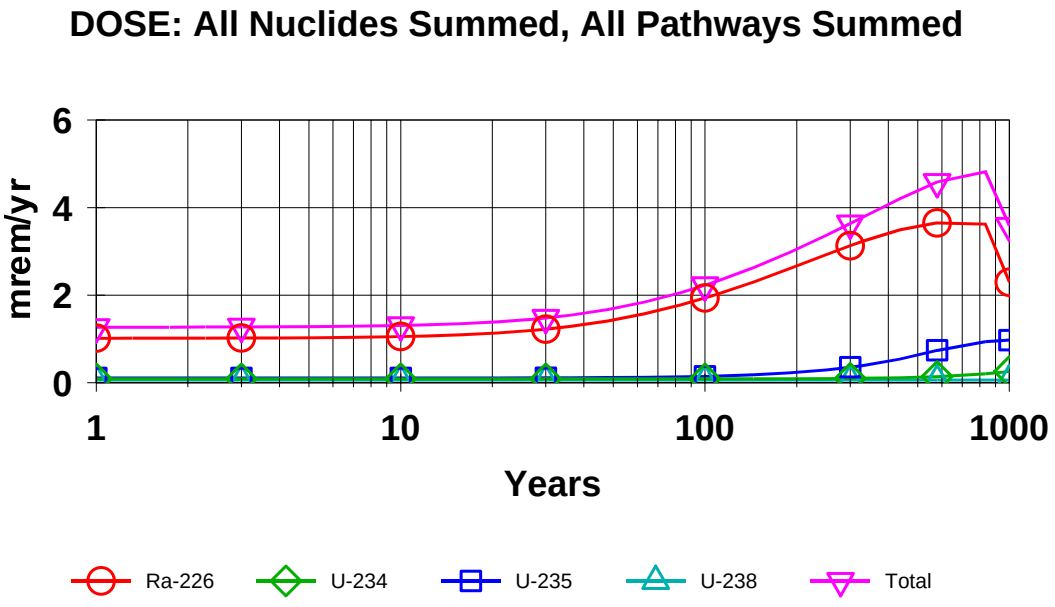
background would be sufficient, under this scenario, to comply with the Massachusetts ARAR of 10 mrem/yr.

Table 2
Input Parameters Summary
SITE RESIDENT – Non-Farming, Groundwater Used

Parameter	USACE(1)	PRG(2)
Area of contaminated zone (m**2)	22,270	32,393
Indoor time fraction	0.5	0.683
Outdoor time fraction	0.25	0.073
Soil ingestion rate (g/yr)	36.5	36.5
Distribution coefficient for uranium isotopes	10,900	10,900
Distribution coefficient for radium-226	70	70
Drinking water intake (L/yr)	511	511
Contamination fraction of drinking water	1	1
Contamination fraction of household water	0	0
Contamination fraction of livestock water	1	0
Contamination fraction of irrigation water	1	0
Contamination fraction of aquatic food	0.5	0
Contamination fraction of plant food	0.17	0
Contamination fraction of meat	1	0
Contamination fraction of milk	0.17	0
Mass loading for inhalation (gm/m**3)	6.4E-5	0
Inhalation rate (m**3/yr)	5550	0

Note (1) – The US Army Corps of Engineers values used in their model was for a resident farmer
Note (2) – The values used in this document are for a non-farming resident. Other parameters in the ResRad model were similar to the USACE model.

Figure 2
Dose-Time Graphing
SITE RESIDENT – Non-Farming, Groundwater Used



resident non-farmer PRG's with water e-6.RAD 03/16/2004 08:30 Includes All Pathways

ADJACENT RESIDENT – Non-Farming, No Use Of Groundwater

As a result of a Human Health Risk Assessment (HHRA), the following PRG values were developed for the adjacent resident for a 1E-6 level of risk:

U-238	11 pCi/g
U-235	5.2
U-234	23
Ra-226	0.31

In order to determine the maximum acceptable concentrations under the Massachusetts ARAR of 10 mrem/yr using this scenario, the uranium AND Ra-226 PRG values were adjusted by one order of magnitude to the 1E-5 risk level. In addition, to correct for background, 0.65 pCi/g was subtracted from Ra-226, U-238 and U-234. As a result, the following values were used in this ResRad test case.

U-238	109 pCi/g
U-235	52
U-234	229
Ra-226	2.5

This model is based on homogeneous distributed on contamination at the levels noted over the entire 8-acre (32,393 m^2) site. Other parameters are provided in Table 3. This model and the PRG development model assume that the adjacent resident enters the contaminated site area for 75 days/year at 1.5-hrs/day. No on-site or adjacent land groundwater is used by the receptor for any purpose. Soil ingestion is 200 mg/day X 75 days/yr = 15 grams/yr. All plant, meat, and fish pathways were blocked. In addition, this model assumes no inhalation of site material.

