

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

**S.J. RES. 23**

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the "Authorization for Use of Military Force".

**SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.**

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) **WAR POWERS RESOLUTION REQUIREMENTS.**—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

**DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002**

On September 13, 2001, the Senate amended and passed H.R. 2500, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2500) entitled "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

**TITLE I—DEPARTMENT OF JUSTICE**

**GENERAL ADMINISTRATION**

**SALARIES AND EXPENSES**

*For expenses necessary for the administration of the Department of Justice, \$93,433,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,136,000 shall be expended for the Department Leadership Program: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.*

**JOINT AUTOMATED BOOKING SYSTEM**

*For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, \$22,500,000, to remain available until expended.*

**LEGAL ACTIVITIES OFFICE AUTOMATION**

*For necessary office-automation expenses of organizations funded under the headings "Salaries and Expenses", General Legal Activities, and "Salaries and Expenses", General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, \$34,600,000, to remain available until expended.*

**NARROWBAND COMMUNICATIONS**

*For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$204,549,000, to remain available until expended.*

**PORT SECURITY**

*For expenses necessary for counter-terrorism, counter-narcotics, and other law enforcement activities at United States seaports, including Great Lakes ports, \$39,950,000, to remain available until expended, to be available only for facilities, equipment, and supplies occupied or used by federal law enforcement agencies, including the United States Customs Service.*

**ADMINISTRATIVE REVIEW AND APPEALS**

*For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$45,813,000.*

**DETENTION TRUSTEE**

*For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, \$88,884,000, of which \$87,166,000 shall be available only for prisoner movements handled by the Justice Prisoner and Alien Transportation System: Provided, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals*

*Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.*

**OFFICE OF INSPECTOR GENERAL**

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$46,006,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.*

**UNITED STATES PAROLE COMMISSION**

**SALARIES AND EXPENSES**

*For necessary expenses of the United States Parole Commission as authorized by law, \$8,836,000.*

**LEGAL ACTIVITIES**

**SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES**

*For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$527,543,000: Provided, That of the funds made available in this appropriation, \$2,612,000 shall remain available until expended only for courtroom technology: Provided further, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for representation expenses.*

*In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.*

**SALARIES AND EXPENSES, ANTITRUST DIVISION**

*For expenses necessary for the enforcement of antitrust and kindred laws, \$130,791,000: Provided, That, notwithstanding any other provision of law, not to exceed \$130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0.*

**SALARIES AND EXPENSES, UNITED STATES ATTORNEYS**

*For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,260,353,000; of which not to exceed \$2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That \$800,000 shall be available only for grants to develop and conduct programs to train State and local law enforcement and prosecutors in the investigation and prosecution of child pornography and child exploitation crimes: Provided further, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That of the*

amount made available under this heading, \$6,000,000 shall be available only to procure, operate, and maintain gunfire surveillance equipment to support gun prosecution initiatives in high crime areas: Provided further, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That, notwithstanding any other provision of law, the Attorney General shall transfer to the Department of Justice Working Capital Fund, unobligated, all unexpended funds appropriated by the first heading of chapter 2 of title II of division B of Public Law 106-246 and by section 202 of division A of appendix H.R. 5666 of Public Law 106-554: Provided further, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113 shall apply to amounts made available under this heading for fiscal year 2002: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,539 positions and 9,607 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

#### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$154,044,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$154,044,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at \$0.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,130,000.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$644,746,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, \$18,145,000, to remain available until expended.

#### CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, \$25,812,000, to remain available until expended.

#### JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

For necessary expenses to procure replacement aircraft, \$53,050,000, to remain available until expended, shall be available only for the purchase of two long-range, wide body aircraft.

#### FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$687,682,000, to remain available until expended.

#### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$156,145,000, to remain available until expended; of which not to exceed \$6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,269,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account.

#### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

#### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$1,996,000.

##### PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act \$10,776,000.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$336,966,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and

prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$3,425,041,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than \$485,278,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That of the amount made available under this heading, \$53,000 shall be available only to reimburse Acadian Ambulance & Air Med Services for costs incurred during the December 1999 prison riot in St. Martin Parish Correctional Center, St. Martin Parish, Louisiana.

#### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$44,074,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,477 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, \$1,489,779,000; of which \$33,000,000 for permanent change of station shall remain available until September 30, 2003; of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed \$50,000 shall be available for official reception and representation expenses.

#### IMMIGRATION AND NATURALIZATION SERVICE

##### SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a

confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not less than 3,165 passenger motor vehicles, of which not less than 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, \$3,176,037,000; of which \$5,500,000 shall be for the Violence Against Women Act Unit of the Eastern Adjudication Service Center to provide for the processing of immigration self-petitions and U visas under the Violence Against Women Act (Public Law 103-322, reauthorized in Public Law 106-326) and T visas under the Victims of Trafficking and Violence Protection Act (Public Law 106-326), out of which \$500,000 shall be for the Eastern Adjudication Service Center to provide for the production and distribution of training materials to State Department, Justice Department, and other Government officials concerning the immigration provisions of the Violence Against Women Act; of which not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training; of which not to exceed \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$1,153 per pay period during the calendar year beginning January 1, 2002: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That not to exceed 30 permanent positions and 30 full-time equivalent workyears and not to exceed \$4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended: Provided further, That the latter two aforementioned offices shall be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis and such augmentation may not exceed 10 full-time equivalent workyears.

#### CONSTRUCTION

For planning, purchase of construction vehicles, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$205,015,000, to remain available until expended, of which \$3,000,000 shall be available

only to comply with Occupational Safety and Health Administration programs.

#### FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 685, of which 610 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$3,786,228,000, of which \$11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which \$13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2003: Provided further, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$899,797,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That, of the amount made available under this heading, \$9,962,000 shall be available for partial site and planning for the U.S.P. Northeast/Northern Mid-Atlantic facility to be located in Berlin, New Hampshire: Provided further, That, of the amount made available under this heading, \$66,524,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Immigration and Naturalization Service, Construction" appropriations account, to be available only for the construction of detention facilities: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the

Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### OFFICE OF JUSTICE PROGRAMS

##### JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$200,738,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524), of which not to exceed \$2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: Provided, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

In addition, 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 counterterrorism programs, \$373,800,000, to remain available until expended, of which \$9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), \$2,094,990,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) \$400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a "State", the Commonwealth of Puerto Rico shall be considered a

"unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) \$80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That from such funds \$15,000,000 shall be used to carry out the Kids 2000 Act (Public Law 106-313; 114 Stat. 1260): Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) \$19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) \$265,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) \$35,000,000 shall be available for the Cooperative Agreement Program;

(4) \$35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(5) \$7,982,000 for the Tribal Courts Initiative;

(6) \$583,125,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which \$84,625,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which \$10,000,000 is for the Mental Health Courts Grants Initiative, of which \$1,500,000 shall be for the Standing Against Global Exploitation (SAGE) Project, Inc.;

(7) \$11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(8) \$2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(9) \$184,937,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) \$1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for domestic violence federal case processing study,

(b) \$5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women,

(c) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended, and

(d) \$200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriations of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence;

(10) \$64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) \$39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) \$4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) \$998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(14) \$3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(15) \$10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106-386;

(16) \$40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106-386;

(17) \$5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(18) \$15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106-386;

(19) \$7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106-386;

(20) \$68,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: Provided, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grants funds for treatment, both during incarceration and after release;

(21) \$4,989,000 for demonstration grants on alcohol and crime in Indian Country;

(22) \$898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(23) \$50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(24) \$1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(25) \$1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(26) \$249,450,000 for Juvenile Accountability Incentive Block Grants except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105-119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(27) \$1,298,000 for the Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2002 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation ac-

counts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

#### COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,049,659,000, to remain available until expended; of which \$175,962,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546), of which \$35,000,000 is for the State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to the State and local forensic general science capabilities to reduce State and local DNA convicted offender sample backlog and for awards to State, local, and private laboratories, including \$1,500,000 for a computer forensic lab in Ohio, of which \$600,000 shall be available to the Mecklenburg County, North Carolina Sheriff's Office for a Sex Offender Registration Unit, of which \$25,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.), and of which \$17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training; of which \$514,209,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which \$190,291,000 shall be available for the COPs hiring program, of which \$180,000,000 shall be available for school resource officers, of which \$35,000,000 shall be used to improve tribal law enforcement including equipment and training, of which \$25,444,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, of which \$30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101-200113 of the 1994 Act, and of which \$20,662,000 shall be used to provide training and technical assistance; of which \$155,467,000 shall be used for a law enforcement technology program, of which \$1,900,000 shall be available only for the New Jersey State Police Law Enforcement Training Center, of which \$1,500,000 shall be available only for in-car cameras for Arkansas State Police cruisers, of which \$1,000,000 is to the National Sheriff's Association to conduct a multi-State information sharing demonstration project, of which \$7,202,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional computer forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division, of which \$1,005,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the

Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to expand the Violent Criminal Apprehension Program to include sexual assault, of which \$3,800,000 will be for a grant to the Jersey City Police Department's Crime Identification System to upgrade communications systems, of which \$350,000 shall be transferred to, and merged with, funds in the "Salaries and Expenses", General Legal Activities appropriations account to be available only for equipment to connect Interpol to the National Law Enforcement Telecommunications System, of which \$3,000,000 shall be for a grant to the Law Enforcement Innovation Center at the University of Tennessee, of which \$2,000,000 shall be available only for law enforcement technology upgrades for Berlin, New Hampshire, and of which \$4,000,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional mitochondrial DNA forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division; of which \$49,493,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots", of which \$1,300,000 shall be for a grant to the California Department of Justice for a methamphetamine initiative, of which \$1,100,000 shall be for a methamphetamine initiative in the State of Missouri; of which \$99,780,000 for a prosecution assistance program to reimburse State, county, parish, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys' offices, of which \$49,780,000 shall be for a national program to reduce gun violence, and of which \$50,000,000 shall be for the Southwest Border Prosecutor Initiative; of which \$16,963,000 shall be for a police integrity program; of which \$22,851,000 is for the Safe Schools Initiative; and of which \$14,934,000 shall be for an offender re-entry program: Provided, That of the amount provided for Public Safety and Community Policing Grants, not to exceed \$32,812,000 shall be expended for program management and administration: Provided further, That of the prior year balances available in this program, \$46,000,000 shall be available for the direct hiring of law enforcement officers through the Universal Hiring Program: Provided further, That Section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796 d.d. et seq.).

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$324,926,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) notwithstanding any other provision of law, \$6,847,000 shall be available for expenses authorized by part A of title II of the Act, \$88,804,000 shall be available for expenses authorized by part B of title II of the Act, and \$60,591,000 shall be available for expenses authorized by part C of title II of the Act, of which \$300,000 shall be available only for the "From Darkness to Light" program in Charleston, South Carolina, of which \$5,000,000 is to fund the Strengthening Abuse and Neglect Courts Act, of which not to exceed \$5,000,000 shall be available for grants for local juvenile justice programs for mental health screening and treatment for juvenile offenders during incarceration that are consistent with guidelines issued by the Attorney General, of which \$500,000 is for the

Boy Scouts "Learning for Life" program, of which \$500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth, \$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States, and \$100,000 to replicate a witness relocation program in Pennsylvania, of which \$250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine: Provided, That \$26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$130,767,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which \$12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which \$25,000,000 shall be available for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which \$15,000,000 shall be available for the Safe Schools Initiative: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$8,481,000, to remain available until expended, as authorized by section 214B of the Act.

#### PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Section 124 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is repealed.

SEC. 103. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 104. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 105. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953, as amended, is further amended by striking "6" and inserting "96".

SEC. 106. Notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 107. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 108. Section 286(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge and collect a fee in the amount of \$1.50 for each individual with respect to whom immigration inspection services or preinspection services are provided in connection with the arrival in the United States of the individual as a passenger on a commercial vessel, if the passenger's journey originated in any of the following:

- "(i) Mexico.
- "(ii) Canada.
- "(iii) A State, territory, or possession of the United States.
- "(iv) Any adjacent island (within the meaning of section 101(b)(5)).

"(B) The authority of subparagraph (A) does not apply to immigration inspection services or preinspection services provided at a designated port of entry in connection with the arrival of a passenger by means of a Great Lakes international ferry, or by means of any vessel that transits the Great Lakes or its connecting waterways, if the ferry or other vessel operates on a regular schedule."



SEC. 109. Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: "Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section, may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence.""; and

(2) by amending paragraph (3)(B) to read as follows:

"(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r)."

SEC. 110. Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)), is amended by striking the period at the end and inserting ", and for a Victim Notification System."

SEC. 111. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note) (as amended by Public Law 106-415) is amended by striking "18 months" each place such term appears and inserting "36 months".

This title may be cited as the "Department of Justice Appropriations Act, 2002".

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and employment of experts and consultants as authorized by 5 U.S.C. 3109, \$30,097,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$98,000 shall be available for official reception and representation expenses.

#### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$51,440,000, to remain available until expended.

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary mountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such

claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$347,090,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That \$67,320,000 shall be for Trade Development, \$27,441,000 shall be for Market Access and Compliance, \$42,859,000 shall be for the Import Administration, \$193,824,000 shall be for the United States and Foreign Commercial Service, and \$13,146,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

##### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$68,893,000, to remain available until expended, of which \$7,250,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

##### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$341,000,000, to remain available until expended.

##### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,557,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

##### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$28,381,000.

##### ECONOMIC AND INFORMATION INFRASTRUCTURE

##### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$62,515,000, to remain available until September 30, 2003.

##### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$168,561,000.

##### PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$348,529,000, to remain available until expended.

##### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$14,054,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

##### PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$2,358,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

##### INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other

provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

#### PATENT AND TRADEMARK OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$856,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in fiscal year 2002 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2002, should the total amount of offsetting fee collections be less than \$856,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed \$282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002, to remain available until expended: Provided further, That from amounts provided herein, not to exceed \$5,000 shall be made available in fiscal year 2002 for official reception and representation expenses.

#### SCIENCE AND TECHNOLOGY

##### TECHNOLOGY ADMINISTRATION

#### UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

##### SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$8,238,000.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$343,296,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

#### INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$105,137,000, to remain available until expended: Provided, That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$204,200,000, to remain available until expended, of which not to exceed \$60,700,000 shall be available for the award of new grants.

#### CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of

Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$43,893,000, to remain available until expended.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$2,273,305,000, to remain available until expended, of which \$2,000,000 shall be for West Coast Groundfish Cooperative Research and \$3,000,000 shall be for Oregon Groundfish Disaster Assistance, of which \$300,000 shall be available only for a variable and Eurasian milfoil education and prevention program in New Hampshire and \$300,000 shall be available only for the Connecticut River Partnership: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That in addition, not to exceed \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management": Provided further, That of the amounts made available to the National Marine Fisheries Service, not less than \$29,000,000 shall be for Alaskan Steller sea lion research: Provided further, That such sums as are necessary shall be available to the National Marine Fisheries Service, in collaboration with the United States Fish and Wildlife Service, to conduct a review of the agencies' joint regulations governing consultations on Federal agency actions under subsection (a)(2) of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), so as to streamline the consultation process to ensure that consultations are completed within the deadlines provided in that section and have streamlined documentation requirements consistent with that section, and to make any necessary modifications to those regulations not later than April 1, 2003: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: Provided further, That of the amount provided under this heading, for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, \$33,650,000 to remain available until expended, for the purposes of discretionary spending limits: Provided further, That not to exceed \$23,890,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: Provided further, That of the amount provided to the National Marine Fisheries Service, a total of \$6,000,000 shall be provided to the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the National Marine Fisheries Service shall be obligated for payment of all fisheries-related reimbursable work performed by the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: Provided further, That \$1,500,000 shall be available only for the planning and design of research facilities which shall be located in Lafayette, Louisiana: Provided further, That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds in excess of \$22,000,000 shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: Provided, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the National Oceanic and Atmospheric Administration: Provided further, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress: Provided further, That notwithstanding 31 U.S.C. 3302, the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: Provided further, That any inventories, equipment, systems, real property and other assets over \$25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Business Management Fund: Provided further, That the National Oceanic and Atmospheric Administration Business Management Fund shall be authorized to create an initial cash corpus of \$5,000,000 from deobligations and continued funding as may be or become available from deobligations: Provided further, That the Business Management Fund shall provide for centralized services at rates which return in full all expenses of operation and services, including depreciation or full overhead costs of fund plant and equipment, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent necessary to maintain an operating level in the fund as determined by the Administrator: Provided further, That full implementation of the Business Management Fund will be phased in over a period not less than three years nor more than five fiscal years.

