

SA 2268. Mr. WARNER (for himself, Mr. STEVENS, Mr. ALLEN, Mr. CLELAND, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2269. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2270. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2271. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2272. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2273. Mr. HELMS (for himself and Mr. EDWARDS) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2274. Mr. HELMS (for himself and Mr. EDWARDS) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2275. Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2276. Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2277. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2278. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2279. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2280. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2281. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2282. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2283. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2284. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2285. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2286. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2287. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2288. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2289. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R.

3338, supra; which was ordered to lie on the table.

SA 2290. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2291. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2292. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2293. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2294. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2295. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2296. Mr. SPECTER (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2297. Mr. BAYH (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2298. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2299. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2300. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2301. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2302. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2303. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2304. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2305. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2306. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2307. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, supra; which was ordered to lie on the table.

SA 2308. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 2716, to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

SA 2309. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other

purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2243. Mr. STEVENS proposed an amendment to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 326, after line 20, strike all through to page 398, line 19, and insert in lieu thereof the following:

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

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

CHAPTER 1

DEPARTMENT OF AGRICULTURE OFFICE OF THE SECRETARY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Office of the Secretary”, \$43,300,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the “National Food Security Fund”, \$300,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

AGRICULTURAL RESEARCH SERVICE SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$45,000,000, 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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$76,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That of the total amount provided, \$50,000,000 may be transferred and merged with the Agriculture Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Buildings and Facilities”, \$14,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FOOD SAFETY AND INSPECTION SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Food Safety and Inspection Service”, \$12,300,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

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, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for "Food and Drug Administration, Salaries and Expenses", \$120,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RELATED 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", \$10,196,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

PATRIOT ACT ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Patriot Act Activities", \$100,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$2,000,000 shall be for a feasibility report, as authorized by Section 405 of Public Law 107-56, and of which \$23,000,000 shall be for implementation of such enhancements as are deemed necessary: *Provided*, That funding for the implementation of such enhancements shall be treated as a reprogramming under section 605 of Public Law 107-77 and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE REVIEW AND APPEALS

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

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, General Legal Activities", \$10,026,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses, United States Attorneys", \$74,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

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

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$538,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which

\$10,283,000 is for the refurbishing of the Engineering and Research Facility and \$14,135,000 is for the decommissioning and renovation of former laboratory space in the Hoover building.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for all costs associated with the reorganization of the Immigration and Naturalization Service, for "Salaries and Expenses", \$399,400,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Justice Assistance", \$462,000,000, of which \$100,000,000 may be used for increased security at public events, to remain available until September 30, 2003, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counter terrorism programs, to be obligated from amounts made available in Public Law 107-38.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, \$236,900,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which \$17,100,000 shall be for the Utah Olympic Public Safety Command, of which \$81,600,000 shall be for New Jersey, and of which \$56,500,000 shall be for Maryland, of which \$81,700,000 shall be for Northern Virginia: *Provided*, That \$20,000,000 shall be made available to the Office of Domestic Preparedness for a competitive grant for a project to enhance the communications interoperability of law enforcement, fire, medical services, and transportation agencies that respond to emergencies in the Greater Washington Metropolitan Area: *Provided further*, That \$15,000,000 shall be made available for a chemical sensor program for the Washington area transit system, to remain available until expended, and to be obligated from amounts made available in Public Law 107-38.

CRIME VICTIMS FUND

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

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

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

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

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

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for "Salaries and Expenses", \$335,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For emergency grants authorized by section 392 of the Communications Act of 1934, as amended, to respond to the September 11, 2001, terrorist attacks on the United States, \$8,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$3,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Scientific and Technical Research and Services", \$20,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CONSTRUCTION OF RESEARCH FACILITIES

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$881,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Training", \$11,000,000, for a port security program, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

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

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

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

SMALL BUSINESS ADMINISTRATION
DISASTER LOANS PROGRAM ACCOUNT

For emergency expenses 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.

CHAPTER 3

DEPARTMENT OF DEFENSE
OPERATION AND MAINTENANCE
DEFENSE EMERGENCY RESPONSE FUND

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for "Defense Emergency Response Fund", \$4,258,569,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38: *Provided*, That \$20,000,000 shall be made available for the National Infrastructure Simulation and Analysis Center (NISAC): *Provided further*, That \$500,000 shall be made available only for the White House Commission on the National Moment of Remembrance: *Provided further*, That—

(1) \$35,000,000 shall be available for the procurement of the Advance Identification Friend-or-Foe system for integration into F-16 aircraft of the Air National Guard that are being used in continuous air patrols over Washington, District of Columbia, and New York, New York; and

(2) \$20,000,000 shall be available for the procurement of the Transportation Multi-Platform Gateway for integration into the AWACS aircraft that are being used to perform early warning surveillance over the United States.

(3) \$15,000,000 shall be available for the acquisition of ten Lynx SAR kits.

NATIONAL SECURITY BIO-TERRORISM DEFENSE FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for "Public Health and Social Services Emergency Fund", \$2,300,000,000, to remain available until September 30, 2003. Of this amount, \$500,000,000 shall be for the Centers for Disease Control and Prevention for improving State and local capacity; \$85,000,000 shall be for grants to hospitals, in collaboration with local governments, to improve capacity to respond to bioterrorism; \$128,000,000 shall be for upgrading capacity at the Centers for Disease Control and Prevention, including research; \$98,000,000 shall be for the Office of the Secretary and improving disaster response teams; \$70,000,000 shall be for the National Institute of Allergy and Infectious Diseases for bioterrorism-related research and development and other related needs; \$69,000,000 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; \$562,000,000 shall be for the purchase and related costs of the smallpox vaccine, and \$30,000,000 shall be for improving laboratory security at the National Institutes of Health and the Centers for Disease Control and Prevention. At the discretion of

the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for "Other Procurement, Air Force", \$210,000,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. Amounts available in the "Defense Emergency Response 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 only for costs incurred for such purposes between September 11 and December 31, 2001: *Provided further*, That such Fund may be used to liquidate obligations incurred by the Department under the authorities in 41 U.S.C. 11 for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*, That the Secretary of Defense may transfer funds from the Fund to the appropriation, "Support for International Sporting Competitions, Defense", to be merged with, and available for the same time period and for the same purposes as that appropriation: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority available to the Secretary of Defense: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

SEC. 302. Amounts in the "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). Further, 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).

CHAPTER 4
DISTRICT OF COLUMBIA
FEDERAL FUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, 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 expended, \$12,144,209, of which \$921,833 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, \$453,376 is for the Department of Public Works, and \$5,000,000 is for the Washington Metropolitan Area Transit Authority.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, 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 expended, \$1,032,342, for the Fire and Emergency Medical Services Department.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, 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 expended, \$10,354,415, of which \$204,920 is for the Fire and Emergency Medical Services Department, \$258,170 is for the Metropolitan Police Department, and \$9,891,325 is for the Department of Health.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, 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 expended, \$2,100,000, for the Department of Health.

Notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget. The Chief financial Officer of the District of Columbia 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 heading beginning no later than January 2, 2002.

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 expended.

For Protective Clothing and Breathing Apparatus, to remain available until expended, \$12,144,209, of which \$921,833 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, \$453,376 is for the Department of Public Works, and \$5,000,000 is for the Washington Metropolitan Area Transit Authority.

For Specialized Hazardous Materials Equipment, to remain available until expended, \$1,032,342, for the Fire and Emergency Medical Services Department.

For Chemical and Biological Weapons Preparedness, to remain available until expended, \$10,354,415, of which \$204,920 is for the Fire and Emergency Medical Services Department, \$258,170 is for the Metropolitan Police Department, and \$9,891,325 is for the Department of Health.

For Pharmaceuticals for Responders, to remain available until expended, \$2,100,000, for the Department of Health.

CHAPTER 5

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", \$199,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEFENSE NUCLEAR NONPROLIFERATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to improve nuclear nonproliferation and

verification research and development, for "Defense Nuclear Nonproliferation", \$155,000,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38.

OTHER DEFENSE RELATED ACTIVITIES

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.

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.

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 September 30, 2003: *Provided*, That the funds appropriated herein shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

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

UNITED STATES PARK POLICE

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

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction", \$21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$2,205,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, for the working capital fund of the Department of the Interior.

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", \$21,707,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL GALLERY OF ART SALARIES AND EXPENSES

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

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS OPERATIONS AND MAINTENANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operations and Maintenance", \$4,310,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$758,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 7 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 the "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 \$40,712,000 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 the remaining balance of \$180,869,000 shall be transferred to the Capitol Police Board, which shall transfer to the affected entities in the Legislative Branch such amounts as are approved by the House and Senate Committees on Appropriations: *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 entity receiving funds under Public Law 107-38 in an amount equal to that required to provide support for security enhancements, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

SENATE

ADMINISTRATIVE PROVISIONS

SEC. 701. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Sergeant at Arms of the Senate may acquire buildings and facilities, subject to the availability of appropriations, for the use of the Senate, as appropriate, by lease, purchase, or such other arrangement as the Sergeant at Arms of the Senate considers appropriate (including a memorandum of understanding with the head of an Executive

Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency). Actions taken by the Sergeant at Arms of the Senate must be approved by the Committees on Appropriations and Rules and Administration.

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

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

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

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

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

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

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

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

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

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

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

SEC. 702. (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.

OTHER LEGISLATIVE BRANCH ADMINISTRATIVE PROVISIONS

SEC. 703. (a) Section 1(c) of Public Law 96-152 (40 U.S.C. 206-1) is amended by striking

“but not to exceed” and all that follows and inserting the following: “but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”.

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

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

SEC. 704. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) 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);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

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

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

(3) either—

(A) on a temporary and non-reimbursable basis,

(B) on a temporary and reimbursable basis, or

(C) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—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 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—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 OF REPORTS.—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.

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

SEC. 705. (a) The Chief of the Capitol Police may, upon any emergency as determined by the Capitol Police Board, deputize members of the National Guard (while in the performance of Federal or State service), members of components of the Armed Forces other than the National Guard, and Federal, State or local law enforcement officers as may be necessary to address that emergency. Any

person deputized under this section shall possess all the powers and privileges and may perform all duties of a member or officer of the Capitol Police.

(b) The Capitol Police Board may promulgate regulations, as determined necessary, to carry out provisions of this section.

