

[The Library of Congress](#) > [THOMAS Home](#) > [Bills, Resolutions](#) > Search Results

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Contents Display	

H.R.3338

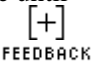
Making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.(Enrolled as Agreed to or Passed by Both House and Senate)

RELATED AGENCY

National Transportation Safety Board

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Salaries and Expenses,' \$650,000, to remain available until September 30, 2003, to be obligated from amounts made available in Public Law 107-38.



GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 449; 23 U.S.C. 502 note) is amended--

- (1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;
- (2) by inserting after subparagraph (B) the following new subparagraph (C):

 `C) FOLLOW-ON DEPLOYMENT- (i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the Department of Transportation has the authority to

extend the original contract that was competitively awarded for the deployment of the system in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

`(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).';

(3) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

`(E) DEFINITIONS- In this paragraph:

`(i) The term `initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

`(ii) The term `follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia.'; and

(4) in subparagraph (D), as redesignated by paragraph (1), by striking `subparagraph (D)' and inserting `subparagraph (F)'.

SEC. 1102. No appropriated funds or revenues generated by the National Railroad Passenger Corporation may be used to implement section 204(c)(2) of Public Law 105-134 until the Congress has enacted an Amtrak reauthorization Act.

SEC. 1103. (a) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, no funds shall be available for the program authorized under section 1101(a)(11) of Public Law 105-178 and \$29,542,304 shall be set aside for the project as authorized under title IV of the National Highway System Designation Act of 1995, as amended: *Provided*, That, if funds authorized under these provisions have been distributed then the amount so specified shall be recalled proportionally from those funds distributed to the States under section 110(b)(4)(A) and (B) of title 23, United States Code.

(b) Notwithstanding any other provision of law, for fiscal year 2002, funds available for environmental streamlining activities under section 104(a)(1)(A) of title 23, United States Code, may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

(c) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for the National motor carrier safety program, \$5,896,000 shall be for State commercial driver's license program improvements.

(d) Notwithstanding any other provision of law, of the funds authorized under section 110 of title 23, United States Code, for fiscal year 2002, and made available for border infrastructure improvements, up to \$2,300,000 shall be made available to carry out section 1119(d) of the Transportation Equity Act for the 21st Century, as amended.

SEC. 1104. Notwithstanding any other provision of law, of the amounts appropriated in fiscal year 2002 for the Research and Special Programs Administration, \$3,170,000 of funds provided for research and special programs shall remain available until September 30, 2004, and \$22,786,000 of funds provided for the pipeline

safety program derived from the pipeline safety fund shall remain available until September 30, 2004.

SEC. 1105. Item 1497 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 312), relating to Alaska, is amended by inserting `and construct capital improvements to intermodal marine freight and passenger facilities and access thereto' before `in Anchorage'.

SEC. 1106. The Department of Transportation and Related Agencies Appropriations Act, 2002 is amended in section 330 by striking `\$144,000,000' and inserting `\$148,300,000' and in section 349 by striking `\$5,000,000' and inserting `\$9,300,000' and by striking `\$120,323,000' and inserting `\$116,023,000'.

SEC. 1107. Notwithstanding any other provision of law, none of the funds in the Department of Transportation and Related Agencies Appropriations Act, 2002 shall be available for salaries and expenses of more than 102 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the funds in this Act, or any other Appropriations Act for fiscal year 2002, shall be available for the position of Under Secretary of Transportation for Policy or the position of Assistant Secretary for Public Affairs.

SEC. 1108. Section 1511(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178), as amended, is amended by striking `Rhode Island' and inserting in lieu thereof `Rhode Island, and Texas' and by inserting before the period in subsection (b)(1)(A) `, provided that Texas may not compete for funds previously allocated or appropriated to any other State'.

CHAPTER 12

DEPARTMENT OF THE TREASURY

Departmental Offices

Treasury Inspector General for Tax Administration

SALARIES AND EXPENSES

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

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

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

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Salaries and Expenses', \$23,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Acquisition, Construction, Improvements, and Related Expenses', \$8,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to: (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416).