In the modeled scenario, there were only 2 pathways for exposure: direct radiation (98% of dose) and soil ingestion (2% of dose). The following is a breakdown of fraction of the dose from each radioisotope at the time of maximum dose (T=0 years) at the given concentrations.

U-238	.1980
U-235	.4641
U-234	.0129
Ra-226	.3250

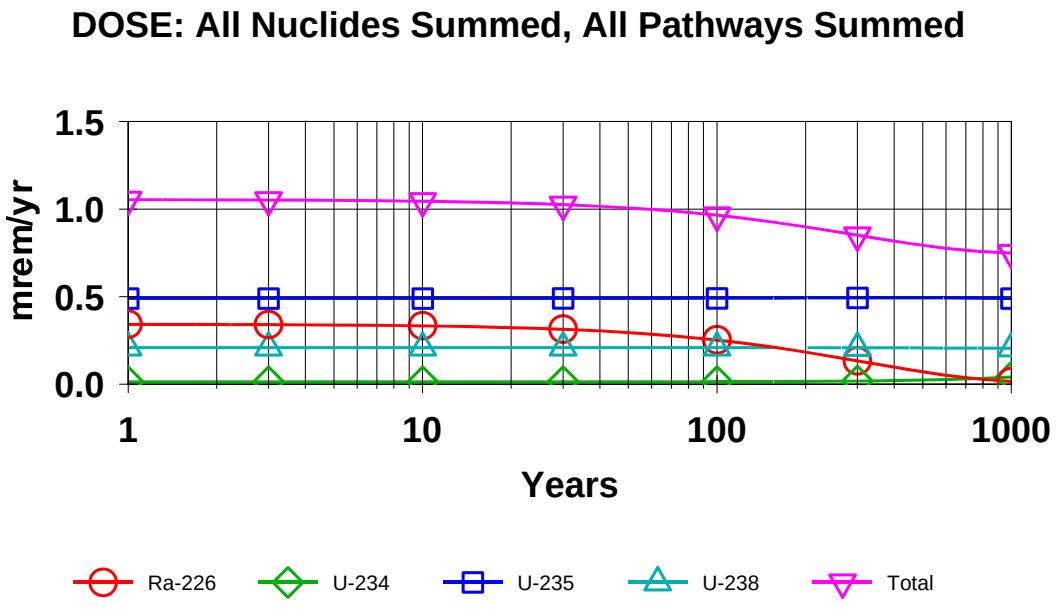
Conclusion: The ResRad modeling for a non-farming, adjacent resident who does NOT use groundwater shows that uranium and Ra-226 concentrations associated with PRG's at 1E-6 OR 1E-5 risk would be compliant with the Massachusetts ARAR for unrestricted site release (10 mrem/yr).

Table 3
Input Parameters Summary
ADJACENT RESIDENT – Non-Farming, No Use Of Groundwater

Parameter	USACE(1)	PRG(2)
Area of contaminated zone (m**2)	22,270	32,393
Indoor time fraction	0	0
Outdoor time fraction (onsite)	0	0.0128
Distribution coefficient for uranium isotopes	10,900	10,900
Distribution coefficient for radium-226	70	70
Soil ingestion rate (g/yr)	0	15
Drinking water intake (L/yr)	511	0
Contamination fraction of drinking water	1	0
Contamination fraction of household water	0	0
Contamination fraction of livestock water	0	0
Contamination fraction of irrigation water	1	0
Contamination fraction of aquatic food	0	0
Contamination fraction of plant food	0.17	0
Contamination fraction of meat	0	0
Contamination fraction of milk	0	0
Mass loading for inhalation (gm/m**3)	0	0
Inhalation rate (m**3/yr)	0	0

Note (1) – The US Army Corps of Engineers values used in their model was for an adjacent resident
Note (2) – The values used in this document are for an adjacent resident and occasional site user. Parameters not noted in the table were similar to the USACE ResRad model.

Figure 3
Dose-Time Graphing
ADJACENT RESIDENT – Non-Farming, No Use Of Groundwater



hybrid user no water E-5 PRG.RAD 03/12/2004 10:05 Includes All Pathways

ADJACENT RESIDENT – Non-Farming, Groundwater Used

As a result of a Human Health Risk Assessment (HHRA), the following PRG values were developed for the adjacent resident for a 1E-6 level of risk:

U-238	11 pCi/g
U-235	5.2
U-234	23
Ra-226	0.31

Although the HHRA addresses groundwater contamination separately from soil contaminants, the ResRad modeling process allows for contributions from groundwater. As such, groundwater was evaluated in this test case.

The above values were not adjusted because the modeled dose at these concentrations approached the Massachusetts ARAR of 10 mrem/yr. However, to correct for background, 0.65 pCi/g was subtracted from U-238 and U-234. The radium value was too low to subtract background, which is also believed to be about 0.65 pCi/g; therefore, the 0.31 value was assumed to exist at that level above background. This value (0.31 pCi/g) may be difficult to distinguish from background levels of Ra-226. After these adjustments, the following values were used in this ResRad test case.

