

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5548

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2000

Mr. ROGERS introduced the following bill; which was referred to the Committee on Appropriations

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## A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 2001, and for other pur-  
6 poses, namely:

## 1 TITLE I—DEPARTMENT OF JUSTICE

## 2 GENERAL ADMINISTRATION

## 3 SALARIES AND EXPENSES

4 For expenses necessary for the administration of the  
5 Department of Justice, \$88,713,000, of which not to ex-  
6 ceed \$3,317,000 is for the Facilities Program 2000, to  
7 remain available until expended: *Provided*, That not to ex-  
8 ceed 43 permanent positions and 44 full-time equivalent  
9 workyears and \$8,136,000 shall be expended for the De-  
10 partment Leadership Program exclusive of augmentation  
11 that occurred in these offices in fiscal year 2000: *Provided*  
12 *further*, That not to exceed 41 permanent positions and  
13 48 full-time equivalent workyears and \$4,811,000 shall be  
14 expended for the Offices of Legislative Affairs and Public  
15 Affairs: *Provided further*, That the latter two aforemen-  
16 tioned offices may utilize non-reimbursable details of ca-  
17 reer employees within the caps described in the aforemen-  
18 tioned proviso: *Provided further*, That the Attorney Gen-  
19 eral is authorized to transfer, under such terms and condi-  
20 tions as the Attorney General shall specify, forfeited real  
21 or personal property of limited or marginal value, as such  
22 value is determined by guidelines established by the Attor-  
23 ney General, to a State or local government agency, or  
24 its designated contractor or transferee, for use to support  
25 drug abuse treatment, drug and crime prevention and edu-

1 cation, housing, job skills, and other community-based  
2 public health and safety programs: *Provided further*, That  
3 any transfer under the preceding proviso shall not create  
4 or confer any private right of action in any person against  
5 the United States, and shall be treated as a reprogram-  
6 ming under section 605 of this Act.

7 JOINT AUTOMATED BOOKING SYSTEM

8 For expenses necessary for the nationwide deploy-  
9 ment of a Joint Automated Booking System including  
10 automated capability to transmit fingerprint and image  
11 data, \$15,915,000, to remain available until expended.

12 NARROWBAND COMMUNICATIONS

13 For the costs of conversion to narrowband commu-  
14 nications, including the cost for operation and mainte-  
15 nance of Land Mobile Radio legacy systems,  
16 \$205,000,000, to remain available until expended.

17 COUNTERTERRORISM FUND

18 For necessary expenses, as determined by the Attor-  
19 ney General, \$5,000,000, to remain available until ex-  
20 pended, to reimburse any Department of Justice organiza-  
21 tion for: (1) the costs incurred in reestablishing the oper-  
22 ational capability of an office or facility which has been  
23 damaged or destroyed as a result of any domestic or inter-  
24 national terrorist incident; and (2) the costs of providing  
25 support to counter, investigate or prosecute domestic or  
26 international terrorism, including payment of rewards in

1 connection with these activities: *Provided*, That any Fed-  
2 eral agency may be reimbursed for the costs of detaining  
3 in foreign countries individuals accused of acts of ter-  
4 rorism that violate the laws of the United States: *Provided*  
5 *further*, That funds provided under this paragraph shall  
6 be available only after the Attorney General notifies the  
7 Committees on Appropriations of the House of Represent-  
8 atives and the Senate in accordance with section 605 of  
9 this Act.

10 TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

11 For payments authorized by section 109 of the Com-  
12 munications Assistance for Law Enforcement Act (47  
13 U.S.C. 1008), \$201,420,000, to remain available until ex-  
14 pended.

15 ADMINISTRATIVE REVIEW AND APPEALS

16 For expenses necessary for the administration of par-  
17 don and clemency petitions and immigration related activi-  
18 ties, \$161,062,000.

19 DETENTION TRUSTEE

20 For necessary expenses to establish a Federal Deten-  
21 tion Trustee who shall exercise all power and functions  
22 authorized by law relating to the detention of Federal pris-  
23 oners in non-Federal institutions or otherwise in the cus-  
24 tody of the United States Marshals Service; and the deten-  
25 tion of aliens in the custody of the Immigration and Natu-  
26 ralization Service, \$1,000,000: *Provided*, That the Trustee

1 shall be responsible for construction of detention facilities  
2 or for housing related to such detention; the management  
3 of funds appropriated to the Department for the exercise  
4 of any detention functions; and the direction of the United  
5 States Marshals Service and Immigration and Naturaliza-  
6 tion Service with respect to the exercise of detention policy  
7 setting and operations for the Department.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector  
10 General in carrying out the provisions of the Inspector  
11 General Act of 1978, as amended, \$41,575,000; including  
12 not to exceed \$10,000 to meet unforeseen emergencies of  
13 a confidential character, to be expended under the direc-  
14 tion of, and to be accounted for solely under the certificate  
15 of, the Attorney General; and for the acquisition, lease,  
16 maintenance, and operation of motor vehicles, without re-  
17 gard to the general purchase price limitation for the cur-  
18 rent fiscal year.

19 UNITED STATES PAROLE COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses of the United States Parole  
22 Commission as authorized by law, \$8,855,000.

23 LEGAL ACTIVITIES

24 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

25 For expenses necessary for the legal activities of the  
26 Department of Justice, not otherwise provided for, includ-

1 ing not to exceed \$20,000 for expenses of collecting evi-  
2 dence, to be expended under the direction of, and to be  
3 accounted for solely under the certificate of, the Attorney  
4 General; and rent of private or Government-owned space  
5 in the District of Columbia, \$535,771,000; of which not  
6 to exceed \$10,000,000 for litigation support contracts  
7 shall remain available until expended: *Provided*, That of  
8 the funds available in this appropriation, \$18,877,000  
9 shall remain available until expended only for office auto-  
10 mation systems for the legal divisions covered by this ap-  
11 propriation, and for the United States Attorneys, the Anti-  
12 trust Division, the United States Trustee Program, the  
13 Executive Office for Immigration Review, the Community  
14 Relations Service, and offices funded through “Salaries  
15 and Expenses”, General Administration: *Provided further*,  
16 That of the total amount appropriated, not to exceed  
17 \$1,000 shall be available to the United States National  
18 Central Bureau, INTERPOL, for official reception and  
19 representation expenses.

20 In addition, for reimbursement of expenses of the De-  
21 partment of Justice associated with processing cases  
22 under the National Childhood Vaccine Injury Act of 1986,  
23 as amended, not to exceed \$4,028,000, to be appropriated  
24 from the Vaccine Injury Compensation Trust Fund.

## 1 SALARIES AND EXPENSES, ANTITRUST DIVISION

2 For expenses necessary for the enforcement of anti-  
3 trust and kindred laws, \$95,838,000: *Provided*, That, not-  
4 withstanding section 3302(b) of title 31, United States  
5 Code, not to exceed \$95,838,000 of offsetting collections  
6 derived from fees collected in fiscal year 2001 for  
7 premerger notification filings under the Hart-Scott-Ro-  
8 dino Antitrust Improvements Act of 1976 (15 U.S.C. 18a)  
9 shall be retained and used for necessary expenses in this  
10 appropriation, and shall remain available until expended:  
11 *Provided further*, That the sum herein appropriated from  
12 the general fund shall be reduced as such offsetting collec-  
13 tions are received during fiscal year 2001, so as to result  
14 in a final fiscal year 2001 appropriation from the general  
15 fund estimated at not more than \$0.

## 16 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

17 For necessary expenses of the Offices of the United  
18 States Attorneys, including inter-governmental and coop-  
19 erative agreements, \$1,250,382,000; of which not to ex-  
20 ceed \$2,500,000 shall be available until September 30,  
21 2002, for: (1) training personnel in debt collection; (2) lo-  
22 cating debtors and their property; (3) paying the net costs  
23 of selling property; and (4) tracking debts owed to the  
24 United States Government: *Provided*, That of the total  
25 amount appropriated, not to exceed \$8,000 shall be avail-  
26 able for official reception and representation expenses:

1 *Provided further*, That not to exceed \$10,000,000 of those  
2 funds available for automated litigation support contracts  
3 shall remain available until expended: *Provided further*,  
4 That not to exceed \$2,500,000 for the operation of the  
5 National Advocacy Center shall remain available until ex-  
6 pended: *Provided further*, That the fourth proviso under  
7 the heading “Salaries and Expenses, United States Attor-  
8 neys” in title I of H.R. 3421 of the 106th Congress, as  
9 enacted by section 1000(a)(1) of Public Law 106–113  
10 shall apply to amounts made available under this heading  
11 for fiscal year 2001: *Provided further*, That, in addition  
12 to reimbursable full-time equivalent workyears available to  
13 the Offices of the United States Attorneys, not to exceed  
14 9,439 positions and 9,557 full-time equivalent workyears  
15 shall be supported from the funds appropriated in this Act  
16 for the United States Attorneys.