Bureau of Alcohol, Tobacco and Firearms

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Salaries and Expenses', \$31,431,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, of which \$5,200,000 may be used for necessary expenses of site acquisition, construction, operations, maintenance and repair of the special purpose canine training facilities in Front Royal, Virginia.

United States Customs Service

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Salaries and Expenses', to meet requirements, including technology, along the Northern Border, Southwest Border, and at critical seaports, \$392,603,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That of such amount, \$245,503,000 shall not be available for obligation until 15 days after the United States Customs Service submits to the Committees on Appropriations and the Secretary of the Treasury a financial plan based upon a comprehensive assessment of the most effective uses of the Service's resources, including the funds provided in this Act, for protection along the Northern Border, Southwest Border, and at critical seaports: *Provided further*, That the Secretary of the Treasury is directed to review the activities proposed to be carried out with the funds subject to the previous proviso and notify the Committees on Appropriations of the findings of his review within 15 days of receipt of such plan.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

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

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Processing, Assistance, and Management', \$12,990,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38.

TAX LAW ENFORCEMENT

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

INFORMATION SYSTEMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Information Systems', \$15,991,000, to remain available until expended, to be obligated from amounts made available by Public Law 107-38: *Provided*, That of these amounts \$13,548,000 is for a backup computer recovery system to be designed and constructed in close coordination with the business systems modernization effort of the Internal Revenue Service.

United States Secret Service

SALARIES AND EXPENSES

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

POSTAL SERVICE

Payment to the Postal Service Fund

For emergency expenses to the Postal Service Fund to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material, to sanitize and screen the mail, and to replace or repair Postal Service facilities destroyed or damaged in New York City as a result of the September 11, 2001, terrorist attacks, \$500,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That of the amounts appropriated, no funds shall be obligated for the purpose of sanitizing and screening the mail until the Postal Service submits to the Committees on Appropriations, the House Committee on Government Reform, and the Senate Committee on Governmental Affairs an emergency preparedness plan to combat the threat of biological and chemical substances in the mail, including a plan for expenditure of funds in support of the emergency preparedness plan.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Salaries and Expenses', \$50,040,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

INDEPENDENT AGENCIES

General Services Administration

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Federal Buildings Fund', \$126,512,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

National Archives and Records Administration

OPERATING EXPENSES

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

REPAIRS AND RESTORATION

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

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Section 652(c)(1) of Public Law 107-67 is amended by striking `Section 414(c)' and inserting `Section 416(c)'.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

GENERAL OPERATING EXPENSES

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Community Development Fund', \$2,000,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of Public Law 107-73: *Provided further*, That the State of New York, in conjunction with the City of New York, shall, through the Lower Manhattan Redevelopment Corporation (`the corporation'): (1) distribute the funds provided for the `Community Development Fund'; (2) within 45 days of enactment of this Act, issue the initial criteria and requirements necessary to accept applications from individuals, nonprofits, and small businesses for economic losses from the September 11, 2001, terrorist attacks; and (3) begin processing such applications: *Provided further*, That the corporation shall expeditiously respond to any application from an individual, nonprofit, or small business for economic losses under this heading: *Provided further*, That of the total amount made available for the `Community Development Fund', including amounts previously made available by transfer pursuant to the fifth proviso of Public Law 107-38, no less than \$500,000,000 shall be made available for individuals, nonprofits, or small businesses described in the prior three provisos, with a limit of \$500,000 per small business for economic losses: *Provided further*, That amounts made available in the previous proviso shall only be available for individuals, nonprofits, or small businesses located in New York City in the area located on or south of West 14th Street (west of its intersection with 5th Avenue), or on or south of East 14th Street (east of its intersection with 5th Street): *Provided further*, That, of the amount provided in this paragraph, \$10,000,000 shall be used for a program to aid the travel and tourism industry in New York City.

Management and Administration

OFFICE OF INSPECTOR GENERAL

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

INDEPENDENT AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for `National Institute of Environmental Health Sciences' for carrying out under current authorities, worker training, research, and education activities, \$10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

Public Law 107-73 is amended under this heading by adding `and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986,' after the words, `as amended,'.