U-238	10.3 pCi/g
U-235	5.2
U-234	22.3
Ra-226	0.31

This model is based on homogeneous distributed on contamination at the levels noted over the entire 8-acre (32,393 m^2) site. Other parameters are provided in Table 4. This model and the PRG development model assume that the adjacent resident enters the contaminated site area for 75 days/year at 1.5-hrs/day. Groundwater, which is affected by the migration of soil contaminants, is used by the receptor for drinking water. Soil ingestion is 200 mg/day X 75 days/yr = 15 grams/yr. All plant, meat, and fish pathways were blocked. In addition, this model assumes no inhalation of site material.

This model is based on homogeneous distributed on contamination at the levels noted over the entire 8-acre (32,393 m^2) site. Other parameters are provided in the table below. In the modeled scenario, there were 3 pathways for exposure: groundwater (99% of dose), direct radiation (1% of dose) and soil ingestion (<1% of dose). The following is a breakdown of fraction of the dose at the time of maximum dose (T=834 years) from each radioisotope at the given concentrations.

U-238	.0022
U-235	.4842
U-234	.0231

Ra-226 .4904

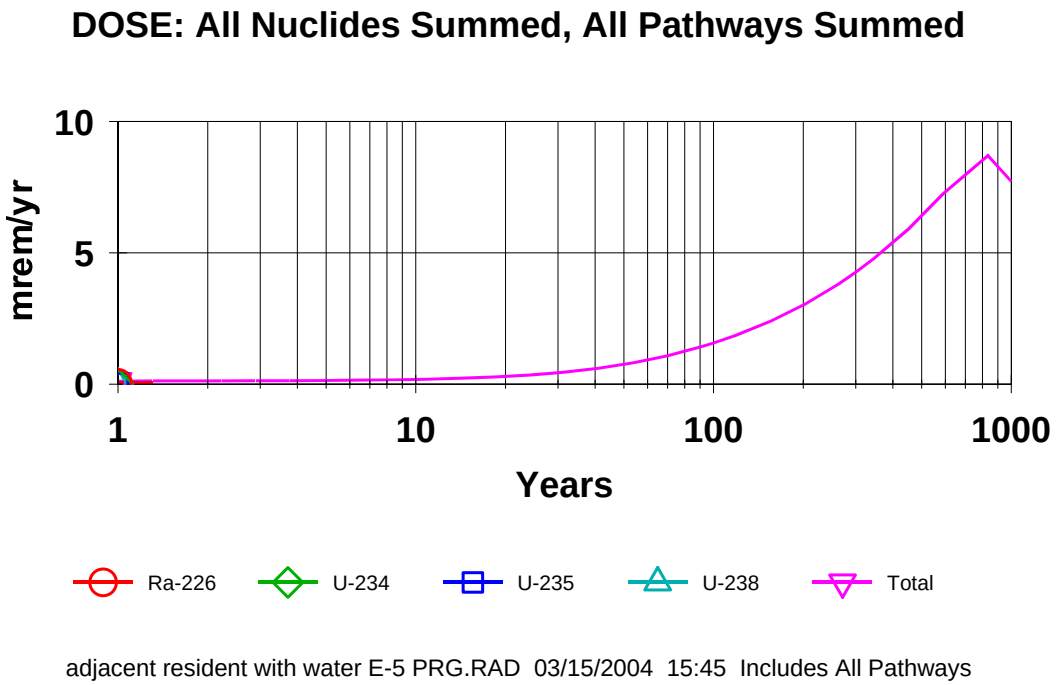
Conclusion: The ResRad modeling for a non-farming, adjacent resident who uses groundwater shows that nearly all of the dose stems from the groundwater. The PRG values at 1E-6 risk for uranium isotopes and Ra-226 at 0.31 pCi/g *above* background would be sufficient, under this scenario, to comply with the Massachusetts ARAR of 10 mrem/yr.

Table 4
Input Parameters Summary
ADJACENT RESIDENT – Non-Farming, Groundwater Used

Parameter	USACE(1)	PRG(2)
Area of contaminated zone (m**2)	22,270	32,393
Indoor time fraction	0	0
Outdoor time fraction (onsite)	0	0.0128
Distribution coefficient for uranium isotopes	10,900	10,900
Distribution coefficient for radium-226	70	70
Soil ingestion rate (g/yr)	0	15
Drinking water intake (L/yr)	511	511
Contamination fraction of drinking water	1	1
Contamination fraction of household water	0	0
Contamination fraction of livestock water	0	0
Contamination fraction of irrigation water	1	0
Contamination fraction of aquatic food	0	0
Contamination fraction of plant food	0.17	0
Contamination fraction of meat	0	0
Contamination fraction of milk	0	0
Mass loading for inhalation (gm/m**3)	0	0
Inhalation rate (m**3/yr)	0	0

Note (1) – The US Army Corps of Engineers values used in their model was for an adjacent resident
Note (2) – The values used in this document are for an adjacent resident and occasional site user. Parameters not noted in the table were similar to the USACE ResRad model.