17 UNITED STATES TRUSTEE SYSTEM FUND

18 For necessary expenses of the United States Trustee  
19 Program, as authorized by 28 U.S.C. 589a(a),  
20 \$125,997,000, to remain available until expended and to  
21 be derived from the United States Trustee System Fund:  
22 *Provided*, That, notwithstanding any other provision of  
23 law, deposits to the Fund shall be available in such  
24 amounts as may be necessary to pay refunds due deposi-  
25 tors: *Provided further*, That, notwithstanding any other  
26 provision of law, \$125,997,000 of offsetting collections



1 pursuant to 28 U.S.C. 589a(b) shall be retained and used  
2 for necessary expenses in this appropriation and remain  
3 available until expended: *Provided further*, That the sum  
4 herein appropriated from the Fund shall be reduced as  
5 such offsetting collections are received during fiscal year  
6 2001, so as to result in a final fiscal year 2001 appropria-  
7 tion from the Fund estimated at \$0.

8 SALARIES AND EXPENSES, FOREIGN CLAIMS

9 SETTLEMENT COMMISSION

10 For expenses necessary to carry out the activities of  
11 the Foreign Claims Settlement Commission, including  
12 services as authorized by 5 U.S.C. 3109, \$1,107,000.

13 SALARIES AND EXPENSES, UNITED STATES MARSHALS

14 SERVICE

15 For necessary expenses of the United States Mar-  
16 shals Service; including the acquisition, lease, mainte-  
17 nance, and operation of vehicles, and the purchase of pas-  
18 senger motor vehicles for police-type use, without regard  
19 to the general purchase price limitation for the current  
20 fiscal year, \$572,695,000; of which not to exceed \$6,000  
21 shall be available for official reception and representation  
22 expenses; and of which not to exceed \$4,000,000 for devel-  
23 opment, implementation, maintenance and support, and  
24 training for an automated prisoner information system  
25 shall remain available until expended: *Provided*, That, in  
26 addition to reimbursable full-time equivalent workyears

1 available to the United States Marshals Service, not to ex-  
2 ceed 3,947 positions and 3,895 full-time equivalent  
3 workyears shall be supported from the funds appropriated  
4 in this Act for the United States Marshals Service.

5  
6 CONSTRUCTION

6 For planning, constructing, renovating, equipping,  
7 and maintaining United States Marshals Service prisoner-  
8 holding space in United States courthouses and Federal  
9 buildings, including the renovation and expansion of pris-  
10 oner movement areas, elevators, and sallyports,  
11 \$18,128,000, to remain available until expended.

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

14 Beginning in fiscal year 2000 and thereafter, pay-  
15 ment shall be made from the Justice Prisoner and Alien  
16 Transportation System Fund for necessary expenses re-  
17 lated to the scheduling and transportation of United  
18 States prisoners and illegal and criminal aliens in the cus-  
19 tody of the United States Marshals Service, as authorized  
20 in 18 U.S.C. 4013, including, without limitation, salaries  
21 and expenses, operations, and the acquisition, lease, and  
22 maintenance of aircraft and support facilities: *Provided*,  
23 That the Fund shall be reimbursed or credited with ad-  
24 vance payments from amounts available to the Depart-  
25 ment of Justice, other Federal agencies, and other sources  
26 at rates that will recover the expenses of Fund operations,

1 including, without limitation, accrual of annual leave and  
2 depreciation of plant and equipment of the Fund: *Provided*  
3 *further*, That proceeds from the disposal of Fund aircraft  
4 shall be credited to the Fund: *Provided further*, That  
5 amounts in the Fund shall be available without fiscal year  
6 limitation, and may be used for operating equipment lease  
7 agreements that do not exceed 10 years.

8       In addition, \$13,500,000, to remain available until  
9 expended, shall be available only for the purchase of two  
10 Sabreliner-class aircraft.

11                                   FEDERAL PRISONER DETENTION

12       For expenses, related to United States prisoners in  
13 the custody of the United States Marshals Service, but  
14 not including expenses otherwise provided for in appro-  
15 priations available to the Attorney General, \$597,402,000,  
16 to remain available until expended: *Provided*, That here-  
17 after amounts appropriated for Federal Prisoner Deten-  
18 tion shall be available to reimburse the Federal Bureau  
19 of Prisons for salaries and expenses of transporting,  
20 guarding and providing medical care outside of Federal  
21 penal and correctional institutions to prisoners awaiting  
22 trial or sentencing.

23                                   FEES AND EXPENSES OF WITNESSES

24       For expenses, mileage, compensation, and per diems  
25 of witnesses, for expenses of contracts for the procurement  
26 and supervision of expert witnesses, for private counsel ex-

1 penses, and for per diems in lieu of subsistence, as author-  
2 ized by law, including advances, \$125,573,000, to remain  
3 available until expended; of which not to exceed  
4 \$6,000,000 may be made available for planning, construc-  
5 tion, renovations, maintenance, remodeling, and repair of  
6 buildings, and the purchase of equipment incident thereto,  
7 for protected witness safesites; of which not to exceed  
8 \$1,000,000 may be made available for the purchase and  
9 maintenance of armored vehicles for transportation of pro-  
10 tected witnesses; and of which not to exceed \$5,000,000  
11 may be made available for the purchase, installation, and  
12 maintenance of secure telecommunications equipment and  
13 a secure automated information network to store and re-  
14 trieve the identities and locations of protected witnesses.

15 SALARIES AND EXPENSES, COMMUNITY RELATIONS

16 SERVICE

17 For necessary expenses of the Community Relations  
18 Service, \$8,475,000 and, in addition, up to \$1,000,000 of  
19 funds made available to the Department of Justice in this  
20 Act may be transferred by the Attorney General to this  
21 account: *Provided*, That notwithstanding any other provi-  
22 sion of law, upon a determination by the Attorney General  
23 that emergent circumstances require additional funding  
24 for conflict prevention and resolution activities of the  
25 Community Relations Service, the Attorney General may  
26 transfer such amounts to the Community Relations Serv-

1 ice, from available appropriations for the current fiscal  
2 year for the Department of Justice, as may be necessary  
3 to respond to such circumstances: *Provided further*, That  
4 any transfer pursuant to the previous proviso shall be  
5 treated as a reprogramming under section 605 of this Act  
6 and shall not be available for obligation or expenditure ex-  
7 cept in compliance with the procedures set forth in that  
8 section.

9 ASSETS FORFEITURE FUND

10 For expenses authorized by 28 U.S.C.  
11 524(c)(1)(A)(ii), (B), (F), and (G), as amended,  
12 \$23,000,000, to be derived from the Department of Jus-  
13 tice Assets Forfeiture Fund.

14 RADIATION EXPOSURE COMPENSATION

15 ADMINISTRATIVE EXPENSES

16 For necessary administrative expenses in accordance  
17 with the Radiation Exposure Compensation Act,  
18 \$2,000,000.

19 PAYMENT TO RADIATION EXPOSURE COMPENSATION

20 TRUST FUND

21 For payments to the Radiation Exposure Compensa-  
22 tion Trust Fund of claims covered by the Radiation Expo-  
23 sure Compensation Act as in effect on June 1, 2000,  
24 \$10,800,000.

## 1 INTERAGENCY LAW ENFORCEMENT

## 2 INTERAGENCY CRIME AND DRUG ENFORCEMENT

3 For necessary expenses for the detection, investiga-  
4 tion, and prosecution of individuals involved in organized  
5 crime drug trafficking not otherwise provided for, to in-  
6 clude inter-governmental agreements with State and local  
7 law enforcement agencies engaged in the investigation and  
8 prosecution of individuals involved in organized crime drug  
9 trafficking, \$325,898,000, of which \$50,000,000 shall re-  
10 main available until expended: *Provided*, That any  
11 amounts obligated from appropriations under this heading  
12 may be used under authorities available to the organiza-  
13 tions reimbursed from this appropriation: *Provided fur-*  
14 *ther*, That any unobligated balances remaining available  
15 at the end of the fiscal year shall revert to the Attorney  
16 General for reallocation among participating organizations  
17 in succeeding fiscal years, subject to the reprogramming  
18 procedures described in section 605 of this Act.