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

SEC. 706. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a-2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

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

CHAPTER 8

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, DEFENSE-WIDE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Defense-wide”, \$510,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That of such amount, \$35,000,000 shall be available for transfer to “Military Construction, Army”.

MILITARY CONSTRUCTION, ARMY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Army”, \$20,700,000 to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

MILITARY CONSTRUCTION, NAVY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Navy”, \$2,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

MILITARY CONSTRUCTION, AIR FORCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Military Construction, Air Force”, \$47,700,000 to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 801. (a) AVAILABILITY OF AMOUNTS FOR MILITARY CONSTRUCTION RELATING TO TERRORISM.—Amounts made available to the Department of Defense from funds appropriated in Public Law 107-38 and this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

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

(1) The determination to use such amounts for the project.

(2) The estimated cost of the project.

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

SEC. 802. Notwithstanding section 2808(a) of title 10, United States Code, the Secretary of Defense may not utilize the authority in that section to undertake or authorize the undertaking of, any military construction project described by that section using amounts appropriated or otherwise made available by the Military Construction Appropriations Act, 2002, or any act appropriating funds for Military Construction for a fiscal year before fiscal year 2002.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, for the Office of the Secretary and intelligence activities, \$1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

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, \$37,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

COAST GUARD

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Operating Expenses”, \$203,000,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Operations”, \$232,000,000, 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, of which \$32,000,000 shall be only for the Metropolitan Washington Airports Authority.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Facilities and Equipment”, \$108,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for “Grants-in-aid for airports”, to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, \$100,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until September 30, 2003, to be obligated from

amounts made available in Public Law 107-38.

**FEDERAL HIGHWAY ADMINISTRATION
MISCELLANEOUS APPROPRIATIONS**

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, \$10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

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

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Emergency Relief Program", as authorized by section 125 of title 23, United States Code, \$75,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

**FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Safety and Operations", \$6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

**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.

**OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and for other safety and security related audit and monitoring responsibilities, for "Salaries and Expenses", \$2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

RELATED AGENCY

**NATIONAL TRANSPORTATION SAFETY BOARD
SALARIES AND EXPENSES**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$836,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 10

**DEPARTMENT OF THE TREASURY
INSPECTOR GENERAL FOR TAX ADMINISTRATION
SALARIES AND EXPENSES**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$2,032,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

**FINANCIAL CRIMES ENFORCEMENT NETWORK
SALARIES AND EXPENSES**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$1,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

**FEDERAL LAW ENFORCEMENT TRAINING
CENTER
SALARIES AND EXPENSES**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for "Salaries and Expenses", \$22,846,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

**FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES**

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

**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.

**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", \$127,603,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38; of this amount, not less than \$21,000,000 shall be available for increased staffing to combat terrorism along the Nation's borders.

**OPERATION, MAINTENANCE AND PROCUREMENT,
AIR AND MARINE INTERDICTION PROGRAMS**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operation, Maintenance and Procurement, Air and Marine Interdiction Programs", \$6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Processing, Assistance and Management", \$16,658,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

TAX LAW ENFORCEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Tax Law Enforcement", \$4,544,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

INFORMATION SYSTEMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Information Systems", \$15,991,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

**UNITED STATES SECRET SERVICE
SALARIES AND EXPENSES**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Salaries and Expenses", \$104,769,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

**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.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For emergency expenses to the Postal Service Fund to enable the Postal Service to build and establish a system for sanitizing and screening mail matter, to protect postal employees and postal customers from exposure to biohazardous material, 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, \$575,000,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDING FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Federal Buildings Fund", \$86,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL ARCHIVES AND RECORDS

ADMINISTRATION

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Operating Expenses", \$4,818,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

REPAIRS AND RESTORATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Repairs and Restoration", \$2,180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 11

DEPARTMENT OF VETERANS AFFAIRS

CONSTRUCTION, MAJOR PROJECTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Construction, Major Projects", \$2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

**DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT**

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Community Development Fund", \$2,000,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of Public Law 107-38: *Provided further*, That within 45 days of enactment, the State of New York, in conjunction with the City of New York, shall establish a corporation for the obligation of the funds provided under this heading, 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 begin processing such applications: *Provided further*, That the corporation shall respond to any application from an individual, nonprofit or small business for economic losses under this heading within 45 days of the submission of an application for funding: *Provided further*, That individuals, nonprofits or small businesses shall be eligible for compensation only if located in New York City in the area located on or south of Canal

Street, on or south of East Broadway (east of its intersection with Canal Street), or on or south of Grand Street (east of its intersection with East Broadway): *Provided further*, That, of the amount made available under this heading, 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.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Office of Inspector General”, \$1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INDEPENDENT AGENCIES

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”, \$100,514,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That amounts made available under this heading may be used for grants to States and localities for technical assistance, vulnerability assessments, remedial work, and emergency operations plans for drinking water systems.

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”, \$32,194,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for “Hazardous Substance Superfund”, \$18,292,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

STATE AND TRIBAL ASSISTANCE GRANTS

For making grants for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for “State and Tribal Assistance Grants”, \$5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For disaster recovery activities and assistance related to the terrorist attacks in New York, Virginia, and Pennsylvania on September 11, 2001, for “Disaster Relief”, \$5,050,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That of the amount made available under this heading, \$290,000,000 shall be transferred to “Emergency Management Planning and Assistance”, 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.): *Provided further*, That of this \$290,000,000, grants may be made available for equipment, training, and vehicle

needs related to hazards associated with bioterrorism: *Provided further*, That up to 5 percent of the \$290,000,000 shall be transferred to “Salaries and Expenses” for program administration: *Provided further*, That of the total amount made available under this heading, \$1,000,000 shall be made available to the Fairfax County Water Authority for water infrastructure reliability and vulnerability improvements.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Salaries and Expenses”, \$20,000,000, to remain available until expended, for the Office of National Preparedness, to be obligated from amounts made available in Public Law 107-38.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Human Space Flight”, \$64,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Science, Aeronautics and Technology”, \$28,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Research and Related Activities”, \$300,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

CHAPTER 12

GENERAL PROVISIONS, THIS DIVISION

SEC. 1201. Amounts which may be obligated pursuant to this division are subject to the terms and conditions provided in Public Law 107-38.

SEC. 1202. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

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

SA 2244. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount available in title IV of this division under the heading “Research, Development, Test and Evaluation, Army”, that is available for missile technology, \$8,500,000 may be available for the Surveillance Denial Solid Dye Laser Technology program of the Aviation and Missile Research, Development and Engineering Center of the Army.

SA 2245. Mr. KERRY (for himself, Mrs. HUTCHISON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year

ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount appropriated by title IV of this division under the heading “Research, Development, Test and Evaluation, Defense-Wide” and available for the Advanced Technology Development for Arms Control Technology element, \$12,500,000 may be made available for the Nuclear Treaty sub-element of such element for peer-reviewed seismic research to support Air Force operational nuclear test monitoring requirements.

SA 2246. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. . Of the amount available in title III of this division under the heading “Procurement of Ammunition, Air Force”, \$14,200,000 may be available for procurement of Sensor Fused Weapons (CBU-97).

SA 2247. Mr. HELMS (for himself, Mr. MILLER, Mr. HAGEL, Mr. HATCH, Mr. SHELBY, Mr. MURKOWSKI, Mr. BOND, Mr. WARNER, Mr. ALLEN, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE —AMERICAN SERVICE-MEMBERS' PROTECTION ACT OF 2001

SEC. 01. SHORT TITLE.

This title may be cited as the “American Servicemembers’ Protection Act of 2001”.

SEC. 02. FINDINGS.

Congress makes the following findings:

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

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

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

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives

of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed."

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

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

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

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

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

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obli-

gations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 03. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) **AUTHORITY TO INITIALLY WAIVE SECTIONS 05 AND 07.**—The President is authorized to waive the prohibitions and requirements of sections 05 and 07 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

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

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

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

(i) covered United States persons;

(ii) covered allied persons; and

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

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) **AUTHORITY TO EXTEND WAIVER OF SECTIONS 05 AND 07.**—The President is authorized to waive the prohibitions and requirements of sections 05 and 07 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

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

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

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

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

(I) covered United States persons;

(II) covered allied persons; and

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

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

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

(c) **AUTHORITY TO WAIVE SECTIONS 04 AND 06 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.**—The President is authorized to waive the prohibitions and requirements of sections 04 and 06 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

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

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

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 05 and 07 is in effect;

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

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

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

(i) Covered United States persons.

(ii) Covered allied persons.

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

(d) **TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).**—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 04 and 06 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 05 and 07 expires and is not extended pursuant to subsection (b).

(e) **TERMINATION OF PROHIBITIONS OF THIS TITLE.**—The prohibitions and requirements of sections 04, 05, 06, and 07 shall cease to apply, and the authority of section 08 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 04. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

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

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

(2) shall not prohibit—

(A) any action permitted under section 08; or

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

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

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

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

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

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

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

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

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

SEC. 05. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

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

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

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or

other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

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

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

SEC. 06. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

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

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

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 08.

SEC. 07. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

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

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

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

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

(1) a NATO member country;

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

(3) Taiwan.

SEC. 08. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

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

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

(1) Covered United States persons.

(2) Covered allied persons.

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

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

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

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

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

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

SEC. 09. ALLIANCE COMMAND ARRANGEMENTS.

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

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

party to the International Criminal Court; and

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

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

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

SEC. 10. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106-118; 113 Stat. 1501A-460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 11. APPLICATION OF SECTIONS 04 AND 06 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 04 and 06 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 04 or 06, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

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

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

SEC. 12. NONDELEGATION.

The authorities vested in the President by sections 03 and 11(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 05(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 13. DEFINITIONS.

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

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

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

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

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

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

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

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

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not ap-

pointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

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

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

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

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

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

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

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

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

SEC. 14. PERIOD OF EFFECTIVENESS OF THE TITLE.

Except as otherwise provided in this title, the provisions of this title shall take effect on the date of enactment of this Act and remain in effect without regard to the expiration of fiscal year 2002.

SA 2248. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC.—Of the amount appropriated by title III of this division under the heading “OTHER PROCUREMENT, ARMY”, \$10,000,000 may be made available for procurement of Shortstop Electronic Protection Systems for critical force protection.