Figure 4
Dose-Time Graphing
ADJACENT RESIDENT – Non-Farming, Groundwater Used



Appendix C

Summary of Source Area
Volumes Exceeding
Preliminary Remediation Goals

Appendix C
Summary of Soil Locations Exceeding PRGs
Onsite Resident With or Without Groundwater Consumption

			Area of COPC > PRG				
Location	**COPC**	**Depth**	**Depth (ft)**	**Length (ft)**	**Width (ft)**	**Volume (ft^3)**	**Volume (yd^3)**
WITHIN MAIN FENCELINE							
1000	Radium	3-4' bgs	4	66	66	17,222	638
1005	Radium	1-3' bgs	3	66	66	12,917	478
1009	Radium	5-7' bgs	7	66	66	30,139	1,116
1019	Radium	1-3' bgs	3	66	66	12,917	478
1021	Radium	1-3' bgs	3	66	66	12,917	478
1022	Radium	1-3' bgs	3	66	66	12,917	478
1023	Radium	9-11' bgs	11	66	66	47,361	1,754
1025	Radium	9-11' bgs	11	66	66	47,361	1,754
1026	Radium	1-3' bgs	3	66	66	12,917	478
1027	Radium	5-7' bgs	7	66	66	30,139	1,116
1045	Radium	5-7' bgs	7	66	66	30,139	1,116
1047	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1049	Radium	5-7' bgs	7	66	66	30,139	1,116
1063	Radium	1-3' bgs	3	66	66	12,917	478
1073	Radium	1-3' bgs	3	66	66	12,917	478
1075	Radium	1-3' bgs	3	66	66	12,917	478
1093	Radium	1-3' bgs	3	66	66	12,917	478
1095	Radium	1-3' bgs	3	66	66	12,917	478
1096	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1097	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1099	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1100	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1101	Radium	1-3' bgs	3	66	66	12,917	478
1103	Uranium	1-3' bgs	3	66	66	12,917	478
1107	Radium	5-7' bgs	7	66	66	30,139	1,116
1132	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1136	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1144	Radium	1-3' bgs	3	66	66	12,917	478
1163	Radium	1-3' bgs	3	66	66	12,917	478
1164	Radium	5-7' bgs	7	66	66	30,139	1,116
1165	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1169	Radium	1-3' bgs	3	66	66	12,917	478
1171	Radium	5-7' bgs	7	66	66	30,139	1,116
1173	Radium, Uranium	9-11' bgs	11	66	66	47,361	1,754
1175	Radium	5-7' bgs	7	66	66	30,139	1,116
1196	Radium	1-3' bgs	3	66	66	12,917	478
1198	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1202	Radium	1-3' bgs	3	66	66	12,917	478
1204	Radium	1-3' bgs	3	66	66	12,917	478
1206	Radium, Uranium, Total Uranium	1-3' bgs	3	66	66	12,917	478
1208	Radium	1-3' bgs	3	66	66	12,917	478
1224	Radium, Uranium, Total Uranium	5-7' bgs	7	66	66	30,139	1,116
1238	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1240	Radium	1-3' bgs	3	66	66	12,917	478
1242	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1254	Uranium	1-3' bgs	3	66	66	12,917	478
1265	Radium	9-11' bgs	11	66	66	47,361	1,754
1267	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1269	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1271	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1273	Radium, Uranium	1-3' bgs	3	66	33	6,458	239
1274	Uranium, Total Uranium	5-7' bgs	7	66	33	15,069	558
1278	Radium, Uranium, Total Uranium	1-3' bgs	3	66	33	6,458	239
1281	Radium, Uranium	5-7' bgs	7	66	33	15,069	558
1286	Radium, Uranium, Total Uranium	9-11' bgs	11	66	33	23,681	877
1298	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1319	Radium	1-3' bgs	3	66	66	12,917	478
1344	Uranium	1-3' bgs	3	66	66	12,917	478
B03	Uranium	1-3' bgs	3	66	66	12,917	478
B04	Uranium	1-3' bgs	3	66	66	12,917	478
B05	Uranium	1-3' bgs	3	66	66	12,917	478
B06	Uranium	1-3' bgs	3	66	66	12,917	478
B14	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
B15	Radium	1-3' bgs	3	66	66	12,917	478
B16	Radium	5-7' bgs	7	66	66	30,139	1,116
B17	Uranium, Total Uranium	1-3' bgs	3	66	66	12,917	478
B19	Uranium	1-3' bgs	3	66	66	12,917	478
B20	Uranium	1-3' bgs	3	66	66	12,917	478
B22	Radium	1-3' bgs	3	66	66	12,917	478
B23	Radium	1-3' bgs	3	66	66	12,917	478
B24	Radium	1-3' bgs	3	66	66	12,917	478
B26	Radium	5-7' bgs	7	66	66	30,139	1,116
B28	Radium	5-7' bgs	7	66	66	30,139	1,116
B30	Radium	5-7' bgs	7	66	66	30,139	1,116
N02	Radium, Uranium	9-11' bgs	11	66	66	47,361	1,754
N09	Radium	1-3' bgs	3	66	66	12,917	478
ERM-105D	Dioxin TEQ, Inorganics, SVOCs	2-4' bgs	4	98	98	38,750	1,435
SB-04	Inorganics, SVOCs	2-4' bgs	4	98	98	38,750	1,435
SB-06	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-09	Inorganics, SVOCs	2-4' bgs	4	98	98	38,750	1,435
SB-10	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-11	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-12	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-13	Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-16	Inorganics, SVOCs	2-4' bgs	4	98	98	38,750	1,435
SB-17	Inorganics	0-2' bgs	2	98	98	19,375	718
SW-18	PCBs	0-2' bgs	2	98	98	19,375	718
Outside PRG Areas	Ecological Risk						699