## 19 FEDERAL BUREAU OF INVESTIGATION

## 20 SALARIES AND EXPENSES

21 For necessary expenses of the Federal Bureau of In-  
22 vestigation for detection, investigation, and prosecution of  
23 crimes against the United States; including purchase for  
24 police-type use of not to exceed 1,236 passenger motor ve-  
25 hicles, of which 1,142 will be for replacement only, without

1 regard to the general purchase price limitation for the cur-  
2 rent fiscal year, and hire of passenger motor vehicles; ac-  
3 quisition, lease, maintenance, and operation of aircraft;  
4 and not to exceed \$70,000 to meet unforeseen emergencies  
5 of a confidential character, to be expended under the di-  
6 rection of, and to be accounted for solely under the certifi-  
7 cate of, the Attorney General, \$3,235,600,000; of which  
8 not to exceed \$50,000,000 for automated data processing  
9 and telecommunications and technical investigative equip-  
10 ment and not to exceed \$1,000,000 for undercover oper-  
11 ations shall remain available until September 30, 2002;  
12 of which not less than \$437,650,000 shall be for  
13 counterterrorism investigations, foreign counterintel-  
14 ligence, and other activities related to our national secu-  
15 rity; of which not to exceed \$10,000,000 is authorized to  
16 be made available for making advances for expenses aris-  
17 ing out of contractual or reimbursable agreements with  
18 State and local law enforcement agencies while engaged  
19 in cooperative activities related to violent crime, terrorism,  
20 organized crime, and drug investigations: *Provided*, That  
21 not to exceed \$45,000 shall be available for official recep-  
22 tion and representation expenses: *Provided further*, That,  
23 in addition to reimbursable full-time equivalent workyears  
24 available to the Federal Bureau of Investigation, not to  
25 exceed 25,569 positions and 25,142 full-time equivalent

1 workyears shall be supported from the funds appropriated  
2 in this Act for the Federal Bureau of Investigation: *Pro-*  
3 *vided further*, That no funds in this Act may be used to  
4 provide ballistics imaging equipment to any State or local  
5 authority which has obtained similar equipment through  
6 a Federal grant or subsidy unless the State or local au-  
7 thority agrees to return that equipment or to repay that  
8 grant or subsidy to the Federal Government.

9 CONSTRUCTION

10 For necessary expenses to construct or acquire build-  
11 ings and sites by purchase, or as otherwise authorized by  
12 law (including equipment for such buildings); conversion  
13 and extension of federally-owned buildings; and prelimi-  
14 nary planning and design of projects; \$16,687,000, to re-  
15 main available until expended.

16 DRUG ENFORCEMENT ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Drug Enforcement Ad-  
19 ministration, including not to exceed \$70,000 to meet un-  
20 foreseen emergencies of a confidential character, to be ex-  
21 pended under the direction of, and to be accounted for  
22 solely under the certificate of, the Attorney General; ex-  
23 penses for conducting drug education and training pro-  
24 grams, including travel and related expenses for partici-  
25 pants in such programs and the distribution of items of  
26 token value that promote the goals of such programs; pur-



1 chase of not to exceed 1,358 passenger motor vehicles, of  
2 which 1,079 will be for replacement only, for police-type  
3 use without regard to the general purchase price limitation  
4 for the current fiscal year; and acquisition, lease, mainte-  
5 nance, and operation of aircraft, \$1,363,309,000; of which  
6 not to exceed \$1,800,000 for research shall remain avail-  
7 able until expended, and of which not to exceed  
8 \$4,000,000 for purchase of evidence and payments for in-  
9 formation, not to exceed \$10,000,000 for contracting for  
10 automated data processing and telecommunications equip-  
11 ment, and not to exceed \$2,000,000 for laboratory equip-  
12 ment, \$4,000,000 for technical equipment, and  
13 \$2,000,000 for aircraft replacement retrofit and parts,  
14 shall remain available until September 30, 2002; of which  
15 not to exceed \$50,000 shall be available for official recep-  
16 tion and representation expenses: *Provided*, That, in addi-  
17 tion to reimbursable full-time equivalent workyears avail-  
18 able to the Drug Enforcement Administration, not to ex-  
19 ceed 7,520 positions and 7,412 full-time equivalent  
20 workyears shall be supported from the funds appropriated  
21 in this Act for the Drug Enforcement Administration.

## 1 IMMIGRATION AND NATURALIZATION SERVICE

## 2 SALARIES AND EXPENSES

3 For expenses necessary for the administration and  
4 enforcement of the laws relating to immigration, natu-  
5 ralization, and alien registration, as follows:

## 6 ENFORCEMENT AND BORDER AFFAIRS

7 For salaries and expenses for the Border Patrol pro-  
8 gram, the detention and deportation program, the intel-  
9 ligence program, the investigations program, and the in-  
10 spections program, including not to exceed \$50,000 to  
11 meet unforeseen emergencies of a confidential character,  
12 to be expended under the direction of, and to be accounted  
13 for solely under the certificate of, the Attorney General;  
14 purchase for police-type use (not to exceed 3,165 pas-  
15 senger motor vehicles, of which 2,211 are for replacement  
16 only), without regard to the general purchase price limita-  
17 tion for the current fiscal year, and hire of passenger  
18 motor vehicles; acquisition, lease, maintenance and oper-  
19 ation of aircraft; research related to immigration enforce-  
20 ment; for protecting and maintaining the integrity of the  
21 borders of the United States including, without limitation,  
22 equipping, maintaining, and making improvements to the  
23 infrastructure; and for the care and housing of Federal  
24 detainees held in the joint Immigration and Naturalization  
25 Service and United States Marshals Service's Buffalo De-  
26 tention Facility, \$2,547,057,000; of which not to exceed

1 \$10,000,000 shall be available for costs associated with  
2 the training program for basic officer training, and  
3 \$5,000,000 is for payments or advances arising out of con-  
4 tractual or reimbursable agreements with State and local  
5 law enforcement agencies while engaged in cooperative ac-  
6 tivities related to immigration; of which not to exceed  
7 \$5,000,000 is to fund or reimburse other Federal agencies  
8 for the costs associated with the care, maintenance, and  
9 repatriation of smuggled illegal aliens: *Provided*, That  
10 none of the funds available to the Immigration and Natu-  
11 ralization Service shall be available to pay any employee  
12 overtime pay in an amount in excess of \$30,000 during  
13 the calendar year beginning January 1, 2001: *Provided*  
14 *further*, That uniforms may be purchased without regard  
15 to the general purchase price limitation for the current  
16 fiscal year: *Provided further*, That, in addition to reim-  
17 bursable full-time equivalent workyears available to the  
18 Immigration and Naturalization Service, not to exceed  
19 19,783 positions and 19,191 full-time equivalent  
20 workyears shall be supported from the funds appropriated  
21 under this heading in this Act for the Immigration and  
22 Naturalization Service: *Provided further*, That none of the  
23 funds provided in this or any other Act shall be used for  
24 the continued operation of the San Clemente and

1 Temecula checkpoints unless the checkpoints are open and  
2 traffic is being checked on a continuous 24-hour basis.

3 CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND  
4 PROGRAM DIRECTION

5 For all programs of the Immigration and Naturaliza-  
6 tion Service not included under the heading “Enforcement  
7 and Border Affairs”, \$578,819,000, of which not to ex-  
8 ceed \$400,000 for research shall remain available until ex-  
9 pended: *Provided*, That not to exceed \$5,000 shall be  
10 available for official reception and representation ex-  
11 penses: *Provided further*, That the Attorney General may  
12 transfer any funds appropriated under this heading and  
13 the heading “Enforcement and Border Affairs” between  
14 said appropriations notwithstanding any percentage trans-  
15 fer limitations imposed under this appropriation Act and  
16 may direct such fees as are collected by the Immigration  
17 and Naturalization Service to the activities funded under  
18 this heading and the heading “Enforcement and Border  
19 Affairs” for performance of the functions for which the  
20 fees legally may be expended: *Provided further*, That not  
21 to exceed 40 permanent positions and 40 full-time equiva-  
22 lent workyears and \$4,300,000 shall be expended for the  
23 Offices of Legislative Affairs and Public Affairs: *Provided*  
24 *further*, That the latter two aforementioned offices shall  
25 not be augmented by personnel details, temporary trans-  
26 fers of personnel on either a reimbursable or non-reim-