SA 2249. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC.—Of the amount appropriated by title III of this division under the heading “OTHER PROCUREMENT, NAVY”, \$8,000,000 may be made available for procurement of the Tactical Support Center, Mobile Acoustic Analysis System.

SA 2250. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC.—Of the amount appropriated by title III of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, \$20,000,000 may be made available for the Broad Area Maritime Surveillance program.

SA 2251. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 370, strike lines 3 through 11.

SA 2252. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 305, strike line 15 and all that follows through page 308, line 25.

SA 2253. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8016, relating to Buy American requirements for welded shipboard anchor and mooring chains.

SA 2254. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8094, relating to Buy American requirements for main propulsion diesel engines and propulsors for the T-AKE class of ships.

SA 2255. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. . (a) NO PROHIBITION ON BURIAL OF RESERVISTS AT ARLINGTON NATIONAL CEMETERY BASED SOLELY ON AGE AT DEATH.—The Secretary of the Army may not prohibit the burial at Arlington National Cemetery, Virginia, of a deceased member of the Reserves who at death is qualified for burial at Arlington National Cemetery in all respects but age at death based solely on the age of the member at death.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to deaths occurring on or after September 11, 2001.

SA 2256. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in the Act under the heading “Research, Development, Test and Evaluation, Air Force” up to \$4,000,000 may be made available to extend the modeling and reengineering program now being performed at the Oklahoma City Air Logistics Center Propulsion Directorate.

SA 2257. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 10756, the Commission shall, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the expiration of the extension issued by the Commission before the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) expired before the date of the enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of its expiration;

(2) the reinstatement shall preserve the demonstration by the licensee of compliance with all the requirements of Public Law No. 103-450 (108 Stat. 4766) applicable to the project; and

(3) the first extension authorized under subsection (a) shall take effect on the expiration date.

SA 2258. Mr. LUGAR (for himself, Mr. LEVIN, Mr. BIDEN, Mr. HAGEL, Mr.

DOMENICI, Mr. BINGAMAN, Mr. TORRICELLI, Mr. DODD, Mr. DASCHLE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) INCREASE IN AMOUNT AVAILABLE FOR FORMER SOVIET UNION THREAT REDUCTION.—The amount appropriated in title II of this division under the heading “FORMER SOVIET UNION THREAT REDUCTION” is hereby increased by \$46,000,000.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount of the reduction provided for in section 8098 of this title is hereby increased by \$46,000,000, with the amount of the increase to be distributed equally among each of the accounts set forth in that section.

SA 2259. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 389, line 9, of Division C, after the period insert “Of the amounts provided for equipment grants, \$7,500,000 shall be made available for projects utilizing the techniques of Risk Management Planning to provide real time crisis planning, training, and response services to any widely attended event, including sporting events, which receives a terrorist threat advisory from the Federal Bureau of Investigation or similar warnings from any other Federal law enforcement agency.”

SA 2260. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, line 23, insert before the period “, of which, \$3,000,000 shall be used for a Processible Rigid-Rod Polymeric Material Supplier Initiative under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) to develop affordable production methods and a domestic supplier for military and commercial processible rigid-rod materials”.

SA 2261. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . *Provided*, That any request for advance appropriations for large capital projects, to include shipbuilding, may be proposed if such proposals include contractual provisions which yield cost savings for such projects. *Provided further*, That for purposes of this section shipbuilding advance appropriations are defined as appropriations

made in any fiscal year for any naval vessel for such fiscal year together with each of not more than five subsequent fiscal years, in accordance with which the government may incur obligations. Appropriations only for long lead items or other advanced components are not included in this definition.

SA 2262. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE”, \$2,000,000 is available for Military Personnel Research.

SA 2263. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Of the total amount appropriated by title VI under the heading “OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS”, \$7,500,000 is available for Armed Forces Retirement Homes.

SA 2264. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . *Provided*, That the funds appropriated by this act for C-130J aircraft shall be used to support the Air Force’s long-range plan called the “C-130 Roadmap” to assist in the planning, budgeting, and beddown of the C-130J fleet. The “C-130 Roadmap” gives consideration to the needs of the service, the condition of the aircraft to be replaced, and the requirement to properly phase facilities to determine the best C-130J aircraft beddown sequence.

SA 2265. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by this division for operation and maintenance, Air National Guard, \$4,000,000 may be used for continuation of the Air National Guard Information Analysis Network (GUARDIAN).

SA 2266. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense

fence for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the title of general provisions, add the following:

SEC. . Of the amount appropriated by title II for operation and maintenance, Defense-wide, \$55,700,000 shall be available only for the Defense Leadership and Management Program.

SA 2267. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by this division for operation and maintenance, Marine Corps, \$2,800,000 may be used for completing the fielding of half-zip, pull-over, fleece uniform shirts for all members of the Marine Corps, including the Marine Corps Reserve.

SA 2268. Mr. WARNER (for himself, Mr. STEVENS, Mr. ALLEN, Mr. CLELAND, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) AUTHORITY FOR BURIAL OF CERTAIN INDIVIDUALS AT ARLINGTON NATIONAL CEMETERY.—The Secretary of the Army shall authorize the burial in a separate gravesite at Arlington National Cemetery, Virginia, of any individual who—

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

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

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

SA 2269. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR HIGH SPEED ASSAULT CRAFT ADVANCED COMPOSITE ENGINEERING AND MANUFACTURING DEMONSTRATOR.—The amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE” is hereby increased by \$2,500,000, with the amount of the increase to be allocated to the Army Nutrition Project (PE0603002A).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available under subsection (a) for the Army Nutrition Project is in addition to any other amounts available under this Act for the Army Nutrition Project.

(c) OFFSET.—(1) The amount made available by this Act for the Defense Research Sciences, Southeast Atlantic Coastal Ocean Observing System is hereby reduced by \$2,000,000.

SA 2270. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amounts appropriated by title VI of this division under the heading “DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE”, \$15,000,000 shall be available for the Gulf States Initiative.

SA 2271. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—The amount available for the Partnership for Peace (PFP) Information Management System under title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE” is hereby increased by \$2,000,000 to \$3,922,000.

(4) OFFSET.—The amount made available by this Act for C4I Interoperability is hereby reduced by \$2,000,000.

SA 2272. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. (a) FUNDING FOR ARMY NUTRITION PROJECT.—The amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE” is hereby increased by \$2,500,000, with the amount of the increase to be allocated to the Army Nutrition Project (PE0603002A).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available under subsection (a) for the Army Nutrition Project is in addition to any other amounts available under this Act for the Army Nutrition Project.

(c) OFFSET.—(1) The amount made available by this Act for the Defense Research Sciences, Southeast Atlantic Coastal Ocean Observing System is hereby reduced by \$2,000,000.

(2) The amount made available by this Act for RF Systems Advanced Technology, M3CAS is hereby reduced by \$500,000.

SA 2273. Mr. HELMS (for himself and Mr. EDWARDS) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following new section:

Of the funds made available in title IV of this Act under the heading “Research Development, Test and Evaluation, Army”, up to \$4,000,000 may be made available for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

SA 2274. Mr. HELMS (for himself and Mr. EDWARDS) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following new section:

Of the funds made available in Title II of this Act under the heading “Operation and Maintenance, Army”, \$2,550,000 shall be available for the U.S. Army Materiel Command’s Logistics and Technology Project (LOGTECH)

SA 2275. Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following new section:

Of the funds made available in Title II of this Act under the heading “Operation and Maintenance, Navy”, up to \$2,000,000 may be made available for the U.S. Navy to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

SA 2276. Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following new section:

SEC. .Of the funds made available in Title II of this Act under the heading “Operation and Maintenance, Air Force”, up to \$2,000,000 may be made available for the U.S. Air Force to expand the number of combat aircrews who can benefit from outsourced Joint Airborne Tactical Electronic Combat Training.

SA 2277. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. .Of the amount appropriated by title III of this division under the heading “AIRCRAFT PROCUREMENT, AIR FORCE”, \$6,000,000 may be available for 10 radars in the Air Force Radar Modernization Program for C-130H2 aircraft (PEO40115) for aircraft of the Nevada Air National Guard at Reno, Nevada.

SA 2278. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. .Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, \$3,000,000 may be made available for Medical Development (PE604771N) for the Clark County, Nevada, bioterrorism and public health laboratory.

SA 2279. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. .Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, \$1,000,000 may be made available for Agile Combat Support (PE64617) for the Rural Low Bandwidth Medical Collaboration System.

SA 2280. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by this division for operation and maintenance, Navy, \$6,000,000 may be available for the critical infrastructure protection initiative.

SA 2281. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of this division, add the following:

SEC. 8135. (a) FUNDING FOR DOMED HOUSING UNITS ON MARSHALL ISLANDS.—The amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY” is hereby increased by \$4,400,000, with the amount of the increase to be available to the Commanding General of the Army Space and

Missile Defense Command for the acquisition, installation, and maintenance of not more than 50 domed housing units for military personnel on Kwajalein Atoll and other islands and locations in support of the mission of the command.

(b) LIMITATION.—Funds available under subsection (a) may not be used for a contract with a person or entity if the person or entity has not installed domed housing units on the Marshall Islands as of the date of the enactment of this Act.

(c) OFFSET.—The amount appropriated by title III of this division under the heading “PROCUREMENT, MARINE CORPS” is hereby reduced by \$4,400,000, with the amount of the reduction to be allocated to amounts available for the family of internally transportable vehicles (ITV).

SA 2282. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. .Of the total amount appropriated by title IV under the heading ‘RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY’, \$12,000,000 is available for the planning and design for evolutionary improvements for the next LHD-type Amphibious Assault Ship.

SA 2283. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike the following:

SEC. 8032 (f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$60,000,000.

SA 2284. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. . NO PROHIBITION ON BURIAL OF RESERVISTS AT ARLINGTON NATIONAL CEMETERY BASED SOLELY ON AGE AT DEATH.

(a) The Secretary of the Army may not prohibit the burial at Arlington National Cemetery, Virginia, of a deceased member of the Reserves who at death is qualified for burial in their own grave at Arlington National Cemetery in all respects but age at death based solely on the age of the member at death.

(b) DATE OF ENACTMENT.—This section will take effect on September 11, 2001, and for all occurrences thereafter.