There is hereby established the following organizational structure for the Business Management Fund of the National Oceanic and Atmospheric Administration: Provided, That the overall responsibility for the National Oceanic and Atmospheric Administration Business Management Fund lies with the Administrator of the National Oceanic and Atmospheric Administration: Provided further, That general management of the National Oceanic and Atmospheric Administration's Business Management Fund may be delegated by the Administrator to the Chief Financial Officer/Chief Administrative Officer of the National Oceanic and Atmospheric Administration.

PROCUREMENT, ACQUISITION AND CONSTRUCTION  
(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$940,610,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amount provided under this heading for expenses necessary to carry out conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Coastal and Estuarine Land Conservation Program, \$83,410,000 to remain available until expended: Provided further, That, notwithstanding any other provision of law, of the above amounts, \$60,000,000 shall be used to initiate the "Coastal and Estuarine Land Conservation Program", for which there shall be no matching requirement, of which \$2,500,000 is for coastal land acquisition at Rocky Point in Warwick, Rhode Island: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses to carry out the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Endangered Species Act-Pacific Salmon Recovery, the Columbia River Hatcheries, the Columbia River Facilities, Pacific Salmon Treaty Implementation, \$137,940,000, to remain available until expended.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the Operations, Research, and Facilities account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$8,000 for official entertainment, \$42,062,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,176,000.

GENERAL PROVISIONS—DEPARTMENT OF  
COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and

equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", \$5,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, \$6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, \$3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, and \$4,000,000 is appropriated for the Institute for Politics.

SEC. 209. (a) Notwithstanding any other provision of law, the total amount of funds that may be transferred into the "Working Capital Fund" in fiscal year 2002, or in any fiscal year thereafter, may not exceed \$117,000,000.

(b) All transfers of funds, functions, or personnel to or from the Working Capital Fund in fiscal year 2002 and any fiscal year thereafter shall be subject to section 605, without regard to the amount of the reprogramming or the purpose of the funds so reprogrammed.

(c) Of the amounts available under this section for salaries of the staff of the Department of Commerce, the amount obligated for that purpose before December 15, 2001, may not exceed \$29,250,000.

(d)(1) Not later than December 15, 2001, the Secretary of Commerce shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the proposed disbursements from the Working Capital Fund during fiscal year 2002.

(2) Of the proposed disbursements in the report under paragraph (1)—

(A) not more than \$7,000,000 of the proposed disbursements may be for the Commerce Administrative Management System or support for the Commerce Administrative Management System Support Center; and

(B) none of the proposed disbursements for that System may be from or attributable to the



National Oceanic and Atmospheric Administration.

(3) Disbursements from the Working Capital Fund in fiscal year 2002 may not be made until 15 days after the date on which the report is submitted under paragraph (1).

(4) Any modification of a proposed disbursement from the Working Capital Fund previously specified in the report under paragraph (1) shall be treated as a reprogramming of funds to which section 605 applies, without regard to the amount of the modification or the purpose of the disbursement, as so modified.

(5)(A) If a disbursement from the Working Capital Fund in fiscal year 2002 will require any bureau or organization in the Department of Commerce to incur costs not previously specified in the report under paragraph (1), the disbursement may not be made until 15 days after the date on which such bureau or organization submits to the Committees on Appropriations of the Senate and House of Representatives a Memorandum of Agreement providing for such bureau or organization to incur such costs.

(B) Each Memorandum of Agreement under this paragraph shall specify the provision of statute providing authority for the disbursement concerned.

(e) Amounts in the "Advances and Reimbursements" account may not be used to assess or collect costs or charges against or from any bureau or organization of the Department of Commerce unless the costs or charges are incurred for a project has been approved as a request for reprogramming under section 605.

(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the "Advances and Reimbursements" account based upon the report required by subsection (d)(1).

SEC. 210. (a) Notwithstanding section 102 of the Marine Mammal Protection Act of 1972, as amended, or section 9 of the Endangered Species Act of 1973, the Anchorage Sister Cities Commission of Anchorage, Alaska, may export, on a one-time basis, to the Town of Whitby, in the care of the Scarborough Borough Council, Whitby, North Yorkshire, United Kingdom, two bowhead whale jawbones taken as part of a legal subsistence hunt by Native Alaskans and identified in U.S. Fish and Wildlife Service, Convention on International Trade of Endangered Species, permit 01US037393/9.

(b) The Anchorage Sister Cities Commission shall notify the National Marine Fisheries Service Office of Enforcement 15 days prior to shipment to ensure compliance with all applicable export requirements.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2002".

### TITLE III—THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$39,988,000.

##### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), \$7,530,000, of which \$4,460,000 shall remain available until expended.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$19,372,000.

#### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$13,054,000.

#### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,559,012,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects: Provided, That, of the amount made available under this heading, \$33,000, shall be transferred to, and merged with, funds in the "Salaries and Expenses, United States Marshals Service" appropriations account in title I of the Act, to be available only for court operations in Lander, Wyoming.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$463,756,000, of which \$257,710,000 is for federal defender organizations, to remain available until expended.

##### FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$50,131,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

#### COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$209,762,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems and contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: Provided, That, of the amount made available under this heading, \$3,580,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

##### SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$58,212,000, of which \$3,000,000 shall only be available, by grant, for caption training, and of which not to exceed \$8,500 is authorized for official reception and representation expenses.