1 bursable basis, or any other type of formal or informal  
2 transfer or reimbursement of personnel or funds on either  
3 a temporary or long-term basis: *Provided further*, That the  
4 number of positions filled through non-career appointment  
5 at the Immigration and Naturalization Service, for which  
6 funding is provided in this Act or is otherwise made avail-  
7 able to the Immigration and Naturalization Service, shall  
8 not exceed four permanent positions and four full-time  
9 equivalent workyears: *Provided further*, That none of the  
10 funds available to the Immigration and Naturalization  
11 Service shall be used to pay any employee overtime pay  
12 in an amount in excess of \$30,000 during the calendar  
13 year beginning January 1, 2001: *Provided further*, That  
14 funds may be used, without limitation, for equipping,  
15 maintaining, and making improvements to the infrastruc-  
16 ture and the purchase of vehicles for police-type use within  
17 the limits of the Enforcement and Border Affairs appro-  
18 priation: *Provided further*, That, in addition to reimburs-  
19 able full-time equivalent workyears available to the Immi-  
20 gration and Naturalization Service, not to exceed 3,100  
21 positions and 3,150 full-time equivalent workyears shall  
22 be supported from the funds appropriated under this  
23 heading in this Act for the Immigration and Naturaliza-  
24 tion Service: *Provided further*, That, notwithstanding any  
25 other provision of law, during fiscal year 2001, the Attor-

1 ney General is authorized and directed to impose discipli-  
2 nary action, including termination of employment, pursu-  
3 ant to policies and procedures applicable to employees of  
4 the Federal Bureau of Investigation, for any employee of  
5 the Immigration and Naturalization Service who violates  
6 policies and procedures set forth by the Department of  
7 Justice relative to the granting of citizenship or who will-  
8 fully deceives the Congress or department leadership on  
9 any matter.

10 CONSTRUCTION

11 For planning, construction, renovation, equipping,  
12 and maintenance of buildings and facilities necessary for  
13 the administration and enforcement of the laws relating  
14 to immigration, naturalization, and alien registration, not  
15 otherwise provided for, \$133,302,000, to remain available  
16 until expended: *Provided*, That no funds shall be available  
17 for the site acquisition, design, or construction of any Bor-  
18 der Patrol checkpoint in the Tucson sector.

19 FEDERAL PRISON SYSTEM

20 SALARIES AND EXPENSES

21 For expenses necessary for the administration, oper-  
22 ation, and maintenance of Federal penal and correctional  
23 institutions, including purchase (not to exceed 707, of  
24 which 600 are for replacement only) and hire of law en-  
25 forcement and passenger motor vehicles, and for the provi-  
26 sion of technical assistance and advice on corrections re-

1 lated issues to foreign governments, \$3,476,889,000: *Pro-*  
2 *vided*, That the Attorney General may transfer to the  
3 Health Resources and Services Administration such  
4 amounts as may be necessary for direct expenditures by  
5 that Administration for medical relief for inmates of Fed-  
6 eral penal and correctional institutions: *Provided further*,  
7 That the Director of the Federal Prison System (FPS),  
8 where necessary, may enter into contracts with a fiscal  
9 agent/fiscal intermediary claims processor to determine  
10 the amounts payable to persons who, on behalf of FPS,  
11 furnish health services to individuals committed to the  
12 custody of FPS: *Provided further*, That not to exceed  
13 \$6,000 shall be available for official reception and rep-  
14 resentation expenses: *Provided further*, That not to exceed  
15 \$90,000,000 shall remain available for necessary oper-  
16 ations until September 30, 2002: *Provided further*, That,  
17 of the amounts provided for Contract Confinement, not  
18 to exceed \$20,000,000 shall remain available until ex-  
19 pended to make payments in advance for grants, contracts  
20 and reimbursable agreements, and other expenses author-  
21 ized by section 501(c) of the Refugee Education Assist-  
22 ance Act of 1980, as amended, for the care and security  
23 in the United States of Cuban and Haitian entrants: *Pro-*  
24 *vided further*, That the Director of the Federal Prison Sys-  
25 tem may accept donated property and services relating to

1 the operation of the prison card program from a not-for-  
2 profit entity which has operated such program in the past  
3 notwithstanding the fact that such not-for-profit entity  
4 furnishes services under contracts to the Federal Prison  
5 System relating to the operation of pre-release services,  
6 halfway houses or other custodial facilities.

7 BUILDINGS AND FACILITIES

8 For planning, acquisition of sites and construction of  
9 new facilities; purchase and acquisition of facilities and re-  
10 modeling, and equipping of such facilities for penal and  
11 correctional use, including all necessary expenses incident  
12 thereto, by contract or force account; and constructing,  
13 remodeling, and equipping necessary buildings and facili-  
14 ties at existing penal and correctional institutions, includ-  
15 ing all necessary expenses incident thereto, by contract or  
16 force account, \$835,660,000, to remain available until ex-  
17 pended, of which not to exceed \$14,000,000 shall be avail-  
18 able to construct areas for inmate work programs: *Pro-*  
19 *vided*, That labor of United States prisoners may be used  
20 for work performed under this appropriation: *Provided*  
21 *further*, That not to exceed 10 percent of the funds appro-  
22 priated to “Buildings and Facilities” in this or any other  
23 Act may be transferred to “Salaries and Expenses”, Fed-  
24 eral Prison System, upon notification by the Attorney  
25 General to the Committees on Appropriations of the



1 House of Representatives and the Senate in compliance  
2 with provisions set forth in section 605 of this Act.

3 FEDERAL PRISON INDUSTRIES, INCORPORATED

4 The Federal Prison Industries, Incorporated, is here-  
5 by authorized to make such expenditures, within the limits  
6 of funds and borrowing authority available, and in accord  
7 with the law, and to make such contracts and commit-  
8 ments, without regard to fiscal year limitations as pro-  
9 vided by section 9104 of title 31, United States Code, as  
10 may be necessary in carrying out the program set forth  
11 in the budget for the current fiscal year for such corpora-  
12 tion, including purchase of (not to exceed five for replace-  
13 ment only) and hire of passenger motor vehicles.

14 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL  
15 PRISON INDUSTRIES, INCORPORATED

16 Not to exceed \$3,429,000 of the funds of the corpora-  
17 tion shall be available for its administrative expenses, and  
18 for services as authorized by 5 U.S.C. 3109, to be com-  
19 puted on an accrual basis to be determined in accordance  
20 with the corporation's current prescribed accounting sys-  
21 tem, and such amounts shall be exclusive of depreciation,  
22 payment of claims, and expenditures which the said ac-  
23 counting system requires to be capitalized or charged to  
24 cost of commodities acquired or produced, including sell-  
25 ing and shipping expenses, and expenses in connection  
26 with acquisition, construction, operation, maintenance, im-

1 improvement, protection, or disposition of facilities and other  
2 property belonging to the corporation or in which it has  
3 an interest.

4 OFFICE OF JUSTICE PROGRAMS

5 JUSTICE ASSISTANCE

6 For grants, contracts, cooperative agreements, and  
7 other assistance authorized by title I of the Omnibus  
8 Crime Control and Safe Streets Act of 1968, as amended  
9 (“the 1968 Act”), and the Missing Children’s Assistance  
10 Act, as amended, including salaries and expenses in con-  
11 nection therewith, and with the Victims of Crime Act of  
12 1984, as amended, \$197,239,000, to remain available  
13 until expended, as authorized by section 1001 of title I  
14 of the Omnibus Crime Control and Safe Streets Act of  
15 1968, as amended by Public Law 102–534 (106 Stat.  
16 3524).

17 In addition, for grants, cooperative agreements, and  
18 other assistance authorized by sections 821 and 822 of  
19 the Antiterrorism and Effective Death Penalty Act of  
20 1996 and for other counterterrorism programs,  
21 \$220,980,000, to remain available until expended.

