
EMERGENCY SUPPLEMENTAL ACT, 2002**PUBLIC LAW 107-117**

[**CLERK'S NOTE.**—The following is the text of Division B (“Transfers from the Emergency Response Fund Pursuant to Public Law 107-38”) of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002, Public Law 107-117 (115 STAT. 2230). For the legislative history of this Act, refer to H.R. 3338, the Department of Defense Appropriations Act, 2002. Division B is cited separately as the “Emergency Supplemental Act, 2002”.]

EMERGENCY SUPPLEMENTAL ACT, 2002

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

Emergency
Supplemental
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**

\$80,919,000 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**

40,000,000 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

73,000,000 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)**

105,000,000 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”,

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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

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. 15,000,000

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. 39,000,000

Deadline.

[*Total, Department of Agriculture, \$367,000,000.*]

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. 151,100,000

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. 16,900,000

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”.

Ante, p. 730.

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

Ante, p. 737. 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”.
 [Total, chapter 1, \$535,000,000.]

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

USA PATRIOT ACT ACTIVITIES

\$5,000,000 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

3,500,000 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

12,500,000 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

56,370,000 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

10,200,000 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.

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$9,125,000

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. 745,000,000

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. 449,800,000

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. 99,600,000

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. 400,000,000

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. 251,100,000

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

CRIME VICTIMS FUND

\$68,100,000 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.
 [Total, Department of Justice, \$2,110,295,000.]

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

1,000,000 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

1,756,000 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
ADMINISTRATIONPUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

8,250,000 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

1,500,000 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

5,000,000 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.

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$1,225,000

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. 2,750,000

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. 4,776,000
[Total, Department of Commerce, \$26,257,000.]

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. 30,000,000

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. 5,000,000

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 57,521,000

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

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

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

\$2,879,000 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.
[Total, the Judiciary, \$95,400,000.]

DEPARTMENT OF STATE AND RELATED AGENCY

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

9,200,000 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

10,000,000 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

1,301,000 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

20,705,000 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.

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$75,000,000

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. 75,000,000

[Total, Small Business Administration, \$150,000,000.]

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

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

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

Deadline.
Reports.

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)".

Ante, p. 784.

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".

33 USC 857-19
note.

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".

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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)”. 28 USC 1605.
 [Total, chapter 2, \$2,423,158,000.]

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*,

Deadlines.
Reports.

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.

Notification.
Deadline.

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.

Expiration date.
42 USC 2472
note.

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

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

\$7,144,000 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

1,032,000 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

10,355,000 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

2,100,000 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

14,960,000 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

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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.

\$8,850,000

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.

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.

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 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.

45,494,000

Deadline.

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EMERGENCY
TRAFFIC MANAGEMENT

\$20,700,000 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

9,949,000 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

25,536,000 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

39,100,000 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

5,000,000 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

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

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.

Deadline.

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.

Reports.
Deadline.

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.

Deadline.

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.

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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’.” *Ante*, p. 929.

[*Total, chapter 4, \$200,000,000.*]

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. \$139,000,000

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. 30,259,000

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. 131,000,000

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. 226,000,000

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.

\$8,200,000

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.

3,500,000

[Total, Department of Energy, \$368,700,000.]

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.

36,000,000

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.

Ante, p. 490.

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:

43 USC 508.

(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

43 USC 509.

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

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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”— *Ante*, p. 489.

(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”. *Ante*, p. 498.

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”.

[*Total, chapter 5, \$573,959,000.*]

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

\$50,000,000 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

10,098,000 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

25,295,000 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

21,624,000 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”,

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

\$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. \$2,205,000
 [Total, Department of the Interior, \$59,222,000.]

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. 21,707,000

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. 2,148,000

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. 4,310,000

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. 758,000

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

Historic preservation.
20 USC 50 note.

(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.”

[Total, chapter 7, \$88,145,000.]

CHAPTER 8

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

\$32,500,000 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

4,100,000 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

175,000,000 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

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$1,600,000

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. 1,000,000

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. 5,880,000
[*Total, Department of Labor, \$220,080,000.*]

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. 12,000,000

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 140,000,000

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

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.

\$2,504,314,000 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.

[Total, \$2,644,314,000.]

[Total, Department of Health and Human Services, \$2,656,314,000.]

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

10,000,000 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

180,000 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.

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$7,500,000

[Total, chapter 8, \$2,894,074,000.]

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. 256,081,000

SENATE

ADMINISTRATIVE PROVISIONS

SEC. 901. (a) ACQUISITION OF BUILDINGS AND FACILITIES.— 40 USC 174b-2.
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.

Applicability.

2 USC 130g.

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. Applicability.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 903. (a) ACQUISITION OF BUILDINGS AND FACILITIES.— 40 USC 175a.
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.”.

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

(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).

Applicability.

(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.

2 USC 130h.

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.

Applicability.

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

Establishment.
2 USC 130i.

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.

Establishment.

(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.

Effective date.
Applicability.

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.

Anthrax.
Mail.

(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.

Applicability.