Environmental Protection Agency

SCIENCE AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for `Science and technology', \$90,308,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for `Environmental programs and management', \$39,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for `Hazardous substance superfund', \$41,292,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

STATE AND TRIBAL ASSISTANCE GRANTS

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

The referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended by striking `Florida Department of Environmental Protection' in reference to item number 92, and inserting `Southwest Florida Water Management District'; and by striking `Southeast' in reference to item number 9, and inserting `Southwest'.

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking `repairs to water and sewer lines' in reference to item number 171 and inserting `water and wastewater infrastructure improvements'.

Federal Emergency Management Agency

DISASTER RELIEF

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Disaster relief', \$4,356,871,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Salaries and Expenses', \$25,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107-38 of which not less than \$10,000,000 shall be used to enhance the capabilities of the National Security Division.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Emergency management planning and assistance', \$10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, which shall be available for support of the 2002 Winter Olympics.

For an additional amount for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States and to support activities related to countering terrorism, for `Emergency management planning and assistance', \$210,000,000, to remain available until September 30, 2003, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), as in effect on December 7, 2001, to be obligated from amounts made available in Public Law 107-38: *Provided*, That up to 5 percent of this amount shall be transferred to `Salaries and Expenses' for program administration.

National Aeronautics and Space Administration

HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Human space flight', \$76,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for `Science, aeronautics and technology', \$32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38.

National Science Foundation

RESEARCH AND RELATED ACTIVITIES

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

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. (a) This section may be cited as the `Unity in the Spirit of America Act' or the `USA Act'.

(b) The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by inserting before title V the following:

`TITLE IV--PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

`SEC. 401. PROJECTS.

`(a) DEFINITION- In this section, the term `Foundation' means the Points of Light Foundation funded under section 301, or another nonprofit private organization, that enters into an agreement with the Corporation to carry out this section.

`(b) IDENTIFICATION OF PROJECTS-

`(1) ESTIMATED NUMBER- Not later than March 1, 2002, the Foundation, after obtaining the guidance of the heads of appropriate Federal agencies, such as the Director of the Office of Homeland Security and the Attorney General, shall--

`(A) make an estimate of the number of victims killed as a result of the terrorist attacks on September 11, 2001 (referred to in this section as the `estimated number'); and

`(B) compile a list that specifies, for each individual that the Foundation determines to be such a victim, the name of the victim and the State in which the victim resided.

`(2) IDENTIFIED PROJECTS- The Foundation may identify approximately the estimated number of community-based national and community service projects that meet the requirements of subsection (d). The Foundation may name projects in honor of victims described in subsection (b)(1)(A), after obtaining the permission of an appropriate member of the victim's family and the entity carrying out the project.

`(c) ELIGIBLE ENTITIES- To be eligible to have a project named under this section, the entity carrying out the project shall be a political subdivision of a State, a business, a nonprofit organization (which may be a religious organization), an Indian tribe, or an institution of higher education.

`(d) PROJECTS- The Foundation shall name, under this section, projects--

`(1) that advance the goals of unity, and improving the quality of life in communities; and

`(2) that will be planned, or for which implementation will begin, within a reasonable period after the date of enactment of the Unity in the Spirit of America Act, as determined by the Foundation.

`(e) WEBSITE AND DATABASE- The Foundation shall create and maintain websites and databases, to describe projects named under this section and serve as appropriate vehicles for recognizing the projects.'

SEC. 1302. Within funds previously appropriated as authorized under the Native American Housing and Self Determination Act of 1996 (Public Law 104-330, section 1 (a); 110 Stat. 4016) and made available to Cook Inlet Housing Authority, Cook Inlet Housing Authority may use up to \$9,500,000 of such funds to construct student housing for Native college students, including an on-site computer lab and related study facilities, and, notwithstanding any provision of such Act to the contrary, Cook Inlet Housing Authority may use a portion of such funds to establish a reserve fund and to provide for maintenance of the project.