22 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

23 For assistance authorized by the Violent Crime Con-  
24 trol and Law Enforcement Act of 1994 (Public Law 103–  
25 322), as amended (“the 1994 Act”); the Omnibus Crime  
26 Control and Safe Streets Act of 1968, as amended (“the

1 1968 Act”); and the Victims of Child Abuse Act of 1990,  
2 as amended (“the 1990 Act”), \$2,848,929,000 (including  
3 amounts for administrative costs, which shall be trans-  
4 ferred to and merged with the “Justice Assistance” ac-  
5 count), to remain available until expended as follows:

6           (1) \$523,000,000 for Local Law Enforcement  
7 Block Grants, pursuant to H.R. 728 as passed by  
8 the House of Representatives on February 14, 1995,  
9 except that for purposes of this Act, Guam shall be  
10 considered a “State”, the Commonwealth of Puerto  
11 Rico shall be considered a “unit of local govern-  
12 ment” as well as a “State”, for the purposes set  
13 forth in paragraphs (A), (B), (D), (F), and (I) of  
14 section 101(a)(2) of H.R. 728 and for establishing  
15 crime prevention programs involving cooperation be-  
16 tween community residents and law enforcement  
17 personnel in order to control, detect, or investigate  
18 crime or the prosecution of criminals: *Provided*,  
19 That no funds provided under this heading may be  
20 used as matching funds for any other Federal grant  
21 program, of which:

22           (a) \$60,000,000 shall be for Boys and  
23 Girls Clubs in public housing facilities and  
24 other areas in cooperation with State and local  
25 law enforcement: *Provided*, That funds may

1 also be used to defray the costs of indemnifica-  
2 tion insurance for law enforcement officers, and

3 (b) \$20,000,000 shall be available to carry  
4 out section 102(2) of H.R. 728;

5 (2) \$400,000,000 for the State Criminal Alien  
6 Assistance Program, as authorized by section 242(j)  
7 of the Immigration and Nationality Act, as amend-  
8 ed;

9 (3) \$686,500,000 for Violent Offender Incar-  
10 ceration and Truth in Sentencing Incentive Grants  
11 pursuant to subtitle A of title II of the 1994 Act,  
12 of which:

13 (a) \$165,000,000 shall be available for  
14 payments to States for incarceration of criminal  
15 aliens,

16 (b) \$35,000,000 shall be available for the  
17 Cooperative Agreement Program,

18 (c) \$34,000,000 shall be reserved by the  
19 Attorney General for fiscal year 2001 under  
20 section 20109(a) of subtitle A of title II of the  
21 1994 Act, and

22 (d) \$2,000,000 shall be for the review of  
23 State environmental impact statements;

24 (4) \$8,000,000 for the Tribal Courts Initiative;

1           (5) \$569,050,000 for programs authorized by  
2 part E of title I of the 1968 Act, notwithstanding  
3 the provisions of section 511 of said Act, of which  
4 \$69,050,000 shall be for discretionary grants under  
5 the Edward Byrne Memorial State and Local Law  
6 Enforcement Assistance Programs;

7           (6) \$11,500,000 for the Court Appointed Spe-  
8 cial Advocate Program, as authorized by section 218  
9 of the 1990 Act;

10          (7) \$2,000,000 for Child Abuse Training Pro-  
11 grams for Judicial Personnel and Practitioners, as  
12 authorized by section 224 of the 1990 Act;

13          (8) \$210,179,000 for Grants to Combat Vio-  
14 lence Against Women, to States, units of local gov-  
15 ernment, and Indian tribal governments, as author-  
16 ized by section 1001(a)(18) of the 1968 Act, of  
17 which:

18           (a) \$31,625,000 shall be used exclusively  
19 for the purpose of strengthening civil legal as-  
20 sistance programs for victims of domestic vio-  
21 lence,

22           (b) \$5,200,000 shall be for the National  
23 Institute of Justice for research and evaluation  
24 of violence against women,

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

6           (d) \$11,000,000 shall be used exclusively  
7           for violence on college campuses;

8           (9) \$34,000,000 for Grants to Encourage Ar-  
9           rest Policies to States, units of local government,  
10          and Indian tribal governments, as authorized by sec-  
11          tion 1001(a)(19) of the 1968 Act;

12          (10) \$25,000,000 for Rural Domestic Violence  
13          and Child Abuse Enforcement Assistance Grants, as  
14          authorized by section 40295 of the 1994 Act;

15          (11) \$5,000,000 for training programs to assist  
16          probation and parole officers who work with released  
17          sex offenders, as authorized by section 40152(e) of  
18          the 1994 Act, and for local demonstration projects;

19          (12) \$1,000,000 for grants for televised testi-  
20          mony, as authorized by section 1001(a)(7) of the  
21          1968 Act;

22          (13) \$63,000,000 for grants for residential sub-  
23          stance abuse treatment for State prisoners, as au-  
24          thorized by section 1001(a)(17) of the 1968 Act;

1           (14) \$5,000,000 for demonstration grants on  
2 alcohol and crime in Indian Country;

3           (15) \$900,000 for the Missing Alzheimer’s Dis-  
4 ease Patient Alert Program, as authorized by section  
5 240001(c) of the 1994 Act;

6           (16) \$50,000,000 for Drug Courts, as author-  
7 ized by title V of the 1994 Act;

8           (17) \$1,500,000 for Law Enforcement Family  
9 Support Programs, as authorized by section  
10 1001(a)(21) of the 1968 Act;

11           (18) \$2,000,000 for public awareness programs  
12 addressing marketing scams aimed at senior citi-  
13 zens, as authorized by section 250005(3) of the  
14 1994 Act;

15           (19) \$250,000,000 for Juvenile Accountability  
16 Incentive Block Grants (of which \$500,000 shall be  
17 used to construct a treatment and security facility  
18 for mid-risk youth in Southwest Colorado) except  
19 that such funds shall be subject to the same terms  
20 and conditions as set forth in the provisions under  
21 this heading for this program in Public Law 105–  
22 119, but all references in such provisions to 1998  
23 shall be deemed to refer instead to 2001, and Guam  
24 shall be considered a “State” for the purposes of

1 title III of H.R. 3, as passed by the House of Rep-  
2 resentatives on May 8, 1997; and

3 (20) \$1,300,000 for Motor Vehicle Theft Pre-  
4 vention Programs, as authorized by section  
5 220002(h) of the 1994 Act:

6 *Provided further*, That funds made available in fiscal year  
7 2001 under subpart 1 of part E of title I of the 1968  
8 Act may be obligated for programs to assist States in the  
9 litigation processing of death penalty Federal habeas cor-  
10 pus petitions and for drug testing initiatives: *Provided fur-*  
11 *ther*, That, if a unit of local government uses any of the  
12 funds made available under this title to increase the num-  
13 ber of law enforcement officers, the unit of local govern-  
14 ment will achieve a net gain in the number of law enforce-  
15 ment officers who perform nonadministrative public safety  
16 service: *Provided further*, That balances for these pro-  
17 grams may be transferred from the Violent Crime Reduc-  
18 tion Programs, State and Local Law Enforcement Assist-  
19 ance account to this account.

20 WEED AND SEED PROGRAM FUND

21 For necessary expenses, including salaries and re-  
22 lated expenses of the Executive Office for Weed and Seed,  
23 to implement “Weed and Seed” program activities,  
24 \$34,000,000, to remain available until expended, for inter-  
25 governmental agreements, including grants, cooperative  
26 agreements, and contracts, with State and local law en-



1 enforcement agencies, non-profit organizations, and agencies  
2 of local government, engaged in the investigation and  
3 prosecution of violent crimes and drug offenses in “Weed  
4 and Seed” designated communities, and for either reim-  
5 bursements or transfers to appropriation accounts of the  
6 Department of Justice and other Federal agencies which  
7 shall be specified by the Attorney General to execute the  
8 “Weed and Seed” program strategy: *Provided*, That funds  
9 designated by Congress through language for other De-  
10 partment of Justice appropriation accounts for “Weed and  
11 Seed” program activities shall be managed and executed  
12 by the Attorney General through the Executive Office for  
13 Weed and Seed: *Provided further*, That the Attorney Gen-  
14 eral may direct the use of other Department of Justice  
15 funds and personnel in support of “Weed and Seed” pro-  
16 gram activities only after the Attorney General notifies the  
17 Committees on Appropriations of the House of Represent-  
18 atives and the Senate in accordance with section 605 of  
19 this Act.