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, \$19,742,000; of which \$1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$11,327,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

#### GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased

by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 305. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, \$400,000 shall be transferred to, and merged with, funds in the "Federal Judicial Center, Salaries and Expenses" appropriations account to be available only for distance learning.

SEC. 306. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That \$8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as this "Judiciary Appropriations Act, 2002".

#### TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,061,805,000: Provided, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, \$7,800,000 shall be available only to provide language, security, leadership and management, and professional training: Provided further, That of the amount made available under this heading, \$6,000,000 to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems: Provided further, That of the amount made available under this heading, \$694,190,000 shall be available only for information resource management: Provided further, That of the amount made available under this heading, \$9,000,000 shall be available only for the East-West Center: Provided further, That, notwithstanding any other provision of law, not

to exceed \$335,000,000 of offsetting collections derived from fees collected under the authority of section 104(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: Provided further, That any fees received in excess of \$335,000,000 in fiscal year 2002 shall not be available for obligation and shall be returned to the General Fund: Provided further, That notwithstanding any other provision of law, a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee in a foreign area within the meaning of 5 U.S.C. Section 5923, and qualify for a living quarters allowance as authorized by 5 U.S.C. 5923(2): Provided further, That a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee approved for transfer to an international organization within the meaning of 5 U.S.C. Section 352, and eligible to continue participating in the retirement, health benefit, group life insurance, and other benefit programs as provided in that section: Provided further, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: Provided further, That of the amounts made available under this heading, \$5,000,000 shall be available only for the reimbursement costs incurred by the State of Hawaii for security expenses relating to the May 2001 Asian Development Bank Meeting: Provided further, That of the amount made available under this heading, \$45,419,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which \$20,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which \$20,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which \$5,419,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$409,363,000, to remain available until expended.

##### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$210,000,000, to remain available

until expended, as authorized: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$28,427,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

##### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$242,000,000, to remain available until expended: Provided, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

##### REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$9,000,000.

##### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$10,000,000, to remain available until September 30, 2003.

##### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, \$405,391,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction, \$661,560,000, to remain available until expended.

##### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$5,465,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

##### REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

##### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$17,044,000.

##### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$135,629,000.

##### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership

in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,091,348,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$773,182,000, of which 15 percent shall remain available until September 30, 2003: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission.

#### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

##### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$7,452,000.

#### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$24,154,000, to remain available until expended, as authorized.

#### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$6,879,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

#### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$20,780,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

#### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$8,000,000, to remain available until expended, as authorized.

##### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

##### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

##### EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$14,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

##### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$31,000,000, to remain available until expended.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, \$414,752,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from co-operating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

##### BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$24,872,000, to remain available until expended.

#### BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$16,900,000, to remain available until expended, as authorized.

#### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. There is hereby enacted into law S. 1084 of the 107th Congress (as introduced on June 21, 2001).

SEC. 405. Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 408. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2002".

TITLE V—RELATED AGENCIES  
DEPARTMENT OF TRANSPORTATION  
MARITIME ADMINISTRATION  
MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$89,054,000, of which \$13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM  
ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$100,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME  
ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF  
AMERICA'S HERITAGE ABROAD  
SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$489,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS  
SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,096,000: Provided, That not to exceed \$50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON OCEAN POLICY  
SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to Public Law 106-256, \$2,500,000, to remain available until expended: Provided, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE  
SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,432,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
PEOPLE'S REPUBLIC OF CHINA  
SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$500,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$310,406,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$252,545,000, of which not to exceed \$300,000 shall remain available until September 30, 2003, for research and policy studies: Provided, That \$218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at \$29,788,000: Provided further, That any offsetting collections received in excess of \$218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

FEDERAL MARITIME COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$17,450,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances

therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$156,270,000: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed \$156,270,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,400,000 is for management and administration and \$4,400,000 is for client self-help and information technology: Provided, That none of such funds for management and administration shall be obligated or expended for any program that is in addition to, or expanded from, the programs funded under this heading for fiscal year 2001, unless the Legal Services Corporation prepares a spending plan for such funds, and notifies the Committees on Appropriations of the House of Representatives and the Senate concerning the contents of the spending plan.

ADMINISTRATIVE PROVISION—LEGAL SERVICES  
CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

MARINE MAMMAL COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,957,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT  
CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, \$4,000,000.

SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed

\$3,000 for official reception and representation expenses, \$109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in fiscal year 2000, \$404,547,000 to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: Provided further, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

#### SMALL BUSINESS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$333,233,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That \$88,000,000 shall be available to fund grants for performance in fiscal year 2002 or fiscal year 2003 as authorized by section 21 of the Small Business Act, as amended: Provided further, That \$13,700,000 shall be available in fiscal year 2002 to fund grants authorized by section 29 of the Small Business Act.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$11,000,000.

##### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,860,000, to be available until expended; and for the cost of guaranteed loans, \$93,500,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2003: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002, commitments to guarantee loans under section 503 of the Small Business Invest-

ment Act of 1958, as amended, shall not exceed \$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2002, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2002, commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(h)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

##### DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$79,510,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$125,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$115,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

##### ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

##### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572; 106 Stat. 4515-4516), \$6,225,000, to remain available until expended: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

##### UNITED STATES-CANADA ALASKA RAIL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the "United States-Canada Alaska Rail Commission", as authorized by Title III of Public Law 106-520, \$4,000,000, to remain available until expended.

##### TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or

propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. (a) The caption for section 504 of title 28, United States Code, is amended by replacing "Attorney" with "Attorneys".

(b) Section 504 of title 28, United States Code, is amended by inserting after "General" the following, "and a Deputy Attorney General for Combating Domestic Terrorism".