SEC. 1303. Of the amounts made available under both the heading `Housing certificate fund' and the heading `Salaries and Expenses' in title II of Public Law 107-73, not to exceed \$11,300,000 shall be for the recordation and liquidation of obligations and deficiencies incurred in prior years in connection with the provision of technical assistance authorized under section 514 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (`section 514'), and notwithstanding any other provision of law, for new obligations for such technical assistance: *Provided*, That of the \$11,300,000 made available, up to \$1,300,000 shall be for reimbursement of vouchers submitted by section 514 grantees as of October 15, 2001: *Provided further*, That of the total amount provided under the heading `Salaries and Expenses' in title II of Public Law 107-73, \$500,000 shall be made available from salaries and expenses allocated to the Office of General Counsel and \$1,000,000

shall be made available from salaries and expenses allocated to the Office of Multifamily Housing Assistance Restructuring in the Department of Housing and Urban Development for new obligations for the provision of technical assistance authorized under section 514: *Provided further*, That of the \$11,300,000 provided under this section, no more than \$10,000,000 shall be made available for new obligations for technical assistance under section 514: *Provided further*, That from amounts made available under this section, the Inspector General of the Department of Housing and Urban Development ('HUD Inspector General') shall audit each provision of technical assistance obligated under the requirements of section 514 over the last 4 years: *Provided further*, That to the extent the HUD Inspector General determines that the use of any funding for technical assistance does not meet the requirements of section 514, the Secretary of Housing and Urban Development ('Secretary') shall recapture any such funds: *Provided further*, That no funds appropriated under title II of Public Law 107-73 and subsequent appropriations acts for the Department of Housing and Urban Development shall be made available for 4 years to any entity (or any subsequent entity comprised of significantly the same officers) that has been identified as having violated the requirements of section 514 by the HUD Inspector General: *Provided further*, That, notwithstanding any other provision of law, no funding for technical assistance shall be available for carryover from any previous year: *Provided further*, That the recordation and liquidation of obligations and deficiencies under this heading shall not pardon or release an officer or employee of the United States Government for an act or acts in violation of the Anti-deficiency Act (31 U.S.C. 1341): *Provided further*, That the Secretary shall implement the provisions under this section in a manner that does not accelerate outlays.

SEC. 1304. The referenced statement of the managers pertaining to economic development initiatives under the heading 'Community Development Fund' in Public Law 107-73 is deemed to be amended by striking 'Willacy County Boys and Girls Club in Willacy County, Texas' in reference to an appropriation for the Willacy County Boys and Girls Club, and inserting 'Willacy County Boys and Girls Club in Willacy County, Texas'; by striking 'Acres Home Community Development Corporation' in reference to an appropriation in Houston, Texas, and inserting 'Old Acres Homes Citizens Council'; and by striking '\$250,000 to the Good Shepard School in Braddock, Pennsylvania for facility renovation;' in reference to an appropriation in Braddock, Pennsylvania, and inserting '\$250,000 for facility renovation, of which \$50,000 is for the Good Shepard School in Braddock, Pennsylvania, and \$200,000 is for the Phipps Conservatory and Botanical Gardens in Pittsburgh, Pennsylvania;'

CHAPTER 14

GENERAL PROVISIONS, THIS DIVISION

SEC. 1401. Amounts which may be obligated pursuant to this division are subject to the terms and conditions provided in Public Law 107-38.

SEC. 1402. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1403. Notwithstanding any other provision of law, of the funds made available in this or any other Act, funds may be transferred to the Department of Defense from an agency receiving National Guard services related to homeland security to cover the costs of such services that the agency incurred after the date of enactment of this Act: *Provided*, That such authority to transfer shall expire on April 30, 2002: *Provided further*, That each agency receiving National Guard services related to homeland security shall submit to the House and Senate Committees on Appropriations a detailed report of the National Guard's homeland defense activities and expenses incurred after the date of enactment of this Act and planned for the remainder of fiscal year 2002 for that agency and any proposed transfers 15 days prior to such transfers pursuant to this authority.

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

DIVISION C--SPENDING LIMITS AND BUDGETARY ALLOCATIONS FOR FISCAL YEAR 2002

SEC. 101. (a) DISCRETIONARY SPENDING LIMITS- Section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended--

(1) by striking subparagraph (A) and inserting the following:

`(A) for the discretionary category: \$681,441,000,000 in new budget authority and \$670,206,000,000 in outlays;';

(2) in subparagraph (C), by striking the second `and' after the semicolon; and

(3) in subparagraph (D), by striking `\$1,232,000,000' and inserting `\$1,473,000,000'.