Appendix C
Summary of Soil Locations Exceeding PRGs
Onsite Resident With or Without Groundwater Consumption

Location	COPC	Depth	Area of COPC > PRG: Depth (ft)	Length (ft)	Width (ft)	Volume (ft^3)	Volume (yd^3)
		Total Site-Wide Volume - Chemical Impacts Only					**11,482**
		Total Site-Wide Volume - Radiological Impacts Only					**57,647**
		Total Site-Wide Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Site-Wide Volume - Ecological					**699**
		Total Site-Wide Volume - Chemical and Radiological and Ecological					**69,827**
OUTSIDE FENCELINE							
B08	Radium	1-3' bgs	3	66	66	12,917	478
B12	Radium	5-7' bgs	7	66	66	30,139	1,116
N34	Radium	1-3' bgs	3	66	66	12,917	478
SB-08	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-25	Radium	0-2' bgs	2	66	66	8,611	319
SB-27	Radium	0-2' bgs	2	66	66	8,611	319
SB-28	Radium	0-2' bgs	2	66	66	8,611	319
SB-31	SVOCs	0-2' bgs	2	98	98	19,375	718
ERM-101B	SVOCs, Inorganics	6-8' bgs	8	98	98	77,500	2,870
Inner Rung	Ecological Risk		2	300	100	60,000	2,222
		Total Volume Outside Fenceline - Chemical Impacts Only					**4,306**
		Total Volume Outside Fenceline - Radiological Impacts Only					**3,030**
		Total Volume Outside Fenceline - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Volume Outside Fenceline - Ecological					**2,222**
		Total Volume Outside Fenceline - Chemical and Radiological and Ecological					**9,558**
TONGUE AREA							
N20	Radium	5-7' bgs	7	66	66	30,139	1,116
N22	Radium	9-11' bgs	11	66	66	47,361	1,754
N24	Radium	1-3' bgs	3	66	66	12,917	478
ERM-103B	Dioxin TEQ, Inorganics	8-10' bgs	10	98	98	96,875	3,588
SB-21	Inorganics	2-4' bgs	4	98	98	38,750	1,435
TP-01	Inorganics	4-6' bgs	6	98	98	58,125	2,153
TP-03	SVOCs	4-6' bgs	6	98	98	58,125	2,153
TP-06	Inorganics	0-2' bgs	2	98	98	19,375	718
		Total Tongue Area Volume - Chemical Impacts Only					**10,046**
		Total Tongue Area Volume - Radiological Impacts Only					**3,349**
		Total Tongue Area Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Tongue Area Volume - Chemical and Radiological					**13,395**

NOTES:

bgs	Below Ground Surface
COPC	Chemicals of Potential Concern
ft	Foot
SVOCs	Semi-Volatile Organic Compounds
Total Uranium	Chemical Aspects of Uranium
yd	Yard

Soil volumes exceeding radiological COPCs calculated using a 20m x 20m area.
Soil volumes exceeding chemical COPCs calculated using a 30m x 30m area.

Appendix C
Summary of Soil Locations Exceeding PRGs
Adjacent Resident With Groundwater Consumption