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.

40 USC 206 note.

(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.

Applicability.
40 USC 206-1
note.

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.

40 USC 207b-1.

(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

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

(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.

Applicability.

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

40 USC 207b-2.

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

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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.

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

(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.

Applicability.

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

40 USC 206d-1.

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.

40 USC 212c.

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

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

(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.

Deadline.

(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.

Applicability.

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 Capitol 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

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

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.

Expiration date.
40 USC 188a-2
note.

(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.

Applicability.

(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:

Ante, p. 580.

“(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.”

Applicability.
40 USC 166b-3b
note.
Short title.
Ante, p. 560.

(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’.”

Effective date.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107-68.

2 USC 60c-5.

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)”.

36 USC note
prec. 101.

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.

Notification.

“(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).

Effective date.
36 USC note
prec. 101.

SEC. 918. (a) Section 133(a) of the Legislative Branch Appropriations Act, 2002 (Public Law 107-68) is amended—

Ante, p. 581.

(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).

Effective date.

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

CHAPTER 10

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

\$20,700,000 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

2,000,000 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

46,700,000 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)

35,000,000 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.

Deadline.

(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

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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”. 114 Stat. 524.

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”. *Ante*, p. 1288.
 [Total, chapter 10, \$104,400,000.]

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. \$94,800,000

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. 50,000,000

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. 209,150,000

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

\$200,000,000 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)

108,500,000 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)

50,000,000 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)

175,000,000 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)

100,000,000 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.

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$75,000,000

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. 6,000,000

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. 100,000,000

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. 23,500,000

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. 100,000,000

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

\$2,500,000 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

1,300,000 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.

[Total, Department of Transportation, \$1,295,750,000.]

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

650,000 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.

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

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”.

Ante, p. 860. 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.

23 USC 181 note. 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”.

[*Total, chapter 11, \$1,296,400,000.*]

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.

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$23,000,000

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). 8,500,000

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. 31,431,000

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 392,603,000

Notification.

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

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

\$6,700,000 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

12,990,000 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

4,544,000 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

15,991,000 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

104,769,000 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.
[Total, Department of the Treasury, \$604,260,000.]

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

500,000,000 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

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$50,040,000

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. 126,512,000

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. 1,600,000

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. 1,000,000

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)”. 39 USC 416 and note.
 [Total, chapter 12, \$1,283,412,000.]

115 STAT.

PUBLIC LAW 107-117—JAN. 10, 2002

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

\$2,000,000 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

2,000,000,000 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.

New York.
Deadline.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

1,000,000 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.

[Total, HUD, \$2,001,000,000.]

PUBLIC LAW 107-117—JAN. 10, 2002

115 STAT.

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. \$10,500,000

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,”. *Ante*, p. 682.

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. 90,308,000

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. 39,000,000

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. 41,292,000

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. 5,000,000

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”.

[Total, *Environmental Protection Agency*, \$175,600,000.]

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

\$4,356,871,000 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

25,000,000 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)

10,000,000 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.

210,000,000 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.

[Total, \$220,000,000.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

76,000,000 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

32,500,000 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.

[Total, NASA, \$108,500,000.]

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.

\$300,000

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”.

Unity in the Spirit of America Act. 42 USC 12501 note.

(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: [Total, chapter 13, \$6,899,771,000.]

“TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

“SEC. 401. PROJECTS.

42 USC 12671.

“(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—

Deadline.

“(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.

Records.

“(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 “Willacy County Boys and Girls Club in Willacy 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.

Expiration date.
Reports.

This division may be cited as the “Emergency Supplemental Act, 2002”.

Approved January 10, 2002.

LEGISLATIVE HISTORY—H.R. 3338:

HOUSE REPORTS: Nos. 107-298 (Comm. on Appropriations) and 107-350 (Comm. of Conference).

SENATE REPORTS: No. 107-109 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 147 (2001):

Nov. 28, considered and passed House.

Dec. 6, 7, considered and passed Senate, amended.

Dec. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Jan. 10, Presidential remarks and statement.

[In thousands of dollars]	
Grand total, Emergency Supplemental Act, 2002	\$20,000,000
Consisting of:	
Department of Agriculture	367,000
Department of Commerce	26,257
Department of Defense-Military	3,500,000
Department of Defense-Civil	139,000
Department of Education	10,000
Department of Energy	368,700
Environmental Protection Agency	175,600
Executive Office of the President	50,040
Federal Emergency Management Agency	4,601,871
Foreign Assistance	50,000
General Government—Independent Agencies ...	826,459
General Services Administration	126,512
Department of Health and Human Services	2,817,914
Department of Housing and Urban Develop- ment	2,001,000
Department of the Interior	89,481
The Judiciary	95,400
Department of Justice	2,110,295
Legislative Branch	256,081
Department of Labor	220,080
NASA	108,500
National Science Foundation	300
Small Business Administration	150,000
Social Security Administration	7,500
Department of Transportation	1,295,750
Department of the Treasury	604,260
Department of Veterans Affairs	2,000