(b) REVISED AGGREGATES AND ALLOCATIONS- Upon the enactment of this section, the chairman of the Committee on the Budget of the House of Representatives and the chairman of the Committee on the Budget of the Senate shall each--

(1) revise the aggregate levels of new budget authority and outlays for fiscal year 2002 set in sections 101(2) and 101(3) of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress), to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a);

(2) revise allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations of their respective House as initially set forth in the joint explanatory statement of managers accompanying the conference report on that concurrent resolution, to the extent necessary to reflect the revised limits on discretionary budget authority and outlays for fiscal year 2002 provided in subsection (a); and

(3) publish those revised aggregates and allocations in the Congressional Record.

(c) Repeal of Section 203 of Budget Resolution for Fiscal Year 2002- Section 203 of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress) is repealed.

(d) ADJUSTMENTS- If, for fiscal year 2002, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limit on new budget authority for any category due to technical estimates made by the Director of the Office of Management and Budget, the Director shall make an adjustment equal to the amount of the excess, but not to exceed an amount equal to 0.12 percent of the sum of the adjusted discretionary limits on new budget authority for all categories for fiscal year 2002.

SEC. 102. PAY-AS-YOU-GO ADJUSTMENT- In preparing the final sequestration report for fiscal year 2002 required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal years 2001 and 2002 under section 252 of that Act to zero.

SEC. 103. When the President submits a budget of the United States Government under section 1105(a) of title 31, United States Code, for fiscal year 2003, he shall submit a report to the Congress that identifies any emergency-designated funding (pursuant to section 251(b)(2)(A) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985) in legislation enacted after September 11, 2001, and before such submission in response to the events of September 11, 2001, that is of an ongoing and recurring nature.

SEC. 104. (a) The section 302(a) allocations, as adjusted pursuant to section 101(b), shall be deemed to be allocations set forth in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 2002 for all purposes under titles III and IV of the Congressional Budget Act of 1974.

(b) REPEALER- Section 221(d)(2) of the concurrent resolution on the budget for fiscal year 2002 (H. Con. Res. 83, 107th Congress, 1st session) is repealed.

DIVISION D--MISCELLANEOUS PROVISIONS

TITLE I--CONVEYANCE OF HOMESTAKE MINE

SEC. 101. SHORT TITLE.

This title may be cited as the `Homestake Mine Conveyance Act of 2001'.

SEC. 102. FINDINGS.

Congress finds the following:

- (1) The United States is among the leading nations in the world in conducting basic scientific research.
- (2) That leadership position strengthens the economy and national defense of the United States and provides other important benefits.
- (3) The Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research.
- (4) The Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory.
- (5) Such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States.
- (6) The establishment of the laboratory is in the national interest and would substantially improve the capability of the United States to conduct important scientific research.
- (7) For economic reasons, Homestake intends to cease operations at the Mine in 2001.
- (8) On cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine.
- (9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory.
- (10) Use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars for the Federal Government.
- (11) If the Mine is selected as the site for the laboratory, it is essential that closure of the Mine not preclude the location of the laboratory at the Mine.
- (12) Homestake is unwilling to donate, and the State is unwilling to accept, the property at the Mine for the laboratory if Homestake and the State would continue to have potential liability with respect to the transferred property.

(13) To secure the use of the Mine as the location for the laboratory and to realize the benefits of the proposed laboratory it is necessary for the United States to--

(A) assume a portion of any potential future liability of Homestake concerning the Mine; and

(B) address potential liability associated with the operation of the laboratory.

SEC. 103. DEFINITIONS.

In this title:

(1) ADMINISTRATOR- The term `Administrator' means the Administrator of the Environmental Protection Agency.

(2) AFFILIATE-

(A) IN GENERAL- The term `affiliate' means any corporation or other person that controls, is controlled by, or is under common control with Homestake.

(B) INCLUSIONS- The term `affiliate' includes a director, officer, or employee of an affiliate.

(3) CONVEYANCE- The term `conveyance' means the conveyance of the Mine to the State under section 104(a).

(4) FUND- The term `Fund' means the Environment and Project Trust Fund established under section 108.

(5) HOMESTAKE-

(A) IN GENERAL- The term `Homestake' means the Homestake Mining Company of California, a California corporation.