			Area of COPC > PRG				
Location	**COPC**	**Depth**	**Depth (ft)**	**Length (ft)**	**Width (ft)**	**Volume (ft^3)**	**Volume (yd^3)**
WITHIN MAIN FENCELINE							
1000	Radium	3-4' bgs	4	66	66	17,222	638
1005	Radium	1-3' bgs	3	66	66	12,917	478
1009	Radium	5-7' bgs	7	66	66	30,139	1,116
1019	Radium	1-3' bgs	3	66	66	12,917	478
1021	Radium	1-3' bgs	3	66	66	12,917	478
1022	Radium	1-3' bgs	3	66	66	12,917	478
1023	Radium	1-3' bgs	3	66	66	12,917	478
1025	Radium	9-11' bgs	11	66	66	47,361	1,754
1026	Radium	1-3' bgs	3	66	66	12,917	478
1027	Radium	5-7' bgs	7	66	66	30,139	1,116
1045	Radium	5-7' bgs	7	66	66	30,139	1,116
1047	Radium	5-7' bgs	7	66	66	30,139	1,116
1049	Radium	5-7' bgs	7	66	66	30,139	1,116
1063	Radium	1-3' bgs	3	66	66	12,917	478
1073	Radium	1-3' bgs	3	66	66	12,917	478
1075	Radium	1-3' bgs	3	66	66	12,917	478
1093	Radium	1-3' bgs	3	66	66	12,917	478
1095	Radium	1-3' bgs	3	66	66	12,917	478
1096	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1097	Radium	1-3' bgs	3	66	66	12,917	478
1099	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1100	Radium	1-3' bgs	3	66	66	12,917	478
1101	Radium	1-3' bgs	3	66	66	12,917	478
1107	Radium	5-7' bgs	7	66	66	30,139	1,116
1132	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1136	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1144	Radium	1-3' bgs	3	66	66	12,917	478
1163	Radium	1-3' bgs	3	66	66	12,917	478
1164	Radium	5-7' bgs	7	66	66	30,139	1,116
1165	Radium	1-3' bgs	3	66	66	12,917	478
1169	Radium	1-3' bgs	3	66	66	12,917	478
1171	Radium	5-7' bgs	7	66	66	30,139	1,116
1173	Radium	9-11' bgs	11	66	66	47,361	1,754
1175	Radium	5-7' bgs	7	66	66	30,139	1,116
1196	Radium	1-3' bgs	3	66	66	12,917	478
1198	Radium	1-3' bgs	3	66	66	12,917	478
1202	Radium	1-3' bgs	3	66	66	12,917	478
1204	Radium	1-3' bgs	3	66	66	12,917	478
1206	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1208	Radium	1-3' bgs	3	66	66	12,917	478
1224	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1238	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1240	Radium	1-3' bgs	3	66	66	12,917	478
1242	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1265	Radium	9-11' bgs	11	66	66	47,361	1,754
1267	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1269	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
1271	Uranium	1-3' bgs	3	66	66	12,917	478
1273	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1274	Radium, Uranium, Total Uranium	1-3' bgs	3	66	66	12,917	478
1278	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1281	Radium	5-7' bgs	7	66	66	30,139	1,116
1286	Radium, Uranium	9-11' bgs	11	66	66	47,361	1,754
1298	Radium	5-7' bgs	7	66	66	30,139	1,116
1319	Radium	1-3' bgs	3	66	66	12,917	478
B03	Uranium	1-3' bgs	3	66	66	12,917	478
B04	Uranium	1-3' bgs	3	66	66	12,917	478
B14	Radium, Uranium	5-7' bgs	7	66	66	30,139	1,116
B15	Radium	1-3' bgs	3	66	66	12,917	478
B16	Radium	5-7' bgs	7	66	66	30,139	1,116
B17	Uranium	1-3' bgs	3	66	66	12,917	478
B19	Uranium	1-3' bgs	3	66	66	12,917	478
B22	Radium	1-3' bgs	3	66	66	12,917	478
B23	Radium	1-3' bgs	3	66	66	12,917	478
B24	Radium	1-3' bgs	3	66	66	12,917	478
B26	Radium	5-7' bgs	7	66	66	30,139	1,116
B28	Radium	5-7' bgs	3	66	66	12,917	478
B30	Radium	5-7' bgs	7	66	66	30,139	1,116
N02	Radium	9-11' bgs	11	66	66	47,361	1,754
N09	Radium	1-3' bgs	3	66	66	12,917	478
SB-4	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-6	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-9	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-10	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-11	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-12	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-13	Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-16	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-17	Inorganics	0-2' bgs	2	98	98	19,375	718
ERM-105D	Dioxin TEQ, Inorganics, SVOCs	2-4' bgs	4	98	98	38,750	1,435
SW-18	PCBs	0-2' bgs	2	98	98	19,375	718
Outside PRG Areas	Ecological Risk						1,109

Appendix C
Summary of Soil Locations Exceeding PRGs
Adjacent Resident With Groundwater Consumption