SA 2285. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division A, insert the following:

SEC. . POSTHUMOUS RECALL TO ACTIVE DUTY.

(a) **POSTHUMOUS RECALL PROCEDURE.**—The Secretary of Defense may posthumously and involuntarily recall to active duty previously retired members of the Ready Reserve provided:

(1) There is reason to believe they were killed attempting to stop a terrorist attack on domestic soil or abroad, or

(2) They were killed while engaged in the defense of the United States.

(b) **DATE OF ENACTMENT.**—This section will take effect on September 11, 2001, and for all occurrences thereafter.

SA 2286. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I of division C, under the heading “NATIONAL NUCLEAR SECURITY ADMINISTRATION” under the paragraph “DEFENSE NUCLEAR PROLIFERATION”, insert after “nuclear nonproliferation and verification research and development” the following: “(including research and development with respect to radiological dispersion devices, also known as ‘dirty bombs’)”.

SA 2287. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I of division C, under the heading “NUCLEAR REGULATORY COMMISSION” under the paragraph “SALARIES AND EXPENSES”, insert after “nuclear power plants” the following: “and spent nuclear fuel storage facilities”.

SA 2288. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I of division C, insert after the matter relating to “DEFENSE NUCLEAR NONPROLIFERATION” the following:

OFFICE OF CRITICAL INFRASTRUCTURE PROTECTION
NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER

For an additional amount to respond to the September 11, 2001, terrorist attacks on the United States, and to improve the security of the Nation’s oil refineries against cyber and physical attack, \$16,000,000, to remain available until September 30, 2003: *Provided*, That the amount appropriated by chapter 12 of division B under the heading “ENVIRONMENTAL PROTECTION AGENCY” under the paragraph “ENVIRONMENTAL PROGRAMS AND MANAGEMENT” is hereby reduced by \$14,000,000; *Provided further*, That the amount appropriated by chapter 7 of this title under the heading “ENVIRONMENTAL PROTECTION AGENCY” under the paragraph “ENVIRONMENTAL PROGRAMS AND MANAGEMENT” is hereby reduced by \$2,000,000.

SA 2289. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an

amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Division B, insert the following:

SEC. . TRANSIT ECONOMIC STIMULUS PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **HEAVY-DUTY TRANSIT BUS.**—The term “heavy-duty transit bus” has the same meaning given that term in the American Public Transportation Association Standard Procurement Guideline Specifications dated March 25, 1999 and July 3, 2001.

(2) **INTERCITY COACH.**—The term “intercity coach” has the same meaning given that term in Solicitation FFAH-B1-002272-N, section 1-4B, Amendment number 2, dated June 6, 2000.

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Federal Transit Administration of the Department of Transportation shall carry out a pilot program to facilitate and accelerate the immediate procurement of heavy-duty transit buses and intercity coaches by State, local, and regional transportation authorities that are recipients of Federal Transit Administration assistance or grants through existing contracts with the General Services Administration.

(2) **TERMINATION.**—The pilot program carried out under paragraph (1) shall terminate on December 31, 2003.

(c) **ESTABLISHMENT OF MULTIPLE AWARD SCHEDULE BY GSA.**—Not later than December 31, 2003, the General Services Administration, with assistance from the Federal Transit Administration, shall establish and publish a multiple award schedule for heavy-duty transit buses and intercity coaches which shall permit Federal agencies and State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants, or other ordering entities, to acquire heavy-duty transit buses and intercity coaches under those schedules.

(d) **REPORT.**—

(1) **IN GENERAL.**—The Administrator of the Federal Transit Administration shall submit a report quarterly, in writing, to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(2) **CONTENTS.**—The report required to be submitted under paragraph (1) shall describe, with specificity—

(A) all measures being taken to accelerate the processes authorized under this section, including estimates on the effect of this section on job retention in the bus and intercity coach manufacturing industry;

(B) job creation in the bus and intercity coach manufacturing industry as a result of the economic stimulus program established under this section; and

(C) bus and intercity coach manufacturing economic growth in those States and localities that have participated in the pilot program carried out under subsection (b).

(e) **COMPLIANCE WITH OTHER LAWS.**—This section shall be carried out in accordance with all existing Federal transit laws and requirements.

(f) **TERMINATION.**—This section shall terminate on December 31, 2006.

SA 2290. Mr. BAUCUS submitted an amendment intended to be proposed by

him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

DIVISION F—OTHER PROVISIONS

SEC. 101. (a) SMALL MANUFACTURERS EXEMPT FROM FIREARMS EXCISE TAX.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

(c) **SMALL MANUFACTURERS, ETC.**—

(1) **IN GENERAL.**—The tax imposed by section 4181 shall not apply to any article described in such section if manufactured, produced, or imported by a person who manufactures, produces, and imports less than 50 of such articles during the calendar year.

(2) **CONTROLLED GROUPS.**—All persons treated as a single employer for purposes of subsection (a) or (b) of section 52 shall be treated as one person for purposes of paragraph (1).’

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

SA 2291. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. (a) FUNDING FOR NATIONAL TISSUE ENGINEERING CENTER.—The amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY” is hereby increased by \$4,000,000, with the amount of the increase to be allocated to Medical Technology and available for the National Tissue Engineering Center.

(b) **SUPPLEMENT NOT SUPPLANT.**—The amount made available by subsection (a) for the National Tissue Engineering Center is in addition to any other amounts made available by this Act for the National Tissue Engineering Center.

(c) **OFFSET.**—The amount appropriated by title III of this division under the heading “PROCUREMENT OF AMMUNITION, ARMY” is hereby reduced by \$4,000,000, with the amount of the reduction to be allocated to amounts available for the Armament Retooling Manufacturing Support (ARMS) initiative.

SA 2292. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 204, line 20, increase the amount by \$5,000,000.

On page 213, line 10, reduce the amount by \$5,000,000.

SA 2293. Mr. SANTORUM submitted an amendment intended to be proposed

by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 225, line 8, increase the amount by \$1,000,000.

On page 213, line 10, reduce the amount by \$1,000,000.

SA 2294. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 225, line 1, increase the amount by \$3,000,000.

On page 213, line 10, reduce the amount by \$3,000,000.

SA 2295. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, line 16, increase the amount by \$5,000,000.

On page 213, line 10, reduce the amount by \$5,000,000.

SA 2296. Mr. SPECTER (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, after line 21, add the following:

**DIVISION F—MEDICARE
RECLASSIFICATIONS**

SEC. 6101. THREE-YEAR RECLASSIFICATION OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, effective for discharges occurring during fiscal years 2002, 2003, and 2004, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

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

(2) in Northumberland County, Pennsylvania, such county is deemed to be located in the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area; and

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

(b) **RULES.**—The reclassifications made under subsection (a) shall be treated as decisions of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), except that, subject to paragraph (8)(D) of that section, payments

shall be made under such section to any hospital reclassified into—

(1) the Newburgh, New York-PA Metropolitan Statistical Area as of October 1, 2001, as if the counties described in subsection (a)(1) had not been reclassified into such Area under such subsection;

(2) the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area as of October 1, 2001, as if the county described in subsection (a)(2) had not been reclassified into such Area under such subsection; and

(3) the Youngstown-Warren, Ohio Metropolitan Statistical Area as of October 1, 2001, as if the county described in subsection (a)(3) had not been reclassified into such Area under such subsection.

SA 2297. Mr. BAYH (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) **AUTHORIZATION.**—The Secretary of Health and Human Services (referred to in this section as “secretary”) is authorized to award grants to, or enter into cooperative agreements with, States to increase the level of bioterrorism preparedness.

(b) **AMOUNT OF ALLOTMENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), of the amount made available for the purpose of carrying out this section the Secretary shall allot to each State that submits a State preparedness plan under subsection (c) an amount equal to the amount that bears the same ratio to such funds as the population in the State bears to the population of all States.

(2) **EXCEPTION.**—The Secretary may provide additional funds under paragraph (1) to a State that has extraordinary needs with respect to bioterrorism preparedness.

(3) **MINIMUM ALLOTMENT.**—No allotment to a State under this section, other than an allotment to the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, shall be less than \$5,000,000.

(4) **PRO RATA REDUCTIONS.**—The Secretary shall make such pro rata reductions to the allotments determined under paragraphs (1) and (2), as are necessary to comply with the requirement of paragraph (3).

(5) **SUPPLEMENT NOT SUPPLANT.**—Amounts allotted to a State under this subsection shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under any other provision of law that are used to support programs and activities similar to the activities described in subparagraph (a).

(c) **STATE PREPAREDNESS PLAN.**—

(1) **IN GENERAL.**—Each State desiring an allotment under this section shall submit a State preparedness plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) **REQUIREMENTS.**—Each State developing a plan for submission under paragraph (1) shall consult with any entities that may be affected by such plan.

(d) **REGULATIONS.**—The Secretary shall implement regulations to ensure funds are used consistent with the State plan submitted under subsection (c).

(e) **DEFINITION OF STATE.**—For the purposes of this section, the term “State” means the 50 states of the United States, the District of

Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(f) **FUNDING.**—Of the amount allocated under this Act to prepare for or respond to bioterrorism, \$670,000,000 shall be used for the purpose of carrying out this section.

SA 2298. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title III of this division for other procurement, Navy, \$14,000,000 shall be available for the NULKA decoy procurement.

SA 2299. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 226, line 20, strike the colon and all that follows through page 227, line 15, and insert a period.

SA 2300. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17, and 18, insert the following:

SEC. 8135. (a) Of the total amount appropriated by title III of this division for the Navy for procurement for shipbuilding and conversion, \$50,000,000 shall be available for the DDG-51 destroyer program.

(b) Using funds available under subsection (a), the Secretary of the Navy may, in fiscal year 2002, enter into one or more contracts with the shipbuilder and other sources for advance procurement and advance construction of components for one additional DDG-51 Arleigh Burke class destroyer.

(c) It is the sense of Congress that the President should include in the budget for fiscal year 2003 submitted to Congress under section 1105 of title 31, United States Code, funding for the DDG-51 Arleigh Burke Destroyer program in amounts sufficient to support the commencement of construction of a third DDG-51 Arleigh Burke class destroyer at the lead shipyard for the program in fiscal year 2003.