20 COMMUNITY ORIENTED POLICING SERVICES

21 For activities authorized by the Violent Crime Con-  
22 trol and Law Enforcement Act of 1994, Public Law 103-  
23 322 (“the 1994 Act”) (including administrative costs),  
24 \$1,032,325,000, to remain available until expended; of  
25 which \$130,000,000 shall be available to the Office of Jus-

1 tice Programs to carry out section 102 of the Crime Iden-  
2 tification Technology Act of 1998 (42 U.S.C. 14601), of  
3 which \$35,000,000 is for grants to upgrade criminal  
4 records, as authorized by section 106(b) of the Brady  
5 Handgun Violence Prevention Act of 1993, as amended,  
6 and section 4(b) of the National Child Protection Act of  
7 1993, of which \$17,500,000 is for the National Institute  
8 of Justice to develop school safety technologies, and of  
9 which \$30,000,000 shall be for State and local DNA lab-  
10 oratories as authorized by section 1001(a)(22) of the 1968  
11 Act, as well as for improvements to the State and local  
12 forensic laboratory general forensic science capabilities to  
13 reduce States' DNA convicted offender sample backlog  
14 and for awards to State, local, and private laboratories;  
15 of which \$566,825,000 is for Public Safety and Commu-  
16 nity Policing Grants pursuant to title I of the 1994 Act,  
17 of which \$180,000,000 shall be available for school re-  
18 source officers, of which \$35,000,000 shall be used to im-  
19 prove tribal law enforcement including equipment and  
20 training, of which \$25,500,000 shall be used for the  
21 Matching Grant Program for Law Enforcement Armor  
22 Vests pursuant to section 2501 of part Y of the Omnibus  
23 Crime Control and Safe Streets Act of 1968 ("the 1968  
24 Act"), as amended, of which \$29,500,000 shall be used  
25 for Police Corps education, training, and service as set

1 forth in sections 200101–200113 of the 1994 Act, and  
2 of which \$15,000,000 shall be used to combat violence in  
3 schools; of which \$140,000,000 shall be used for a law  
4 enforcement technology program; of which \$48,500,000  
5 shall be used for policing initiatives to combat meth-  
6 amphetamine production and trafficking and to enhance  
7 policing initiatives in drug “hot spots”; of which  
8 \$75,000,000 shall be for grants to States and units of  
9 local government for a Community Prosecution Program  
10 in areas of high gun-related violent crime to address gun-  
11 related violence and violations of gun statutes in cases in-  
12 volving drug-trafficking or gang-related crime; of which  
13 \$25,000,000 shall be used for the Community Prosecutors  
14 program; of which \$17,000,000 shall be for a police integ-  
15 rity program; and of which \$30,000,000 shall be for an  
16 offender re-entry program: *Provided*, That of the amount  
17 provided for Public Safety and Community Policing  
18 Grants, not to exceed \$31,825,000 shall be expended for  
19 program management and administration: *Provided fur-*  
20 *ther*, That of the unobligated balances available in this  
21 program, \$5,000,000 shall be available to improve tribal  
22 law enforcement including equipment and training: *Pro-*  
23 *vided further*, That no funds that become available as a  
24 result of deobligations from prior year balances, excluding  
25 those for program management and administration, may

1 be obligated except in accordance with section 605 of this  
2 Act.

3 JUVENILE JUSTICE PROGRAMS

4 For grants, contracts, cooperative agreements, and  
5 other assistance authorized by the Juvenile Justice and  
6 Delinquency Prevention Act of 1974, as amended, (“the  
7 Act”), including salaries and expenses in connection there-  
8 with to be transferred to and merged with the appropria-  
9 tions for Justice Assistance, \$279,097,000, to remain  
10 available until expended, as authorized by section 299 of  
11 part I of title II and section 506 of title V of the Act,  
12 as amended by Public Law 102–586, of which: (1) not-  
13 withstanding any other provision of law, \$6,847,000 shall  
14 be available for expenses authorized by part A of title II  
15 of the Act, \$89,000,000 shall be available for expenses au-  
16 thorized by part B of title II of the Act, and \$50,250,000  
17 shall be available for expenses authorized by part C of title  
18 II of the Act: *Provided*, That \$26,500,000 of the amounts  
19 provided for part B of title II of the Act, as amended,  
20 is for the purpose of providing additional formula grants  
21 under part B to States that provide assurances to the Ad-  
22 ministrator that the State has in effect (or will have in  
23 effect no later than 1 year after date of application) poli-  
24 cies and programs, that ensure that juveniles are subject  
25 to accountability-based sanctions for every act for which  
26 they are adjudicated delinquent; (2) \$12,000,000 shall be

1 available for expenses authorized by sections 281 and 282  
2 of part D of title II of the Act for prevention and treat-  
3 ment programs relating to juvenile gangs; (3)  
4 \$10,000,000 shall be available for expenses authorized by  
5 section 285 of part E of title II of the Act; (4)  
6 \$16,000,000 shall be available for expenses authorized by  
7 part G of title II of the Act for juvenile mentoring pro-  
8 grams; and (5) \$95,000,000 shall be available for expenses  
9 authorized by title V of the Act for incentive grants for  
10 local delinquency prevention programs; of which  
11 \$12,500,000 shall be for delinquency prevention, control,  
12 and system improvement programs for tribal youth; of  
13 which \$25,000,000 shall be available for grants of  
14 \$360,000 to each State and \$6,640,000 shall be available  
15 for discretionary grants to States, for programs and activi-  
16 ties to enforce State laws prohibiting the sale of alcoholic  
17 beverages to minors or the purchase or consumption of  
18 alcoholic beverages by minors, prevention and reduction  
19 of consumption of alcoholic beverages by minors, and for  
20 technical assistance and training; and of which  
21 \$15,000,000 shall be available for the Safe Schools Initia-  
22 tive: *Provided further*, That upon the enactment of reau-  
23 thorization legislation for Juvenile Justice Programs  
24 under the Juvenile Justice and Delinquency Prevention  
25 Act of 1974, as amended, funding provisions in this Act

1 shall from that date be subject to the provisions of that  
2 legislation and any provisions in this Act that are incon-  
3 sistent with that legislation shall no longer have effect:  
4 *Provided further*, That of amounts made available under  
5 the Juvenile Justice Programs of the Office of Justice  
6 Programs to carry out part B (relating to Federal Assist-  
7 ance for State and Local Programs), subpart II of part  
8 C (relating to Special Emphasis Prevention and Treat-  
9 ment Programs), part D (relating to Gang-Free Schools  
10 and Communities and Community-Based Gang Interven-  
11 tion), part E (relating to State Challenge Activities), and  
12 part G (relating to Mentoring) of title II of the Juvenile  
13 Justice and Delinquency Prevention Act of 1974, and to  
14 carry out the At-Risk Children's Program under title V  
15 of that Act, not more than 10 percent of each such amount  
16 may be used for research, evaluation, and statistics activi-  
17 ties designed to benefit the programs or activities author-  
18 ized under the appropriate part or title, and not more than  
19 2 percent of each such amount may be used for training  
20 and technical assistance activities designed to benefit the  
21 programs or activities authorized under that part or title.

22       In addition, for grants, contracts, cooperative agree-  
23 ments, and other assistance, \$11,000,000 to remain avail-  
24 able until expended, for developing, testing, and dem-

1 onstrating programs designed to reduce drug use among  
2 juveniles.

3       In addition, for grants, contracts, cooperative agree-  
4 ments, and other assistance authorized by the Victims of  
5 Child Abuse Act of 1990, as amended, \$8,500,000, to re-  
6 main available until expended, as authorized by section  
7 214B of the Act.

8                   PUBLIC SAFETY OFFICERS BENEFITS

9       To remain available until expended, for payments au-  
10 thorized by part L of title I of the Omnibus Crime Control  
11 and Safe Streets Act of 1968 (42 U.S.C. 3796), as amend-  
12 ed, such sums as are necessary, as authorized by section  
13 6093 of Public Law 100–690 (102 Stat. 4339–4340); and  
14 \$2,400,000, to remain available until expended for pay-  
15 ments as authorized by section 1201(b) of said Act.

16       GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

17       SEC. 101. In addition to amounts otherwise made  
18 available in this title for official reception and representa-  
19 tion expenses, a total of not to exceed \$45,000 from funds  
20 appropriated to the Department of Justice in this title  
21 shall be available to the Attorney General for official re-  
22 ception and representation expenses in accordance with  
23 distributions, procedures, and regulations established by  
24 the Attorney General.

25       SEC. 102. Hereafter, authorities contained in the De-  
26 partment of Justice Appropriation Authorization Act, Fis-

1 cal Year 1980 (Public Law 96-132; 93 Stat. 1040  
2 (1979)), as amended, shall remain in effect until the effec-  
3 tive date of a subsequent Department of Justice Appro-  
4 priation Authorization Act.

5 SEC. 103. None of the funds appropriated by this  
6 title shall be available to pay for an abortion, except where  
7 the life of the mother would be endangered if the fetus  
8 were carried to term, or in the case of rape: *Provided*,  
9 That should this prohibition be declared unconstitutional  
10 by a court of competent jurisdiction, this section shall be  
11 null and void.

12 SEC. 104. None of the funds appropriated under this  
13 title shall be used to require any person to perform, or  
14 facilitate in any way the performance of, any abortion.