Location	COPC	Depth	Area of COPC > PRG			Volume (ft^3)	Volume (yd^3)
			Depth (ft)	Length (ft)	Width (ft)		
		Total Site-Wide Volume - Chemical Impacts Only					**11,482**
		Total Site-Wide Volume - Radiological Impacts Only					**54,059**
		Total Site-Wide Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Site-Wide Volume - Chemical and Radiological and Ecological					**1,109**
		Total Site-Wide Volume - Chemical and Radiological					**66,649**
OUTSIDE FENCELINE							
B08	Radium	1-3' bgs	3	66	66	12,917	478
B12	Radium	5-7' bgs	7	66	66	30,139	1,116
ERM-101B	SVOCs, Inorganics	6-8' bgs	8	98	98	77,500	2,870
N34	Radium	1-3' bgs	3	66	66	12,917	478
SB-25	Radium	0-2' bgs	2	66	66	8,611	319
SB-27	Radium	0-2' bgs	2	66	66	8,611	319
SB-28	Radium	0-2' bgs	2	66	66	8,611	319
Inner Rung	Ecological Risk		2	300	100	60,000	2,222
		Total Volume Outside Fenceline - Chemical Impacts Only					**2,870**
		Total Volume Outside Fenceline - Radiological Impacts Only					**3,030**
		Total Volume Outside Fenceline - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Volume Outside Fenceline - Ecological					**2,222**
		Total Volume Outside Fenceline - Chemical and Radiological and Ecological					**8,122**
TONGUE AREA							
N20	Radium	5-7' bgs	7	66	66	30,139	1,116
N22	Radium	9-11' bgs	11	66	66	47,361	1,754
N24	Radium	1-3' bgs	3	66	66	12,917	478
ERM-103B	Inorganics	8-10' bgs	10	98	98	96,875	3,588
SB-21	Inorganics	2-4' bgs	4	98	98	38,750	1,435
TP-01	Inorganics	4-6' bgs	6	98	98	58,125	2,153
TP-03	SVOCs	4-6' bgs	6	98	98	58,125	2,153
TP-06	Inorganics	0-2' bgs	2	98	98	19,375	718
		Total Tongue Area Volume - Chemical Impacts Only					**10,046**
		Total Tongue Area Volume - Radiological Impacts Only					**3,349**
		Total Tongue Area Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Tongue Area Volume - Chemical and Radiological					**13,395**

NOTES:

bgs	Below Ground Surface
COPC	Chemicals of Potential Concern
ft	Foot
SVOCs	Semi-Volatile Organic Compounds
Total Uranium	Chemical Aspects of Uranium
yd	Yard

Soil volumes exceeding radiological COPCs calculated using a 20m x 20m area.
Soil volumes exceeding chemical COPCs calculated using a 30m x 30m area.

Appendix C
Summary of Soil Locations Exceeding PRGs
Adjacent Resident Without Groundwater Consumption

			Area of COPC > PRG				
Location	**COPC**	**Depth**	**Depth (ft)**	**Length (ft)**	**Width (ft)**	**Volume (ft^3)**	**Volume (yd^3)**
WITHIN MAIN FENCELINE							
1022	Radium	1-3' bgs	3	66	66	12,917	478
1027	Radium	5-7' bgs	7	66	66	30,139	1,116
1063	Radium	1-3' bgs	3	66	66	12,917	478
1096	Uranium	1-3' bgs	3	66	66	12,917	478
1099	Uranium	5-7' bgs	7	66	66	30,139	1,116
1100	Radium	1-3' bgs	3	66	66	12,917	478
1136	Uranium	1-3' bgs	3	66	66	12,917	478
1164	Radium	1-3' bgs	3	66	66	12,917	478
1206	Uranium	1-3' bgs	3	66	66	12,917	478
1224	Uranium, Total Uranium	1-3' bgs	3	66	66	12,917	478
1274	Uranium, Total Uranium	1-3' bgs	3	66	66	12,917	478
1278	Radium, Uranium	1-3' bgs	3	66	66	12,917	478
1281	Radium	5-7' bgs	7	66	66	30,139	1,116
1286	Uranium	1-3' bgs	3	66	66	12,917	478
1319	Radium	1-3' bgs	3	66	66	12,917	478
B04	Uranium	1-3' bgs	3	66	66	12,917	478
B17	Uranium	1-3' bgs	3	66	66	12,917	478
SB-4	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-6	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-9	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-10	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-11	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-12	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-13	Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-16	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-17	Inorganics	0-2' bgs	2	98	98	19,375	718
ERM-105D	Dioxin TEQ, Inorganics, SVOCs	2-4' bgs	4	98	98	38,750	1,435
SW-18	PCBs	0-2' bgs	2	98	98	19,375	718
Outside PRG Areas	Ecological Risk						2,455
		Total Site-Wide Volume - Chemical Impacts Only					**11,482**
		Total Site-Wide Volume - Radiological Impacts Only					**10,046**
		Total Site-Wide Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Site-Wide Volume - Ecological					**2,455**
		Total Site-Wide Volume - Chemical and Radiological and Ecological					**23,983**
OUTSIDE FENCELINE							
ERM-101B	SVOCs, Inorganics	6-8' bgs	8	98	98	77,500	2,870
Inner Rung	Ecological Risk		2	300	100	60,000	2,222
		Total Volume Outside Fenceline - Chemical Impacts Only					**2,870**
		Total Volume Outside Fenceline - Radiological Impacts Only					**0**
		Total Volume Outside Fenceline - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Volume Outside Fenceline - Ecological					**2,222**
		Total Volume Outside Fenceline - Chemical and Radiological and Ecological					**5,093**
TONGUE AREA							
ERM-103B	Inorganics	8-10' bgs	10	98	98	96,875	3,588
SB-21	Inorganics	2-4' bgs	4	98	98	38,750	1,435
TP-01	Inorganics	4-6' bgs	6	98	98	58,125	2,153
TP-03	SVOCs	4-6' bgs	6	98	98	58,125	2,153
TP-06	Inorganics	0-2' bgs	2	98	98	19,375	718
		Total Tongue Area Volume - Chemical Impacts Only					**10,046**
		Total Tongue Area Volume - Radiological Impacts Only					**0**
		Total Tongue Area Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Tongue Area Volume - Chemical and Radiological					**10,046**