SA 2301. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. (a) Of the total amount appropriated by title III of this division for procurement, Defense-Wide, \$5,000,000 shall be available for low-rate initial production of

the Striker advanced lightweight grenade launcher.

(b) Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Navy, \$1,000,000 shall be available for the Warfighting Laboratory for delivery and evaluation of prototype units of the Striker advanced lightweight grenade launcher.

SA 2302. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test and evaluation, Defense-Wide, \$4,000,000 shall be available for the Intelligent Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency.

SA 2303. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Defense-Wide, \$5,000,000 shall be available for further development of light weight sensors of chemical and biological agents using fluorescence-based detection.

SA 2304. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Navy, \$4,300,000 shall be available for the demonstration and validation of laser fabricated steel reinforcement for ship construction.

SA 2305. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 8135. Of the total amount appropriated by title IV of this division for research, development, test, and evaluation, Army, \$5,000,000 shall be available for further development, fabrication, and testing of composite materials and missile components for the next generation of tactical missiles.

SA 2306. Ms. LANDRIEU submitted an amendment intended to be proposed

by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY” and available for the Medical Advanced Technology Account, \$2,500,000 may be made available for the Army Nutrition Project (PE0603002A).

SA 2307. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the total amount appropriated by title IV of this division under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, \$2,000,000 may be made available for the Partnership for Peace (PFP) Information Management System. Any amount made available for the Partnership for Peace Information Management System under this section is in addition to other amounts available for the Partnership for Peace Information Management System under the Act.

SA 2308. Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. SPECTER)) proposed an amendment to the bill H.R. 2716, to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the “Homeless Veterans Comprehensive Assistance Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents; references to title 38, United States Code.
- Sec. 2. Definitions.
- Sec. 3. National goal to end homelessness among veterans.
- Sec. 4. Sense of the Congress regarding the needs of homeless veterans and the responsibility of Federal agencies.
- Sec. 5. Consolidation and improvement of provisions of law relating to homeless veterans.
- Sec. 6. Evaluation centers for homeless veterans programs.
- Sec. 7. Study of outcome effectiveness of grant program for homeless veterans with special needs.
- Sec. 8. Expansion of other programs.
- Sec. 9. Coordination of employment services.
- Sec. 10. Use of real property.
- Sec. 11. Meetings of Interagency Council on Homeless.
- Sec. 12. Rental assistance vouchers for HUD Veterans Affairs Supported Housing program.

(c) **REFERENCES TO TITLE 38, UNITED STATES CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term “homeless veteran” has the meaning given such term in section 2002 of title 38, United States Code, as added by section 5(a)(1).

(2) The term “grant and per diem provider” means an entity in receipt of a grant under section 2011 or 2012 of title 38, United States Code, as so added.

SEC. 3. NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) **NATIONAL GOAL.**—Congress hereby declares it to be a national goal to end chronic homelessness among veterans within a decade of the enactment of this Act.

(b) **COOPERATIVE EFFORTS ENCOURAGED.**—Congress hereby encourages all departments and agencies of Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, faith-based organizations, and individuals to work cooperatively to end chronic homelessness among veterans within a decade.

SEC. 4. SENSE OF THE CONGRESS REGARDING THE NEEDS OF HOMELESS VETERANS AND THE RESPONSIBILITY OF FEDERAL AGENCIES.

It is the sense of the Congress that—

(1) homelessness is a significant problem in the veterans community and veterans are disproportionately represented among homeless men;

(2) while many effective programs assist homeless veterans to again become productive and self-sufficient members of society, current resources provided to such programs and other activities that assist homeless veterans are inadequate to provide all needed essential services, assistance, and support to homeless veterans;

(3) the most effective programs for the assistance of homeless veterans should be identified and expanded;

(4) federally funded programs for homeless veterans should be held accountable for achieving clearly defined results;

(5) Federal efforts to assist homeless veterans should include prevention of homelessness; and

(6) Federal agencies, particularly the Department of Veterans Affairs, the Department of Housing and Urban Development, and the Department of Labor, should cooperate more fully to address the problem of homelessness among veterans.

SEC. 5. CONSOLIDATION AND IMPROVEMENT OF PROVISIONS OF LAW RELATING TO HOMELESS VETERANS.

(a) **IN GENERAL.**—(1) Part II is amended by inserting after chapter 19 the following new chapter:

CHAPTER 20—BENEFITS FOR HOMELESS VETERANS

“**SUBCHAPTER I—PURPOSE; DEFINITIONS; ADMINISTRATIVE MATTERS**

- “**Sec.**
- “**2001. Purpose.**
- “**2002. Definitions.**
- “**2003. Staffing requirements.**
- “**SUBCHAPTER II—COMPREHENSIVE SERVICE PROGRAMS**
- “**2011. Grants.**
- “**2012. Per diem payments.**
- “**2013. Authorization of appropriations.**
- “**SUBCHAPTER III—TRAINING AND OUTREACH**
- “**2021. Homeless veterans reintegration programs.**

“2022. Coordination of outreach services for veterans at risk of homelessness.

“2023. Demonstration program of referral and counseling for veterans transitioning from certain institutions who are at risk for homelessness.

“SUBCHAPTER IV—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

“2031. General treatment.

“2032. Therapeutic housing.

“2033. Additional services at certain locations.

“2034. Coordination with other agencies and organizations.

“SUBCHAPTER V—HOUSING ASSISTANCE

“2041. Housing assistance for homeless veterans.

“2042. Supported housing for veterans participating in compensated work therapies.

“2043. Domiciliary care programs.

“SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING

“2051. General authority.

“2052. Requirements.

“2053. Default.

“2054. Audit.

“SUBCHAPTER VII—OTHER PROVISIONS

“2061. Grant program for homeless veterans with special needs.

“2062. Dental care.

“2063. Employment assistance.

“2064. Technical assistance grants for non-profit community-based groups.

“2065. Annual report on assistance to homeless veterans.

“2066. Advisory Committee on Homeless Veterans.

“SUBCHAPTER I—PURPOSE; DEFINITIONS; ADMINISTRATIVE MATTERS

§ 2001. Purpose

“The purpose of this chapter is to provide for the special needs of homeless veterans.

§ 2002. Definitions

“In this chapter:

“(1) The term ‘homeless veteran’ means a veteran who is homeless (as that term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)).

“(2) The term ‘grant and per diem provider’ means an entity in receipt of a grant under section 2011 or 2012 of this title.

§ 2003. Staffing requirements

“(a) VBA STAFFING AT REGIONAL OFFICES.—The Secretary shall ensure that there is at least one full-time employee assigned to oversee and coordinate homeless veterans programs at each of the 20 Veterans Benefits Administration regional offices that the Secretary determines have the largest homeless veteran populations within the regions of the Administration. The programs covered by such oversight and coordination include the following:

“(1) Housing programs administered by the Secretary under this title or any other provision of law.

“(2) Compensation, pension, vocational rehabilitation, and education benefits programs administered by the Secretary under this title or any other provision of law.

“(3) The housing program for veterans supported by the Department of Housing and Urban Development.

“(4) The homeless veterans reintegration program of the Department of Labor under section 2021 of this title.

“(5) The programs under section 2033 of this title.

“(6) The assessments required by section 2034 of this title.

“(7) Such other programs relating to homeless veterans as may be specified by the Secretary.

“(b) VHA CASE MANAGERS.—The Secretary shall ensure that the number of case managers in the Veterans Health Administration is sufficient to assure that every veteran who is provided a housing voucher through section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is assigned to, and is seen as needed by, a case manager.

“SUBCHAPTER II—COMPREHENSIVE SERVICE PROGRAMS

§ 2011. Grants

“(a) AUTHORITY TO MAKE GRANTS.—(1) Subject to the availability of appropriations provided for such purpose, the Secretary shall make grants to assist eligible entities in establishing programs to furnish, and expanding or modifying existing programs for furnishing, the following to homeless veterans:

“(A) Outreach.

“(B) Rehabilitative services.

“(C) Vocational counseling and training.

“(D) Transitional housing assistance.

“(2) The authority of the Secretary to make grants under this section expires on September 30, 2005.

“(b) CRITERIA FOR GRANTS.—The Secretary shall establish criteria and requirements for grants under this section, including criteria for entities eligible to receive grants, and shall publish such criteria and requirements in the Federal Register. The criteria established under this subsection shall include the following:

“(1) Specification as to the kinds of projects for which grants are available, which shall include—

“(A) expansion, remodeling, or alteration of existing buildings, or acquisition of facilities, for use as service centers, transitional housing, or other facilities to serve homeless veterans; and

“(B) procurement of vans for use in outreach to and transportation for homeless veterans for purposes of a program referred to in subsection (a).

“(2) Specification as to the number of projects for which grants are available.

“(3) Criteria for staffing for the provision of services under a project for which grants are made.

“(4) Provisions to ensure that grants under this section—

“(A) shall not result in duplication of ongoing services; and

“(B) to the maximum extent practicable, shall reflect appropriate geographic dispersion and an appropriate balance between urban and other locations.

“(5) Provisions to ensure that an entity receiving a grant shall meet fire and safety requirements established by the Secretary, which shall include—

“(A) such State and local requirements that may apply; and

“(B) fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.

“(6) Specification as to the means by which an entity receiving a grant may contribute in-kind services to the start-up costs of a project for which a grant is sought and the methodology for assigning a cost to that contribution for purposes of subsection (c).

“(c) FUNDING LIMITATIONS.—A grant under this section may not be used to support operational costs. The amount of a grant under this section may not exceed 65 percent of the estimated cost of the project concerned.

“(d) ELIGIBLE ENTITIES.—The Secretary may make a grant under this section to an entity applying for such a grant only if the applicant for the grant—

“(1) is a public or nonprofit private entity with the capacity (as determined by the Secretary) to effectively administer a grant under this section;

“(2) demonstrates that adequate financial support will be available to carry out the project for which the grant is sought consistent with the plans, specifications, and schedule submitted by the applicant; and

“(3) agrees to meet the applicable criteria and requirements established under subsections (b) and (g) and has, as determined by the Secretary, the capacity to meet such criteria and requirements.

“(e) APPLICATION REQUIREMENT.—An entity seeking a grant for a project under this section shall submit to the Secretary an application for the grant. The application shall set forth the following:

“(1) The amount of the grant sought for the project.

“(2) A description of the site for the project.