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

(e) The Deputy Attorney General for Combating Terrorism together with the Deputy Director of the Federal Emergency Management Agency shall coordinate all functions of the Federal Government related to domestic counterterrorism and antiterrorism activities, including—

(1) the development of a National Strategy for Combating Domestic Terrorism that shall establish national policies, objectives, and priorities for preventing, preparing for, and responding to domestic terrorism within the United States;

(2) the coordination of the implementation of the National Strategy for Combating Domestic Terrorism by the departments and agencies of the Federal Government and by State and local entities with responsibilities for combating domestic terrorism; and

(3) the recommendation of changes in the organization and management of Federal departments and agencies and State and local entities engaged in combating domestic terrorism to the Congress, the President, the Vice President, the Attorney General, and the Director of the Federal Emergency Management Agency.

(f) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall be responsible for State and local preparedness for weapons of mass destruction, security classifications and clearances within the Department of Justice, and contingency operations within the Department of Justice.

(g) For necessary expenses of the Office of the Deputy Attorney General for Combating Domestic Terrorism, \$23,000,000, to remain available until expended.

(h) Notwithstanding any other provision of law, all authorities, liabilities, funding, personnel, equipment, and real property associated with the Office of State and Local Domestic Preparedness Support, the National Domestic Preparedness Office, the Executive Office of National Security, and such components which relate to domestic counterterrorism and antiterrorism activities in the Office of Intelligence Policy and Review as are appropriate shall be transferred to the Deputy Attorney General for Combating Domestic Terrorism not later than 90 days after enactment of this Act.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act



that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Section 286(d) of Public Law 82-414, as amended, is further amended—

(1) in subsection (d), by striking “\$6” and inserting “\$6.50”; and

(2) in subsection (h), by adding at the end the following new paragraph:

“(3) Not less than nine percent of the total amounts deposited under this subsection in a fiscal year shall be available only to automate or otherwise improve the speed, accuracy, or security of the inspection process.”.

SEC. 607. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 608. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) is amended by adding at the end the following: “This section shall apply to fiscal year 1981 and each fiscal year thereafter.”.

SEC. 609. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the De-

partments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 612. Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds appropriated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when such information or material is sexually explicit or features nudity.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$576,462,000 shall not be available for obligation until the following fiscal year.

SEC. 618. Hereafter, none of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be

used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. Section 504(a)(16) of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (110 Stat. 1321-55; Public Law 104-134) is amended by striking beginning with “, except that” through “representation”.

SEC. 621. The requirements of section 312(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act shall not apply to funds made available by section 2201 of Public Law 106-246.

SEC. 622. (a) Section 203(i) of the Act entitled “An Act to approve a governing international agreement between the United States and the Republic of Poland, and for other purposes”, approved November 13, 1998, is amended by striking “2001” and inserting “2006”.

(b) Section 203 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

“(j) Not later than December 31, 2001, and every 2 years thereafter, the Pacific State Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California.”.

SEC. 623. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

SEC. 624. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

SEC. 625. PROHIBITION ON SALE OF DISASTER LOANS. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

SEC. 626. SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR. (a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented \$58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105-277; 112 Stat. 2681-220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999, that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) the Republic of Korea has now engaged in a massive \$5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and the Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

SEC. 627. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

SEC. 628. No funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 629. Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking “or” at the end of clause (i);

(B) in clause (ii)—

(i) by striking “February 17, 1999,” and inserting “May 17, 1996, May 7, 1997, February 17, 1999, December 15, 1999,”;

(ii) by inserting “October 22, 1999,” after “February 17, 1999,”; and

(iii) by striking the semicolon at the end and inserting “; or”; and

(C) by adding at the end the following new clause:

“(iii) a member of the plaintiff class in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia;”; and

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” before “For purposes” and

(C) by adding at the end the following:

“(B) For any judgment rendered in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia, in addition to the amounts available under subsection (a), the Secretary of the Treasury shall make such further payment as necessary to satisfy the judgment by—

“(i) liquidating those assets without third party interest of those countries designated as state sponsors of terrorism, under section 40(d) of the Arms Control Act or section 6(i) of the Export Administration Act of 1979, held or blocked by the United States; and

“(ii) in the event the judgment remains not fully satisfied after such liquidation, using any other available means collect from Iran, with one-third of any amount collected by these other means to be remitted to the Treasury of the United States.”.

SEC. 630. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking “on or about October 1, 2000,” and all that follows through the end and inserting “not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003.”

SEC. 631. (a) The Senate finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the September 11, 2001 attacks against the United States as well as their sponsors, and in pursuing all of those responsible until they are brought to justice and punished;

(2) the Arab American and American Muslim communities, are a vital part of our nation;

(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001 for our Nation and the victims in the immediate aftermath of the terrorist hijackings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that “we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction”;

(4) the heads of state of several Arab and predominantly Moslem countries have condemned the terrorist attacks in the United States and the senseless loss of innocent lives; and

(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shots fired at an Islamic Center and police having to turn back 300 people who tried to march on a mosque.

(b) The Senate—

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, in-

cluding Arab-Americans and American Muslims, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

#### TITLE VII—RESCISSIONS

##### DEPARTMENT OF STATE AND RELATED AGENCY

##### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

##### (RESCISSION)

Of the unobligated balances available under this heading, \$126,620,000 are rescinded.

#### TITLE VIII—TERRORISM

##### SEC. 801. SHORT TITLE.

This title may be cited as the “Combating Terrorism Act of 2001”.