NOTES:

bgs	Below Ground Surface
COPC	Chemicals of Potential Concern
ft	Foot
SVOCs	Semi-Volatile Organic Compounds
Total Uranium	Chemical Aspects of Uranium
yd	Yard

Soil volumes exceeding radiological COPCs calculated using a 20m x 20m area.
Soil volumes exceeding chemical COPCs calculated using a 30m x 30m area.

Appendix C
Summary of Soil Locations Exceeding PRGs
Recreational User

			Area of COPC > PRG				
Location	**COPC**	**Depth**	**Depth (ft)**	**Length (ft)**	**Width (ft)**	**Volume (ft^3)**	**Volume (yd^3)**
WITHIN MAIN FENCELINE							
1022	Radium	1-3' bgs	3	66	66	12,917	478
1027	Radium	5-7' bgs	7	66	66	30,139	1,116
1063	Radium	1-3' bgs	3	66	66	12,917	478
1096	Uranium	1-3' bgs	3	66	66	12,917	478
1100	Radium	1-3' bgs	3	66	66	12,917	478
1136	Uranium	1-3' bgs	3	66	66	12,917	478
1164	Radium	1-3' bgs	3	66	66	12,917	478
1206	Uranium	1-3' bgs	3	66	66	12,917	478
1224	Uranium, Total Uranium	1-3' bgs	3	66	66	12,917	478
1274	Uranium, Total Uranium	1-3' bgs	3	66	66	12,917	478
1278	Uranium	1-3' bgs	3	66	66	12,917	478
1281	Radium	5-7' bgs	7	66	66	30,139	1,116
1286	Uranium	1-3' bgs	3	66	66	12,917	478
B4	Uranium	1-3' bgs	3	66	66	12,917	478
B17	Uranium	1-3' bgs	3	66	66	12,917	478
SB-04	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-06	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-09	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-10	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-11	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-12	Inorganics	0-2' bgs	2	98	98	19,375	718
SB-13	Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-16	SVOCs, Inorganics	2-4' bgs	4	98	98	38,750	1,435
SB-17	Inorganics	0-2' bgs	2	98	98	19,375	718
ERM-105D	Dioxin TEQ, Inorganics, SVOCs	2-4' bgs	4	98	98	38,750	1,435
SW-18	PCBs	0-2' bgs	2	98	98	19,375	718
Outside PRG Areas	Ecological Risk						2,895
		Total Site-Wide Volume - Chemical Impacts Only					**11,482**
		Total Site-Wide Volume - Radiological Impacts Only					**8,452**
		Total Site-Wide Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Site-Wide Volume - Ecological					**2,895**
		Total Site-Wide Volume - Chemical and Radiological and Ecological					**19,933**
OUTSIDE FENCELINE							
ERM-101B	SVOCs	6-8' bgs	8	98	98	77,500	2,870
Inner Rung	Ecological Risk		2	300	100	60,000	2,222
		Total Volume Outside Fenceline - Chemical Impacts Only					**2,870**
		Total Volume Outside Fenceline - Radiological Impacts Only					**0**
		Total Volume Outside Fenceline - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Volume Outside Fenceline - Ecological					**2,222**
		Total Volume Outside Fenceline - Chemical and Radiological and Ecological					**5,093**
TONGUE AREA							
ERM-103B	Inorganics	8-10' bgs	10	98	98	96,875	3,588
SB-21	Inorganics	2-4' bgs	4	98	98	38,750	1,435
TP-01	Inorganics	4-6' bgs	6	98	98	58,125	2,153
TP-03	SVOCs	4-6' bgs	6	98	98	58,125	2,153
TP-06	Inorganics	0-2' bgs	2	98	98	19,375	718
		Total Tongue Area Volume - Chemical Impacts Only					**10,046**
		Total Tongue Area Volume - Radiological Impacts Only					**0**
		Total Tongue Area Volume - Mixed Waste (Chemical and Radiological Impacts Co-located)					**0**
		Total Tongue Area Volume - Chemical and Radiological					**10,046**

NOTES:

bgs	Below Ground Surface
COPC	Chemicals of Potential Concern
ft	Foot
SVOCs	Semi-Volatile Organic Compounds
Total Uranium	Chemical Aspects of Uranium
yd	Yard

Soil volumes exceeding radiological COPCs calculated using a 20m x 20m area.
Soil volumes exceeding chemical COPCs calculated using a 30m x 30m area.