(B) INCLUSION- The term `Homestake' includes--

(i) a director, officer, or employee of Homestake;

(ii) an affiliate of Homestake; and

(iii) any successor of Homestake or successor to the interest of Homestake in the Mine.

(6) INDEPENDENT ENTITY- The term `independent entity' means an independent entity selected jointly by Homestake, the South Dakota Department of Environment and Natural Resources, and the Administrator--

(A) to conduct a due diligence inspection under section 104(b)(2)(A); and

(B) to determine the fair value of the Mine under section 105(a).

(7) INDIAN TRIBE- The term `Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S. C. 450b).

(8) LABORATORY-

(A) IN GENERAL- The term `laboratory' means the national underground science laboratory proposed to be established at the Mine after the conveyance.

(B) INCLUSION- The term `laboratory' includes operating and support facilities of the laboratory.

(9) MINE-

(A) IN GENERAL- The term `Mine' means the portion of the Homestake Mine in Lawrence County, South Dakota, proposed to be conveyed to the State for the establishment and operation of the laboratory.

(B) INCLUSIONS- The term `Mine' includes--

(i) real property, mineral and oil and gas rights, shafts, tunnels, structures, backfill, broken rock, fixtures, facilities, and personal property to be conveyed for establishment and operation of the laboratory, as agreed upon by Homestake and the State; and

(ii) any water that flows into the Mine from any source.

(C) EXCLUSIONS- The term `Mine' does not include--

(i) the feature known as the `Open Cut';

(ii) any tailings or tailings storage facility (other than backfill in the portion of the Mine described in subparagraph (A)); or

(iii) any waste rock or any site used for the dumping of waste rock (other than broken rock in the portion of the Mine described in subparagraph (A)).

(10) PERSON- The term `person' means--

(A) an individual;

(B) a trust, firm, joint stock company, corporation (including a government corporation), partnership, association, limited liability company, or any other type of business entity;

(C) a State or political subdivision of a State;

(D) a foreign governmental entity;

(E) an Indian tribe; and

(F) any department, agency, or instrumentality of the United States.

(11) PROJECT SPONSOR- The term `project sponsor' means an entity that manages or pays the costs of one or more projects that are carried out or proposed to be carried out at the laboratory.

(12) SCIENTIFIC ADVISORY BOARD- The term `Scientific Advisory Board' means the entity designated in the management plan of the laboratory to provide scientific oversight for the operation of the laboratory.

(13) STATE-

(A) IN GENERAL- The term `State' means the State of South Dakota.

(B) INCLUSIONS- The term `State' includes an institution, agency, officer, or employee of the State.

SEC. 104. CONVEYANCE OF REAL PROPERTY.

(a) IN GENERAL-

(1) DELIVERY OF DOCUMENTS- Subject to paragraph (2) and subsection (b) and notwithstanding any other provision of law, on the execution and delivery by Homestake of one or more quitclaim deeds or bills of sale conveying to the State all right, title, and interest of Homestake in and to the Mine, title to the Mine shall pass from Homestake to the State.

(2) CONDITION OF MINE ON CONVEYANCE- The Mine shall be conveyed as is, with no representations as to the condition of the property.

(b) REQUIREMENTS FOR CONVEYANCE-

(1) IN GENERAL- The Administrator's acceptance of the final report or certification of the independent entity under paragraph (4) is a condition precedent of the conveyance and of the assumption of liability by the United States in accordance with this title.

(2) DUE DILIGENCE INSPECTION-

(A) IN GENERAL- As a condition precedent of conveyance and of Federal participation described in this title, Homestake shall permit an independent entity to conduct a due diligence inspection of the Mine to determine whether any condition of the Mine may present an imminent and substantial endangerment to public health or the environment.

(B) CONSULTATION- As a condition precedent of the conduct of a due diligence inspection, the Administrator, in consultation with Homestake, the South Dakota Department of Environment and Natural Resources, and the independent entity, shall define the methodology and standards to be used, and other factors to be considered, by the independent entity in--

(i) the conduct of the due diligence inspection;

(ii) the scope of the due diligence inspection; and

(iii) the time and duration of the due diligence inspection.