“(3) Plans, specifications, and the schedule for implementation of the project in accordance with criteria and requirements prescribed by the Secretary under subsection (b).

“(4) Reasonable assurance that upon completion of the work for which the grant is sought, the project will become operational and the facilities will be used principally to provide to veterans the services for which the project was designed, and that not more than 25 percent of the services provided under the project will be provided to individuals who are not veterans.

“(f) PROGRAM REQUIREMENTS.—The Secretary may not make a grant for a project to an applicant under this section unless the applicant in the application for the grant agrees to each of the following requirements:

“(1) To provide the services for which the grant is made at locations accessible to homeless veterans.

“(2) To maintain referral networks for homeless veterans for establishing eligibility for assistance and obtaining services, under available entitlement and assistance programs, and to aid such veterans in establishing eligibility for and obtaining such services.

“(3) To ensure the confidentiality of records maintained on homeless veterans receiving services through the project.

“(4) To establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant and to such payments as may be made under section 2012 of this title.

“(5) To seek to employ homeless veterans and formerly homeless veterans in positions created for purposes of the grant for which those veterans are qualified.

“(g) SERVICE CENTER REQUIREMENTS.—In addition to criteria and requirements established under subsection (b), in the case of an application for a grant under this section for a service center for homeless veterans, the Secretary shall require each of the following:

“(1) That such center provide services to homeless veterans during such hours as the Secretary may specify and be open to such veterans on an as-needed, unscheduled basis.

“(2) That space at such center be made available, as mutually agreeable, for use by staff of the Department of Veterans Affairs, the Department of Labor, and other appropriate agencies and organizations in assisting homeless veterans served by such center.

“(3) That such center be equipped and staffed to provide or to assist in providing health care, mental health services, hygiene facilities, benefits and employment counseling, meals, transportation assistance, and such other services as the Secretary determines necessary.

“(4) That such center be equipped and staffed to provide, or to assist in providing, job training, counseling, and placement services (including job readiness and literacy and skills training), as well as any outreach and case management services that may be necessary to carry out this paragraph.

“(h) RECOVERY OF UNUSED GRANT FUNDS.—(1) If a grant recipient under this section does not establish a program in accordance with this section or ceases to furnish services under such a program for which the grant was made, the United States shall be entitled to recover from such recipient the total of all unused grant amounts made under this section to such recipient in connection with such program.

“(2) Any amount recovered by the United States under paragraph (1) may be obligated by the Secretary without fiscal year limitation to carry out provisions of this subchapter.

“(3) An amount may not be recovered under paragraph (1) as an unused grant amount before the end of the three-year period beginning on the date on which the grant is made.

§ 2012. Per diem payments

“(a) PER DIEM PAYMENTS FOR FURNISHING SERVICES TO HOMELESS VETERANS.—(1) Subject to the availability of appropriations provided for such purpose, the Secretary, pursuant to such criteria as the Secretary shall prescribe, shall provide to a recipient of a grant under section 2011 of this title (or an entity eligible to receive a grant under that section which after November 10, 1992, establishes a program that the Secretary determines carries out the purposes described in that section) per diem payments for services furnished to any homeless veteran—

“(A) whom the Secretary has referred to the grant recipient (or entity eligible for such a grant); or

“(B) for whom the Secretary has authorized the provision of services.

“(2)(A) The rate for such per diem payments shall be the daily cost of care estimated by the grant recipient or eligible entity adjusted by the Secretary under subparagraph (B). In no case may the rate determined under this paragraph exceed the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.

“(B) The Secretary shall adjust the rate estimated by the grant recipient or eligible entity under subparagraph (A) to exclude other sources of income described in subparagraph (D) that the grant recipient or eligible entity certifies to be correct.

“(C) Each grant recipient or eligible entity shall provide to the Secretary such information with respect to other sources of income as the Secretary may require to make the adjustment under subparagraph (B).

“(D) The other sources of income referred to in subparagraphs (B) and (C) are payments to the grant recipient or eligible entity for furnishing services to homeless veterans under programs other than under this subchapter, including payments and grants from other departments and agencies of the United States, from departments or agencies of State or local government, and from private entities or organizations.

“(3) In a case in which the Secretary has authorized the provision of services, per diem payments under paragraph (1) may be paid retroactively for services provided not more than three days before the authorization was provided.

“(b) INSPECTIONS.—The Secretary may inspect any facility of a grant recipient or entity eligible for payments under subsection

(a) at such times as the Secretary considers necessary. No per diem payment may be provided to a grant recipient or eligible entity under this section unless the facilities of the grant recipient or eligible entity meet such standards as the Secretary shall prescribe.

“(c) LIFE SAFETY CODE.—(1) Except as provided in paragraph (2), a per diem payment may not be provided under this section to a grant recipient or eligible entity unless the facilities of the grant recipient or eligible entity, as the case may be, meet applicable fire and safety requirements under the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.

“(2) During the five-year period beginning on the date of the enactment of this section, paragraph (1) shall not apply to an entity that received a grant under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102-590; 38 U.S.C. 7721 note) before that date if the entity meets fire and safety requirements established by the Secretary.

“(3) From amounts available for purposes of this section, not less than \$5,000,000 shall be used only for grants to assist entities covered by paragraph (2) in meeting the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.

§ 2013. Authorization of appropriations

“There are authorized to be appropriated to carry out this subchapter amounts as follows:

- “(1) \$60,000,000 for fiscal year 2002.
- “(2) \$75,000,000 for fiscal year 2003.
- “(3) \$75,000,000 for fiscal year 2004.
- “(4) \$75,000,000 for fiscal year 2005.

“SUBCHAPTER III—TRAINING AND OUTREACH

§ 2021. Homeless veterans reintegration programs

“(a) IN GENERAL.—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to provide job training, counseling, and placement services (including job readiness and literacy and skills training) to expedite the reintegration of homeless veterans into the labor force.

“(b) REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

“(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

“(c) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans’ Employment and Training.

“(d) BIENNIAL REPORT TO CONGRESS.—Not less than every two years, the Secretary of Labor shall submit to Congress a report on the programs conducted under this section. The Secretary of Labor shall include in the report an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (b).

“(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section amounts as follows:

“(A) \$50,000,000 for fiscal year 2002.

“(B) \$50,000,000 for fiscal year 2003.

“(C) \$50,000,000 for fiscal year 2004.

“(D) \$50,000,000 for fiscal year 2005.

“(E) \$50,000,000 for fiscal year 2006.

“(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.

“§ 2022. Coordination of outreach services for veterans at risk of homelessness

“(a) OUTREACH PLAN.—The Secretary, acting through the Under Secretary for Health, shall provide for appropriate officials of the Mental Health Service and the Readjustment Counseling Service of the Veterans Health Administration to develop a coordinated plan for joint outreach by the two Services to veterans at risk of homelessness, including particularly veterans who are being discharged or released from institutions after inpatient psychiatric care, substance abuse treatment, or imprisonment.

“(b) MATTERS TO BE INCLUDED.—The outreach plan under subsection (a) shall include the following:

“(1) Strategies to identify and collaborate with non-Department entities used by veterans who have not traditionally used Department services to further outreach efforts.

“(2) Strategies to ensure that mentoring programs, recovery support groups, and other appropriate support networks are optimally available to veterans.

“(3) Appropriate programs or referrals to family support programs.

“(4) Means to increase access to case management services.

“(5) Plans for making additional employment services accessible to veterans.

“(6) Appropriate referral sources for mental health and substance abuse services.

“(c) COOPERATIVE RELATIONSHIPS.—The outreach plan under subsection (a) shall identify strategies for the Department to enter into formal cooperative relationships with entities outside the Department to facilitate making services and resources optimally available to veterans.

“(d) REVIEW OF PLAN.—The Secretary shall submit the outreach plan under subsection (a) to the Advisory Committee on Homeless Veterans for its review and consultation.

“(e) OUTREACH PROGRAM.—(1) The Secretary shall carry out an outreach program to provide information to homeless veterans and veterans at risk of homelessness. The program shall include at a minimum—

“(A) provision of information about benefits available to eligible veterans from the Department; and

“(B) contact information for local Department facilities, including medical facilities, regional offices, and veterans centers.

“(2) In developing and carrying out the program under paragraph (1), the Secretary shall, to the extent practicable, consult with appropriate public and private organizations, including the Bureau of Prisons, State social service agencies, the Department of Defense, and mental health, veterans, and homeless advocates—

“(A) for assistance in identifying and contacting veterans who are homeless or at risk of homelessness;

“(B) to coordinate appropriate outreach activities with those organizations; and

“(C) to coordinate services provided to veterans with services provided by those organizations.

“(f) REPORTS.—(1) Not later than October 1, 2002, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives an initial report that contains an evaluation of outreach

activities carried out by the Secretary with respect to homeless veterans, including outreach regarding clinical issues and other benefits administered under this title. The Secretary shall conduct the evaluation in consultation with the Under Secretary for Benefits, the Department of Veterans Affairs central office official responsible for the administration of the Readjustment Counseling Service, the Director of Homeless Veterans Programs, and the Department of Veterans Affairs central office official responsible for the administration of the Mental Health Strategic Health Care Group.

“(2) Not later than December 31, 2005, the Secretary shall submit to the committees referred to in paragraph (1) an interim report on outreach activities carried out by the Secretary with respect to homeless veterans. The report shall include the following:

“(A) The Secretary’s outreach plan under subsection (a), including goals and time lines for implementation of the plan for particular facilities and service networks.

“(B) A description of the implementation and operation of the outreach program under subsection (e).

“(C) A description of the implementation and operation of the demonstration program under section 2023 of this title.

“(3) Not later than July 1, 2007, the Secretary shall submit to the committees referred to in paragraph (1) a final report on outreach activities carried out by the Secretary with respect to homeless veterans. The report shall include the following:

“(A) An evaluation of the effectiveness of the outreach plan under subsection (a).

“(B) An evaluation of the effectiveness of the outreach program under subsection (e).

“(C) An evaluation of the effectiveness of the demonstration program under section 2023 of this title.

“(D) Recommendations, if any, regarding an extension or modification of such outreach plan, such outreach program, and such demonstration program.