15 SEC. 105. Nothing in the preceding section shall re-  
16 move the obligation of the Director of the Bureau of Pris-  
17 ons to provide escort services necessary for a female in-  
18 mate to receive such service outside the Federal facility:  
19 *Provided*, That nothing in this section in any way dimin-  
20 ishes the effect of section 104 intended to address the phil-  
21 osophical beliefs of individual employees of the Bureau of  
22 Prisons.

23 SEC. 106. Notwithstanding any other provision of  
24 law, not to exceed \$10,000,000 of the funds made avail-  
25 able in this Act may be used to establish and publicize



1 a program under which publicly advertised, extraordinary  
2 rewards may be paid, which shall not be subject to spend-  
3 ing limitations contained in sections 3059 and 3072 of  
4 title 18, United States Code: *Provided*, That any reward  
5 of \$100,000 or more, up to a maximum of \$2,000,000,  
6 may not be made without the personal approval of the  
7 President or the Attorney General and such approval may  
8 not be delegated.

9       SEC. 107. Not to exceed 5 percent of any appropria-  
10 tion made available for the current fiscal year for the De-  
11 partment of Justice in this Act, including those derived  
12 from the Violent Crime Reduction Trust Fund, may be  
13 transferred between such appropriations, but no such ap-  
14 propriation, except as otherwise specifically provided, shall  
15 be increased by more than 10 percent by any such trans-  
16 fers: *Provided*, That any transfer pursuant to this section  
17 shall be treated as a reprogramming of funds under sec-  
18 tion 605 of this Act and shall not be available for obliga-  
19 tion except in compliance with the procedures set forth  
20 in that section.

21       SEC. 108. Section 108(a) of the Departments of  
22 Commerce, Justice, and State, the Judiciary, and Related  
23 Agencies Appropriations Act, 2000 (as enacted into law  
24 by section 1000(a)(1) of Public Law 106–113) shall apply  
25 for fiscal year 2001 and thereafter.

1       SEC. 109. Section 3024 of the Emergency Supple-  
2 mental Appropriations Act, 1999 (Public Law 106–31)  
3 shall apply for fiscal year 2001.

4       4Sec. 110. Section 641(e)(4)(A) of the Illegal Immi-  
5 gration Reform and Immigrant Responsibility Act of 1996  
6 (division C of Public Law 104–208) is amended by insert-  
7 ing before the period at the end of the second sentence  
8 the following: “, except that, in the case of an alien admit-  
9 ted under section 101(a)(15)(J) of the Immigration and  
10 Nationality Act as an au pair, camp counselor, or partici-  
11 pant in a summer work travel program, the fee shall not  
12 exceed \$35”.

13       SEC. 111. Section 115 of the Departments of Com-  
14 merce, Justice, and State, the Judiciary, and Related  
15 Agencies Appropriations Act, 2000 (as enacted into law  
16 by section 1000(a)(1) of Public Law 106–113) shall apply  
17 hereafter.

18       SEC. 112. Section 286 of the Immigration and Na-  
19 tionality Act (8 U.S.C. 1356) is amended by adding at  
20 the end the following new subsections:

21       “(t) GENEALOGY FEE.—(1) There is hereby estab-  
22 lished the Genealogy Fee for providing genealogy research  
23 and information services. This fee shall be deposited as  
24 offsetting collections into the Examinations Fee Account.  
25 Fees for such research and information services may be

1 set at a level that will ensure the recovery of the full costs  
2 of providing all such services.

3 “(2) The Attorney General will prepare and submit  
4 annually to Congress statements of the financial condition  
5 of the Genealogy Fee.

6 “(3) Any officer or employee of the Immigration and  
7 Naturalization Service shall collect fees prescribed under  
8 regulation before disseminating any requested genealogical  
9 information.

10 “(u) PREMIUM FEE FOR EMPLOYMENT-BASED PETI-  
11 TIONS AND APPLICATIONS.—The Attorney General is au-  
12 thorized to establish and collect a premium fee for employ-  
13 ment-based petitions and applications. This fee shall be  
14 used to provide certain premium-processing services to  
15 business customers, and to make infrastructure improve-  
16 ments in the adjudications and customer-service processes.  
17 For approval of the benefit applied for, the petitioner/ap-  
18 plicant must meet the legal criteria for such benefit. This  
19 fee shall be set at \$1,000, shall be paid in addition to any  
20 normal petition/application fee that may be applicable, and  
21 shall be deposited as offsetting collections in the Immigra-  
22 tion Examinations Fee Account. The Attorney General  
23 may adjust this fee according to the Consumer Price  
24 Index.”.

1        SEC. 114. Section 1402(d)(3) of Public Law 98–473  
2 is amended by inserting “and the Federal Bureau of In-  
3 vestigation” after “United States Attorneys Offices”.

4        SEC. 115. Beginning in fiscal year 2001 and there-  
5 after, funds appropriated to the Federal Prison System  
6 may be used to place in privately operated prisons only  
7 such persons sentenced to incarceration under the District  
8 of Columbia Code as the Director, Bureau of Prisons, may  
9 determine to be appropriate for such placement consistent  
10 with Federal classification standards, after consideration  
11 of all relevant factors, including the threat of danger to  
12 public safety.

13        SEC. 116. Notwithstanding any other provision of  
14 law, \$1,000,000 shall be available for technical assistance  
15 from the funds appropriated for part G of title II of the  
16 Juvenile Justice and Delinquency Prevention Act of 1974,  
17 as amended.

18        SEC. 117. Of the discretionary funds appropriated to  
19 the Edward Byrne Memorial State and Local Law En-  
20 forcement Assistance Program in fiscal year 2000,  
21 \$2,000,000 shall be transferred to the Violent Offender  
22 Incarceration and Truth In Sentencing Incentive Grants  
23 Program to be used for the construction costs of the  
24 Hoonah Spirit Camp, as authorized under section  
25 20109(a) of subtitle A of title II of the 1994 Act.



1 of which \$1,000,000 shall remain available until expended:  
2 *Provided*, That not to exceed \$98,000 shall be available  
3 for official reception and representation expenses.

4 INTERNATIONAL TRADE COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the International Trade  
7 Commission, including hire of passenger motor vehicles,  
8 and services as authorized by 5 U.S.C. 3109, and not to  
9 exceed \$2,500 for official reception and representation ex-  
10 penses, \$48,100,000, to remain available until expended.

11 DEPARTMENT OF COMMERCE

12 INTERNATIONAL TRADE ADMINISTRATION

13 OPERATIONS AND ADMINISTRATION

14 For necessary expenses for international trade activi-  
15 ties of the Department of Commerce provided for by law,  
16 and engaging in trade promotional activities abroad, in-  
17 cluding expenses of grants and cooperative agreements for  
18 the purpose of promoting exports of United States firms,  
19 without regard to 44 U.S.C. 3702 and 3703; full medical  
20 coverage for dependent members of immediate families of  
21 employees stationed overseas and employees temporarily  
22 posted overseas; travel and transportation of employees of  
23 the United States and Foreign Commercial Service be-  
24 tween two points abroad, without regard to 49 U.S.C.  
25 1517; employment of Americans and aliens by contract for

1 services; rental of space abroad for periods not exceeding  
2 10 years, and expenses of alteration, repair, or improve-  
3 ment; purchase or construction of temporary demountable  
4 exhibition structures for use abroad; payment of tort  
5 claims, in the manner authorized in the first paragraph  
6 of 28 U.S.C. 2672 when such claims arise in foreign coun-  
7 tries; not to exceed \$327,000 for official representation  
8 expenses abroad; purchase of passenger motor vehicles for  
9 official use abroad, not to exceed \$30,000 per vehicle; ob-  
10 taining insurance on official motor vehicles; and rental of  
11 tie lines and teletype equipment, \$337,444,000, to remain  
12 available until expended, of which \$3,000,000 is to be de-  
13 rived from fees to be retained and used by the Inter-  
14 national Trade Administration, notwithstanding 31 U.S.C.  
15 3302: *Provided*, That \$64,747,000 shall be for Trade De-  
16 velopment, \$25,555,000 shall be for Market Access and  
17 Compliance, \$40,645,000 shall be for the Import Adminis-  
18 tration, \$194,638,000 shall be for the United States and  
19 Foreign Commercial Service, and \$11,859,000 shall be for  
20 Executive Direction and Administration: *Provided further*,  
21 That the provisions of the first sentence of section 105(f)  
22 and all of section 108(c) of the Mutual Educational and  
23 Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and  
24 2458(c)) shall apply in carrying out these activities with-  
25 out regard to section 5412 of the Omnibus Trade and

1 Competitiveness Act of 1988 (15 U.S.C. 4912); and that  
2 for the purpose of this Act, contributions under the provi-  
3 sions of the Mutual Educational and Cultural Exchange  
4 Act shall include payment for assessments for services pro-  
5 vided as part of these activities.