##### Subtitle A—Antiterrorism Policy and Practices

##### SEC. 811. ASSESSMENT OF NATIONAL GUARD CAPABILITIES TO PREEMPTIVELY DISRUPT DOMESTIC TERRORIST ATTACKS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing an assessment of the capabilities of the National Guard to preemptively disrupt a terrorist attack within the United States involving weapons of mass destruction, and to respond to such an attack.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an assessment of the legal restrictions on the use of the National Guard to contain and capture weapons of mass destruction materials that are discovered by law enforcement agencies within the United States;

(2) an assessment of the physical readiness of the National Guard to carry out a mission to contain and capture such materials;

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

##### SEC. 812. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

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

(1) there has not been sufficient emphasis on long-term research and development with respect to technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) ESTABLISHMENT OF PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect science and technology necessary to prevent, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) **REPORT ON PROPOSED PROGRAM.**—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) **CATASTROPHIC TERRORIST ATTACK DEFINED.**—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

**SEC. 813. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.**

(a) **REVIEW REQUIRED.**—The Attorney General shall conduct a review of the legal authority of the agencies of the Federal Government, including the Department of Defense, to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(b) **REPORT.**—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations as to whether additional legal authority for any particular Federal agency is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(c) **CATASTROPHIC TERRORIST ATTACK DEFINED.**—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

**SEC. 814. GUIDELINES ON RECRUITMENT OF TERRORIST INFORMANTS.**

The Director of Central Intelligence shall rescind the provisions of the 1995 Central Intelligence Agency guidelines on recruitment of terrorist informants that relate to the recruitment of persons who have access to intelligence related terrorist plans, intentions and capabilities.

**SEC. 815. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.**

(a) **REPORT ON AUTHORITIES RELATING TO SHARING OF CRIMINAL WIRETAP INFORMATION.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on the legal authorities that govern the sharing of criminal wiretap information under applicable Federal laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403–4).

(b) **ELEMENTS.**—The report under subsection (a) shall include—

(1) a description of the type of information that can be shared by the Department of Justice, or other law enforcement agencies, with other elements of the intelligence community; and

(2) any recommendations that the President considers appropriate, including a proposal for legislation to implement such recommendations, to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with other elements of the intelligence community on matters such as counterterrorism.

(c) **DEFINITIONS.**—In this section:

(1) **FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE.**—The terms “foreign intelligence” and “counterintelligence” have the meanings given

those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947.

**SEC. 816. JOINT TASK FORCE ON TERRORIST FUNDRAISING.**

It is the sense of Congress that—

(1) many terrorist groups secretly solicit and exploit the resources of international nongovernmental organizations, companies, and wealthy individuals; and

(2) the Federal Government is not fully utilizing all the tools available to it to prevent, deter, or disrupt the fundraising activities of international terrorist organizations, and it should do so.

**SEC. 817. IMPROVEMENT OF CONTROLS ON PATHOGENS AND EQUIPMENT FOR PRODUCTION OF BIOLOGICAL WEAPONS.**

(a) **REPORT ON IMPROVEMENT OF CONTROLS.**—(1) Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the means of improving United States controls of biological pathogens and the equipment necessary to develop, produce, or deliver biological weapons.

(2) The Attorney General shall prepare the report under paragraph (1) in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of Agriculture, the Director of Central Intelligence, the Commissioner of Customs, and other appropriate Federal officials.

(3) The report under paragraph (1) shall include—

(A) a list of the equipment identified under that paragraph as critical to the development, production, or delivery of biological weapons;

(B) recommendations, if any, for legislation to make illegal the possession of the equipment identified under subparagraph (A), for other than a legitimate purpose, including attempts and conspiracies to do the same;

(C) recommendations, if any, for legislation to control the domestic sale and transfer of the equipment identified under subparagraph (A); and

(D) recommendations, if any, for legislation to require the tagging or other means of marking of the equipment identified under subparagraph (A).

(b) **IMPROVED SECURITY OF FACILITIES.**—(1) Commencing not later than 60 days after the date of the enactment of this Act, the President shall undertake appropriate actions to enhance the standards for the physical protection and security of the biological pathogens described in subsection (a) at the research laboratories and other government and private facilities in the United States that create, possess, handle, store, or transport such pathogens in order to protect against the theft or other wrongful diversion of such pathogens.

(2) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report on the actions undertaken under paragraph (1).

**SEC. 818. REIMBURSEMENT OF PERSONNEL PERFORMING COUNTERTERRORISM DUTIES FOR PROFESSIONAL LIABILITY INSURANCE.**

(a) **REQUIREMENT FOR FULL REIMBURSEMENT.**—(1) Notwithstanding any other provision of law and subject to paragraph (2), the head of an agency employing a qualified employee shall reimburse the qualified employee for the costs incurred by the employee for professional liability insurance.

(2) Reimbursement of a qualified employee under paragraph (1) shall be contingent on the submission by the qualified employee to the head of the agency concerned of such information or documentation as the head of the agency concerned shall require.

(3) Amounts for reimbursements under paragraph (1) shall be derived from amounts available to the agency concerned for salaries and expenses.

(b) **QUALIFIED EMPLOYEE.**—In this section, the term “qualified employee” means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” means any Executive agency, as that term is defined in section 105 of title 5, United States Code, and includes any agency of the legislative branch of Government.

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) **LAW ENFORCEMENT OFFICER; PROFESSIONAL LIABILITY INSURANCE.**—The terms “law enforcement officer” and “professional liability insurance” have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

**Subtitle B—Criminal Matters**

**SEC. 831. LAUNDERING OF PROCEEDS OF TERRORISM.**

Section 1956(c)(7)(D) of title 18, United States Code, is amending by inserting “or 2339B” after “2339A”.