“§ 2023. Demonstration program of referral and counseling for veterans transitioning from certain institutions who are at risk for homelessness

“(a) PROGRAM AUTHORITY.—The Secretary and the Secretary of Labor (hereinafter in this section referred to as the ‘Secretaries’) shall carry out a demonstration program for the purpose of determining the costs and benefits of providing referral and counseling services to eligible veterans with respect to benefits and services available to such veterans under this title and under State law.

“(b) LOCATION OF DEMONSTRATION PROGRAM.—The demonstration program shall be carried out in at least six locations. One location shall be a penal institution under the jurisdiction of the Bureau of Prisons.

“(c) SCOPE OF PROGRAM.—(1) To the extent practicable, the demonstration program shall provide both referral and counseling services, and in the case of counseling services, shall include counseling with respect to job training and placement (including job readiness), housing, health care, and other benefits to assist the eligible veteran in the transition from institutional living.

“(2)(A) To the extent that referral or counseling services are provided at a location under the program, referral services shall be provided in person during such period of time that the Secretaries may specify that precedes the date of release or discharge of the eligible veteran, and counseling services shall be furnished after such date.

“(B) The Secretaries may, as part of the program, furnish to officials of penal institutions outreach information with respect to referral and counseling services for presentation to veterans in the custody of such of

ficials during the 18-month period that precedes such date of release or discharge.

“(3) The Secretaries may enter into contracts to carry out the referral and counseling services required under the program with entities or organizations that meet such requirements as the Secretaries may establish.

“(4) In developing the program, the Secretaries shall consult with officials of the Bureau of Prisons, officials of penal institutions of States and political subdivisions of States, and such other officials as the Secretaries determine appropriate.

“(d) DURATION.—The authority of the Secretaries to provide referral and counseling services under the demonstration program shall cease on the date that is four years after the date of the commencement of the program.

“(e) DEFINITION.—In this section, the term ‘eligible veteran’ means a veteran who—

“(1) is a resident of a penal institution or an institution that provides long-term care for mental illness; and

“(2) is at risk for homelessness absent referral and counseling services provided under the demonstration program (as determined under guidelines established by the Secretaries).

“SUBCHAPTER V—HOUSING ASSISTANCE

“§ 2042. Supported housing for veterans participating in compensated work therapies

“The Secretary may authorize homeless veterans in the compensated work therapy program to be provided housing through the therapeutic residence program under section 2032 of this title or through grant and per diem providers under subchapter II of this chapter.

“§ 2043. Domiciliary care programs

“(a) AUTHORITY.—The Secretary may establish up to 10 programs under section 1710(b) of this title (in addition to any program that is established as of the date of the enactment of this section) to provide domiciliary services under such section to homeless veterans.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$5,000,000 for each of fiscal years 2003 and 2004 to establish the programs referred to in subsection (a).

“SUBCHAPTER VII—OTHER PROVISIONS

“§ 2061. Grant program for homeless veterans with special needs

“(a) ESTABLISHMENT.—The Secretary shall carry out a program to make grants to health care facilities of the Department and to grant and per diem providers in order to encourage development by those facilities and providers of programs for homeless veterans with special needs.

“(b) HOMELESS VETERANS WITH SPECIAL NEEDS.—For purposes of this section, homeless veterans with special needs include homeless veterans who are—

“(1) women, including women who have care of minor dependents;

“(2) frail elderly;

“(3) terminally ill; or

“(4) chronically mentally ill.

“(c) FUNDING.—(1) From amounts appropriated to the Department for ‘Medical Care’ for each of fiscal years 2003, 2004, and 2005, \$5,000,000 shall be available for each such fiscal year for the purposes of the program under this section.

“(2) The Secretary shall ensure that funds for grants under this section are designated for the first three years of operation of the program under this section as a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.

“§ 2062. Dental care

“(a) IN GENERAL.—For purposes of section 1712(a)(1)(H) of this title, outpatient dental

services and treatment of a dental condition or disability of a veteran described in subsection (b) shall be considered to be medically necessary, subject to subsection (c), if—

“(1) the dental services and treatment are necessary for the veteran to successfully gain or regain employment;

“(2) the dental services and treatment are necessary to alleviate pain; or

“(3) the dental services and treatment are necessary for treatment of moderate, severe, or severe and complicated gingival and periodontal pathology.

“(b) ELIGIBLE VETERANS.—Subsection (a) applies to a veteran—

“(1) who is enrolled for care under section 1705(a) of this title; and

“(2) who, for a period of 60 consecutive days, is receiving care (directly or by contract) in any of the following settings:

“(A) A domiciliary under section 1710 of this title.

“(B) A therapeutic residence under section 2032 of this title.

“(C) Community residential care coordinated by the Secretary under section 1730 of this title.

“(D) A setting for which the Secretary provides funds for a grant and per diem provider.

“(3) For purposes of paragraph (2), in determining whether a veteran has received treatment for a period of 60 consecutive days, the Secretary may disregard breaks in the continuity of treatment for which the veteran is not responsible.

“(c) LIMITATION.—Dental benefits provided by reason of this section shall be a one-time course of dental care provided in the same manner as the dental benefits provided to a newly discharged veteran.

“§ 2063. Employment assistance

“The Secretary may authorize homeless veterans receiving care through vocational rehabilitation programs to participate in the compensated work therapy program under section 1718 of this title.

“§ 2064. Technical assistance grants for non-profit community-based groups

“(a) GRANT PROGRAM.—The Secretary shall carry out a program to make grants to entities or organizations with expertise in preparing grant applications. Under the program, the entities or organizations receiving grants shall provide technical assistance to nonprofit community-based groups with experience in providing assistance to homeless veterans in order to assist such groups in applying for grants under this chapter and other grants relating to addressing problems of homeless veterans.

“(b) FUNDING.—There is authorized to be appropriated \$750,000 for each of fiscal years 2002 through 2005 to carry out the program under this section.

“§ 2065. Annual report on assistance to homeless veterans

“(a) ANNUAL REPORT.—Not later than April 15 of each year, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the activities of the Department during the calendar year preceding the report under programs of the Department under this chapter and other programs of the Department for the provision of assistance to homeless veterans.

“(b) GENERAL CONTENTS OF REPORT.—Each report under subsection (a) shall include the following:

“(1) The number of homeless veterans provided assistance under the programs referred to in subsection (a).

“(2) The cost to the Department of providing such assistance under those programs.

“(3) The Secretary’s evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans, including—

“(A) residential work-therapy programs;“(B) programs combining outreach, community-based residential treatment, and case-management; and

“(C) contract care programs for alcohol and drug-dependence or use disabilities).

“(4) The Secretary’s evaluation of the effectiveness of programs established by recipients of grants under section 2011 of this title and a description of the experience of those recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans.

“(5) Any other information on those programs and on the provision of such assistance that the Secretary considers appropriate.

“(c) **HEALTH CARE CONTENTS OF REPORT.**—Each report under subsection (a) shall include, with respect to programs of the Department addressing health care needs of homeless veterans, the following:

“(1) Information about expenditures, costs, and workload under the program of the Department known as the Health Care for Homeless Veterans program (HCHV).

“(2) Information about the veterans contacted through that program.

“(3) Information about program treatment outcomes under that program.

“(4) Information about supported housing programs.

“(5) Information about the Department’s grant and per diem provider program under subchapter II of this chapter.

“(6) The findings and conclusions of the assessments of the medical needs of homeless veterans conducted under section 2034(b) of this title.

“(7) Other information the Secretary considers relevant in assessing those programs.

“(d) **BENEFITS CONTENT OF REPORT.**—Each report under subsection (a) shall include, with respect to programs and activities of the Veterans Benefits Administration in processing of claims for benefits of homeless veterans during the preceding year, the following:

“(1) Information on costs, expenditures, and workload of Veterans Benefits Administration claims evaluators in processing claims for benefits of homeless veterans.

“(2) Information on the filing of claims for benefits by homeless veterans.

“(3) Information on efforts undertaken to expedite the processing of claims for benefits of homeless veterans.

“(4) Other information that the Secretary considers relevant in assessing the programs and activities.

§2066. Advisory Committee on Homeless Veterans

“(a) **ESTABLISHMENT.**—(1) There is established in the Department the Advisory Committee on Homeless Veterans (hereinafter in this section referred to as the ‘Committee’).

“(2) The Committee shall consist of not more than 15 members appointed by the Secretary from among the following:

“(A) Veterans service organizations.

“(B) Advocates of homeless veterans and other homeless individuals.

“(C) Community-based providers of services to homeless individuals.

“(D) Previously homeless veterans.

“(E) State veterans affairs officials.

“(F) Experts in the treatment of individuals with mental illness.

“(G) Experts in the treatment of substance use disorders.

“(H) Experts in the development of permanent housing alternatives for lower income populations.

“(I) Experts in vocational rehabilitation.

“(J) Such other organizations or groups as the Secretary considers appropriate.

“(3) The Committee shall include, as ex officio members, the following:

“(A) The Secretary of Labor (or a representative of the Secretary selected after consultation with the Assistant Secretary of Labor for Veterans’ Employment).

“(B) The Secretary of Defense (or a representative of the Secretary).

“(C) The Secretary of Health and Human Services (or a representative of the Secretary).

“(D) The Secretary of Housing and Urban Development (or a representative of the Secretary).

“(4)(A) The Secretary shall determine the terms of service and allowances of the members of the Committee, except that a term of service may not exceed three years. The Secretary may reappoint any member for additional terms of service.

“(B) Members of the Committee shall serve without pay. Members may receive travel expenses, including per diem in lieu of subsistence for travel in connection with their duties as members of the Committee.

“(b) **DUTIES.**—(1) The Secretary shall consult with and seek the advice of the Committee on a regular basis with respect to the provision by the Department of benefits and services to homeless veterans.

“(2) In providing advice to the Secretary under this subsection, the Committee shall—

“(A) assemble and review information relating to the needs of homeless veterans;

“(B) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting homeless veterans; and

“(C) provide on-going advice on the most appropriate means of providing assistance to homeless veterans.