(C) PARTICIPATION BY HOMESTAKE- Nothing in this paragraph requires Homestake to participate in the conduct of the due diligence inspection.

(3) REPORT TO THE ADMINISTRATOR-

(A) IN GENERAL- The independent entity shall submit to the Administrator a report that--

(i) describes the results of the due diligence inspection under paragraph (2); and

(ii) identifies any condition of or in the Mine that may present an imminent and substantial endangerment to public health or the environment.

(B) PROCEDURE-

(i) DRAFT REPORT- Before finalizing the report under this paragraph, the independent entity shall--

(I) issue a draft report;

(II) submit to the Administrator, Homestake, and the State a copy of the draft report;

(III) issue a public notice requesting comments on the draft report that requires all such comments to be filed not later than 45 days after issuance of the public notice; and

(IV) during that 45-day public comment period, conduct at least one public hearing in Lead, South Dakota, to receive comments on the draft report.

(ii) FINAL REPORT- In the final report submitted to the Administrator under this paragraph, the independent entity shall respond to, and incorporate necessary changes suggested by, the comments received on the draft report.

(4) REVIEW AND APPROVAL BY ADMINISTRATOR-

(A) IN GENERAL- Not later than 60 days after receiving the final report under paragraph (3), the Administrator shall--

(i) review the report; and

(ii) notify the State in writing of acceptance or rejection of the final report.

(B) CONDITIONS FOR REJECTION- The Administrator may reject the final report if the report discloses one or more conditions that--

(i) as determined by the Administrator, may present an imminent and substantial endangerment to the public health or the environment and require a response action; or

(ii) otherwise make the conveyance in section 104, or the assumption of liability, the release of liability, or the indemnification in section 106

contrary to the public interest.

(C) RESPONSE ACTIONS AND CERTIFICATION-

(i) RESPONSE ACTIONS-

(I) IN GENERAL- If the Administrator rejects the final report, Homestake may carry out or bear the cost of, or permit the State or another person to carry out or bear the cost of, such response actions as are necessary to correct any condition identified by the Administrator under subparagraph (B)(i) that may present an imminent and substantial endangerment to public health or the environment.

(II) LONG-TERM RESPONSE ACTIONS-

(aa) IN GENERAL- In a case in which the Administrator determines that a condition identified by the Administrator under subparagraph (B)(i) requires continuing response action, or response action that can be completed only as part of the final closure of the laboratory, it shall be a condition of conveyance that Homestake, the State, or another person deposit into the Fund such amount as is estimated by the independent entity, on a net present value basis and after taking into account estimated interest on that basis to be sufficient to pay the costs of the long-term response action or the response action that will be completed as part of the final closure of the laboratory.

(bb) LIMITATION ON USE OF FUNDS- None of the funds deposited into the Fund under item (aa) shall be expended for any purpose other than to pay the costs of the long-term response action, or the response action that will be completed as part of the final closure of the Mine, identified under that item.

(ii) CONTRIBUTION BY HOMESTAKE- The total amount that Homestake may expend, pay, or deposit into the Fund under subclauses (I) and (II) of clause (i) shall not exceed--

(I) \$75,000,000; less

(II) the fair value of the Mine as determined under section 105(a).

(iii) CERTIFICATION-

(I) IN GENERAL- After any response actions described in clause (i)(I) are carried out and any required funds are deposited under clause (i)(II), the independent entity may certify to the Administrator that the conditions for rejection identified by the Administrator under subparagraph (B) have been corrected.

(II) ACCEPTANCE OR REJECTION OF CERTIFICATION- Not later than 60 days after an independent entity makes a certification under subclause (I), the Administrator shall accept or reject the certification.

(c) REVIEW OF CONVEYANCE- For the purposes of the conveyance, the requirements of this section shall be considered to be sufficient to meet any requirement of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. ASSESSMENT OF PROPERTY.

(a) VALUATION OF PROPERTY- The independent entity shall assess the fair value of the Mine.

(b) FAIR VALUE- For the purposes of this section, the fair value of the Mine shall be the fair market value as determined by an appraisal in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Contents Display	

[THOMAS Home](#) | [Contact](#) | [Accessibility](#) | [Legal](#) | [USA.gov](#)