**SEC. 832. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.**

(a) **GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.**—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting “or trap and trace device” after “pen register”;;

(2) by inserting “, routing, addressing,” after “dialing”; and

(3) by striking “call processing” and inserting “the processing and transmitting of wire and electronic communications”.

(b) **ISSUANCE OF ORDERS.**—

(1) **IN GENERAL.**—Subsection (a) of section 3123 of that title is amended to read as follows:

“(a) **IN GENERAL.**—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

“(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State investigative or law enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”.

(2) **CONTENTS OF ORDER.**—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting “or other facility” after “telephone line”; and

(ii) by inserting before the semicolon at the end “or applied”; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) a description of the communications to which the order applies, including the number

or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) **NONDISCLOSURE REQUIREMENTS.**—Subsection (d)(2) of that section is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking ", or who has been ordered by the court" and inserting "or applied, or who is obligated by the order".

(c) **EMERGENCY INSTALLATION.**—

(1) **AUTHORITY FOR UNITED STATES ATTORNEYS.**—Section 3125(a) of that title is amended in the matter preceding paragraph (1) by striking "or any Deputy Assistant Attorney General," and inserting "any Deputy Assistant Attorney General, or any United States Attorney,".

(2) **EXPANSION OF EMERGENCY CIRCUMSTANCES.**—Section 3125(a)(1) of that title is amended—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

"(C) immediate threat to the national security interests of the United States;

"(D) immediate threat to public health or safety; or

"(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,".

(d) **DEFINITIONS.**—

(1) **COURT OF COMPETENT JURISDICTION.**—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or".

(2) **PEN REGISTER.**—Paragraph (3) of that section is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted"; and

(B) by inserting "or process" after "device" each place it appears.

(3) **TRAP AND TRACE DEVICE.**—Paragraph (4) of that section is amended—

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument" and all that follows through the end and inserting "or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;".

### **SEC. 833. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.**

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

"(q) any criminal violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or".

### **SEC. 834. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.**

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002."

## **ORDER OF BUSINESS**

Mr. DASCHLE. Mr. President, for the interest of all Senators, we are attempting to propound a unanimous consent request having to do with the schedule for next week. We have not been able to get complete agreement on either side at this point, but it should not be too much longer. It would be my desire, once we get that unanimous consent, to go out for the day.

Just as soon as that occurs, we will then be prepared to take final action for the day.

Until that time, I have a couple of remarks in regard to the important legislation that passed this morning.

### **USE OF FORCE TO DEFEND AMERICA AGAINST TERRORIST ATTACKS**

Mr. DASCHLE. Mr. President, we are now learning that the terrorists who attacked our Nation this week may have been planning their hideous crimes for years.

In their evil and painstaking calculations, the terrorists clearly tried to anticipate every possible obstacle they might encounter.

But there is one obstacle they overlooked; that is, the courage of the American people, and our fierce determination to defend the people and values we cherish.

It was that courage and determination that appears to have given the passengers aboard the plane that crashed near Pittsburgh the strength to resist their murderers and prevent an even greater tragedy.

It is that same courage and determination that is at the heart of this resolution we pass today.

Tuesday, from the window of my office in the Capitol, I watched thick black smoke rise from the Pentagon and fill the sky over Arlington Cemetery.

The graves in that hallowed ground remind us that Americans have faced great evil before and defeated it.

By passing this resolution, we are saying we are prepared to confront evil again and to defeat it again.

We are saying that the Congress of the United States—Democrats and Republicans stand with the President as our Commander in Chief.

We are authorizing the President to use force against the terrorists who at-

tacked America on September 11, and any nation, organization, or person that aids or harbors them.

As a result of our actions today, we know that our men and women in uniform may be forced to confront a new kind of enemy—an enemy whose actions are constrained neither by conscience, nor the rules of war.

We also know that whatever they are called to do, they will do it well and with honor. And we know this: They will prevail.

This is the gravest responsibility we can undertake as elected leaders.

That is why our Constitution calls on the President and the Congress to act together on decisions to employ our armed forces to defend our Nation.

By passing this resolution, we reaffirm our belief in our Constitution as the foundation and strength of our democracy.

By providing specific statutory authorization and by requiring continuing consultation between the President and the Congress, we also underscore the importance of the War Powers Resolution. Only by standing together, can we stand strong and defeat this threat.

As I have said before, what happened on Tuesday was not simply an attack against America. It was a crime against democracy, and decency. It was a crime against civilization itself.

Americans have been deeply touched this week by the support we have received from friends throughout the world. From the gates of Buckingham Palace, to the halls of the United Nations and NATO, to the streets of Moscow and beyond, the grief displayed by our friends has helped to make our own grief more bearable.

We thank the family of nations for standing with us in these early days of this battle against terrorism. Even more, we thank them for their commitment to stand with us in the days ahead.

I am confident we will continue to stand together, and defeat this most insidious of threats, wherever and whenever it arises.

We will be fierce in the defense of our ideals. We will make whatever material or physical sacrifice that is required of us to punish those who attacked our nation, and to prevent future attacks.

But we will not sacrifice the ideals that built this nation and have sustained us for more than two centuries.

Just as we are united against the terrorists and their co-conspirators who carried out the attacks on our nation, we must also be united against acts of hate against innocent Arab-Americans and Muslims.

The madmen who carried out these crimes despise our values of liberty and justice for all.

By maintaining our commitment to those ideals now, we send a powerful message to those who committed this evil that they have not won, and they will not win this war. They have broken our hearts, but not our will.