“(3) The Committee shall—

“(A) review the continuum of services provided by the Department directly or by contract in order to define cross-cutting issues and to improve coordination of all services with the Department that are involved in addressing the special needs of homeless veterans;

“(B) identify (through the annual assessments under section 2034 of this title and other available resources) gaps in programs of the Department in serving homeless veterans, including identification of geographic areas with unmet needs, and provide recommendations to address those gaps;

“(C) identify gaps in existing information systems on homeless veterans, both within and outside the Department, and provide recommendations about redressing problems in data collection;

“(D) identify barriers under existing laws and policies to effective coordination by the Department with other Federal agencies and with State and local agencies addressing homeless populations;

“(E) identify opportunities for increased liaison by the Department with nongovernmental organizations and individual groups providing services to homeless populations;

“(F) with appropriate officials of the Department designated by the Secretary, participate with the Interagency Council on the Homeless under title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.);

“(G) recommend appropriate funding levels for specialized programs for homeless veterans provided or funded by the Department;

“(H) recommend appropriate placement options for veterans who, because of advanced age, frailty, or severe mental illness, may not be appropriate candidates for vocational rehabilitation or independent living; and

“(I) perform such other functions as the Secretary may direct.

“(c) **REPORTS.**—(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to homeless veterans. Each such report shall include—

“(A) an assessment of the needs of homeless veterans;

“(B) a review of the programs and activities of the Department designed to meet such needs;

“(C) a review of the activities of the Committee; and

“(D) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

“(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

“(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

“(d) **TERMINATION.**—The Committee shall cease to exist December 31, 2006.”

(2) The tables of chapters before part I and at the beginning of part II are each amended by inserting after the item relating to chapter 19 the following new item:

“20. Benefits for Homeless Veterans .. 2001”.

(b) **HEALTH CARE.**—(1) Subchapter VII of chapter 17 is transferred to chapter 20 (as added by subsection (a)), inserted after section 2023 (as so added), and redesignated as subchapter IV, and sections 1771, 1772, 1773, and 1774 therein are redesignated as sections 2031, 2032, 2033, and 2034, respectively.

(2) Subsection (a)(3) of section 2031, as so transferred and redesignated, is amended by striking “section 1772 of this title” and inserting “section 2032 of this title”.

(c) **HOUSING ASSISTANCE.**—Section 3735 is transferred to chapter 20 (as added by subsection (a)), inserted after the heading for subchapter V, and redesignated as section 2041.

(d) **MULTIFAMILY TRANSITIONAL HOUSING.**—(1) Subchapter VI of chapter 37 (other than section 3771) is transferred to chapter 20 (as added by subsection (a)) and inserted after section 2043 (as so added), and sections 3772, 3773, 3774, and 3775 therein are redesignated as sections 2051, 2052, 2053, and 2054, respectively.

(2) Such subchapter is amended—

(A) in the heading, by striking “FOR HOMELESS VETERANS”;

(B) in subsection (d)(1) of section 2051, as so transferred and redesignated, by striking “section 3773 of this title” and inserting “section 2052 of this title”; and

(C) in subsection (a) of section 2052, as so transferred and redesignated, by striking “section 3772 of this title” and inserting “section 2051 of this title”.

(3) Section 3771 is repealed.

(e) **REPEAL OF CODIFIED PROVISIONS.**—The following provisions of law are repealed:

(1) Sections 3, 4, and 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102-590; 38 U.S.C. 7721 note).

(2) Section 1001 of the Veterans’ Benefits Improvements Act of 1994 (Public Law 103-446; 38 U.S.C. 7721 note).

(3) Section 4111.

(4) Section 738 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11448).

(f) EXTENSION OF EXPIRING AUTHORITIES.—Subsection (b) of section 2031, as redesignated by subsection (b)(1), and subsection (d) of section 2033, as so redesignated, are amended by striking “December 31, 2001” and inserting “December 31, 2006”.

(g) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 17 is amended by striking the item relating to subchapter VII and the items relating to sections 1771, 1772, 1773, and 1774.

(2) The table of sections at the beginning of chapter 37 is amended—

(A) by striking the item relating to section 3735; and

(B) by striking the item relating to subchapter VI and the items relating to sections 3771, 3772, 3773, 3774, and 3775.

(3) The table of sections at the beginning of chapter 41 is amended by striking the item relating to section 4111.

SEC. 6. EVALUATION CENTERS FOR HOMELESS VETERANS PROGRAMS.

(a) EVALUATION CENTERS.—The Secretary of Veterans Affairs shall support the continuation within the Department of Veterans Affairs of at least one center for evaluation to monitor the structure, process, and outcome of programs of the Department of Veterans Affairs that address homeless veterans.

(b) ANNUAL PROGRAM ASSESSMENT.—Section 2034(b), as transferred and redesignated by section 5(b)(1), is amended—

(1) by inserting “annual” in paragraph (1) after “to make an”; and

(2) by adding at the end the following new paragraph:

“(6) The Secretary shall review each annual assessment under this subsection and shall consolidate the findings and conclusions of each such assessment into the next annual report submitted to Congress under section 2065 of this title.”.

SEC. 7. STUDY OF OUTCOME EFFECTIVENESS OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study of the effectiveness during fiscal year 2002 through fiscal year 2004 of the grant program under section 2061 of title 38, United States Code, as added by section 5(a), in meeting the needs of homeless veterans with special needs (as specified in that section). As part of the study, the Secretary shall compare the results of programs carried out under that section, in terms of veterans’ satisfaction, health status, reduction in addiction severity, housing, and encouragement of productive activity, with results for similar veterans in programs of the Department or of grant and per diem providers that are designed to meet the general needs of homeless veterans.

(b) REPORT.—Not later than March 31, 2005, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report setting forth the results of the study under subsection (a).

SEC. 8. EXPANSION OF OTHER PROGRAMS.

(a) ACCESS TO MENTAL HEALTH SERVICES.—Section 1706 is amended by adding at the end the following new subsection:

“(c) The Secretary shall ensure that each primary care health care facility of the Department develops and carries out a plan to provide mental health services, either through referral or direct provision of services, to veterans who require such services.”.

(b) COMPREHENSIVE HOMELESS SERVICES PROGRAM.—Subsection (b) of section 2033, as transferred and redesignated by section 5(b)(1), is amended—

(1) by striking “not fewer” in the first sentence and all that follows through “services” at”; and

(2) by adding at the end the following new sentence: “The Secretary shall carry out the program under this section in sites in at least each of the 20 largest metropolitan statistical areas.”.

(c) ACCESS TO SUBSTANCE USE DISORDER SERVICES.—Section 1720A is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall ensure that each medical center of the Department develops and carries out a plan to provide treatment for substance use disorders, either through referral or direct provision of services, to veterans who require such treatment.

“(2) Each plan under paragraph (1) shall make available clinically proven substance abuse treatment methods, including opioid substitution therapy, to veterans with respect to whom a qualified medical professional has determined such treatment methods to be appropriate.”.

SEC. 9. COORDINATION OF EMPLOYMENT SERVICES.

(a) DISABLED VETERANS’ OUTREACH PROGRAM.—Section 4103A(c) is amended by adding at the end the following new paragraph:

“(11) Coordination of employment services with training assistance provided to veterans by entities receiving funds under section 2021 of this title.”.

(b) LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.—Section 4104(b) is amended—

(1) by striking “and” at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(13) coordinate employment services with training assistance provided to veterans by entities receiving funds under section 2021 of this title.”.

SEC. 10. USE OF REAL PROPERTY.

(a) LIMITATION ON DECLARING PROPERTY EXCESS TO THE NEEDS OF THE DEPARTMENT.—

Section 8122(d) is amended by inserting before the period at the end the following: “and is not suitable for use for the provision of services to homeless veterans by the Department or by another entity under an enhanced-use lease of such property under section 8162 of this title”.

(b) WAIVER OF COMPETITIVE SELECTION PROCESS FOR ENHANCED-USE LEASES FOR PROPERTIES USED TO SERVE HOMELESS VETERANS.—Section 8162(b)(1) is amended—

(1) by inserting “(A)” after “(b)(1)”; and
(2) by adding at the end the following:

“(B) In the case of a property that the Secretary determines is appropriate for use as a facility to furnish services to homeless veterans under chapter 20 of this title, the Secretary may enter into an enhanced-use lease with a provider of homeless services without regard to the selection procedures required under subparagraph (A).”.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to leases entered into on or after the date of the enactment of this Act.

SEC. 11. MEETINGS OF INTERAGENCY COUNCIL ON HOMELESS.

Section 202(c) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11312(c)) is amended to read as follows:

“(c) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members, but not less often than annually.”.

SEC. 12. RENTAL ASSISTANCE VOUCHERS FOR HUD VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by

adding at the end the following new paragraph:

“(19) RENTAL VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.—

“(A) SET ASIDE.—Subject to subparagraph (C), the Secretary shall set aside, from amounts made available for rental assistance under this subsection, the amounts specified in subparagraph (B) for use only for providing such assistance through a supported housing program administered in conjunction with the Department of Veterans Affairs. Such program shall provide rental assistance on behalf of homeless veterans who have chronic mental illnesses or chronic substance use disorders, shall require agreement of the veteran to continued treatment for such mental illness or substance use disorder as a condition of receipt of such rental assistance, and shall ensure such treatment and appropriate case management for each veteran receiving such rental assistance.

“(B) AMOUNT.—The amount specified in this subparagraph is—

“(i) for fiscal year 2003, the amount necessary to provide 500 vouchers for rental assistance under this subsection;

“(ii) for fiscal year 2004, the amount necessary to provide 1,000 vouchers for rental assistance under this subsection;

“(iii) for fiscal year 2005, the amount necessary to provide 1,500 vouchers for rental assistance under this subsection; and

“(iv) for fiscal year 2006, the amount necessary to provide 2,000 vouchers for rental assistance under this subsection.

“(C) FUNDING THROUGH INCREMENTAL ASSISTANCE.—In any fiscal year, to the extent that this paragraph requires the Secretary to set aside rental assistance amounts for use under this paragraph in an amount that exceeds the amount set aside in the preceding fiscal year, such requirement shall be effective only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for incremental rental assistance under this subsection.”.

SA 2309. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division A, add the following:

SEC. 8135. Of the amount appropriated by title III of this division under the heading “OTHER PROCUREMENT ARMY”, \$4,892,000 shall be used for the Communicator Automated Emergency Notification System of the Army National Guard.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 6, 2001, at 10 a.m., to conduct a hearing on the nomination of Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank of the United States; and Mr. Kenneth M. Donohue, of Virginia, to be inspector general of the Department of Housing and Urban Development.