6 EXPORT ADMINISTRATION

7 OPERATIONS AND ADMINISTRATION

8 For necessary expenses for export administration and  
9 national security activities of the Department of Com-  
10 merce, including costs associated with the performance of  
11 export administration field activities both domestically and  
12 abroad; full medical coverage for dependent members of  
13 immediate families of employees stationed overseas; em-  
14 ployment of Americans and aliens by contract for services  
15 abroad; payment of tort claims, in the manner authorized  
16 in the first paragraph of 28 U.S.C. 2672 when such claims  
17 arise in foreign countries; not to exceed \$15,000 for offi-  
18 cial representation expenses abroad; awards of compensa-  
19 tion to informers under the Export Administration Act of  
20 1979, and as authorized by 22 U.S.C. 401(b); purchase  
21 of passenger motor vehicles for official use and motor vehi-  
22 cles for law enforcement use with special requirement vehi-  
23 cles eligible for purchase without regard to any price limi-  
24 tation otherwise established by law, \$64,854,000, to re-  
25 main available until expended, of which \$7,250,000 shall



1 be for inspections and other activities related to national  
2 security: *Provided*, That the provisions of the first sen-  
3 tence of section 105(f) and all of section 108(c) of the  
4 Mutual Educational and Cultural Exchange Act of 1961  
5 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying  
6 out these activities: *Provided further*, That payments and  
7 contributions collected and accepted for materials or serv-  
8 ices provided as part of such activities may be retained  
9 for use in covering the cost of such activities, and for pro-  
10 viding information to the public with respect to the export  
11 administration and national security activities of the De-  
12 partment of Commerce and other export control programs  
13 of the United States and other governments.

14           ECONOMIC DEVELOPMENT ADMINISTRATION

15           ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

16           For grants for economic development assistance as  
17 provided by the Public Works and Economic Development  
18 Act of 1965, as amended, and for trade adjustment assist-  
19 ance, \$411,879,000, to remain available until expended.

20                           SALARIES AND EXPENSES

21           For necessary expenses of administering the eco-  
22 nomic development assistance programs as provided for by  
23 law, \$28,000,000: *Provided*, That these funds may be used  
24 to monitor projects approved pursuant to title I of the  
25 Public Works Employment Act of 1976, as amended, title

1 II of the Trade Act of 1974, as amended, and the Commu-  
2 nity Emergency Drought Relief Act of 1977.

3 MINORITY BUSINESS DEVELOPMENT AGENCY

4 MINORITY BUSINESS DEVELOPMENT

5 For necessary expenses of the Department of Com-  
6 merce in fostering, promoting, and developing minority  
7 business enterprise, including expenses of grants, con-  
8 tracts, and other agreements with public or private organi-  
9 zations, \$27,314,000.

10 ECONOMIC AND INFORMATION INFRASTRUCTURE

11 ECONOMIC AND STATISTICAL ANALYSIS

12 SALARIES AND EXPENSES

13 For necessary expenses, as authorized by law, of eco-  
14 nomic and statistical analysis programs of the Department  
15 of Commerce, \$53,745,000, to remain available until Sep-  
16 tember 30, 2002.

17 BUREAU OF THE CENSUS

18 SALARIES AND EXPENSES

19 For expenses necessary for collecting, compiling, ana-  
20 lyzing, preparing, and publishing statistics, provided for  
21 by law, \$157,227,000.

22 PERIODIC CENSUSES AND PROGRAMS

23 For necessary expenses to conduct the decennial cen-  
24 sus, \$130,898,000 to remain available until expended:  
25 *Provided, That, of the total amount available for the de-*  
26 *cennial census (\$130,898,000 in new appropriations and*

1 \$260,000,000 in unobligated balances from prior years),  
2 \$24,055,000 is for Program Development and Manage-  
3 ment; \$55,096,000 is for Data Content and Products;  
4 \$122,000,000 is for Field Data Collection and Support  
5 Systems; \$1,500,000 is for Address List Development;  
6 \$115,038,000 is for Automated Data Processing and Tele-  
7 communications Support; \$55,000,000 is for Testing and  
8 Evaluation; \$5,512,000 is for activities related to Puerto  
9 Rico, the Virgin Islands and Pacific Areas; \$9,197,000 is  
10 for Marketing, Communications and Partnership activi-  
11 ties; and \$3,500,000 is for the Census Monitoring Board,  
12 as authorized by section 210 of Public Law 105–119.

13       In addition, for expenses to collect and publish statis-  
14 tics for other periodic censuses and programs provided for  
15 by law, \$145,508,000, to remain available until expended:  
16 *Provided*, That regarding engineering and design of a fa-  
17 cility at the Suitland Federal Center, quarterly reports re-  
18 garding the expenditure of funds and project planning, de-  
19 sign and cost decisions shall be provided by the Bureau,  
20 in cooperation with the General Services Administration,  
21 to the Committees on Appropriations of the Senate and  
22 the House of Representatives: *Provided further*, That none  
23 of the funds provided in this Act or any other Act under  
24 the heading “Bureau of the Census, Periodic Censuses  
25 and Programs” shall be used to fund the construction and

1 tenant build-out costs of a facility at the Suitland Federal  
2 Center.

3 NATIONAL TELECOMMUNICATIONS AND INFORMATION

4 ADMINISTRATION

5 SALARIES AND EXPENSES

6 For necessary expenses, as provided for by law, of  
7 the National Telecommunications and Information Ad-  
8 ministration (NTIA), \$11,437,000, to remain available  
9 until expended: *Provided*, That, notwithstanding 31  
10 U.S.C. 1535(d), the Secretary of Commerce shall charge  
11 Federal agencies for costs incurred in spectrum manage-  
12 ment, analysis, and operations, and related services and  
13 such fees shall be retained and used as offsetting collec-  
14 tions for costs of such spectrum services, to remain avail-  
15 able until expended: *Provided further*, That hereafter, not-  
16 withstanding any other provision of law, NTIA shall not  
17 authorize spectrum use or provide any spectrum functions  
18 pursuant to the National Telecommunications and Infor-  
19 mation Administration Organization Act, 47 U.S.C. 902-  
20 903, to any Federal entity without reimbursement as re-  
21 quired by NTIA for such spectrum management costs, and  
22 Federal entities withholding payment of such cost shall  
23 not use spectrum: *Provided further*, That the Secretary of  
24 Commerce is authorized to retain and use as offsetting  
25 collections all funds transferred, or previously transferred,

1 from other Government agencies for all costs incurred in  
2 telecommunications research, engineering, and related ac-  
3 tivities by the Institute for Telecommunication Sciences  
4 of NTIA, in furtherance of its assigned functions under  
5 this paragraph, and such funds received from other Gov-  
6 ernment agencies shall remain available until expended.

7 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING  
8 AND CONSTRUCTION

9 For grants authorized by section 392 of the Commu-  
10 nications Act of 1934, as amended, \$43,500,000, to re-  
11 main available until expended as authorized by section 391  
12 of the Act, as amended: *Provided*, That not to exceed  
13 \$1,800,000 shall be available for program administration  
14 as authorized by section 391 of the Act: *Provided further*,  
15 That notwithstanding the provisions of section 391 of the  
16 Act, the prior year unobligated balances may be made  
17 available for grants for projects for which applications  
18 have been submitted and approved during any fiscal year.

19 INFORMATION INFRASTRUCTURE GRANTS

20 For grants authorized by section 392 of the Commu-  
21 nications Act of 1934, as amended, \$45,500,000, to re-  
22 main available until expended as authorized by section 391  
23 of the Act, as amended: *Provided*, That not to exceed  
24 \$3,000,000 shall be available for program administration  
25 and other support activities as authorized by section 391:  
26 *Provided further*, That, of the funds appropriated herein,

1 not to exceed 5 percent may be available for telecommuni-  
2 cations research activities for projects related directly to  
3 the development of a national information infrastructure:  
4 *Provided further*, That, notwithstanding the requirements  
5 of sections 392(a) and 392(c) of the Act, these funds may  
6 be used for the planning and construction of telecommuni-  
7 cations networks for the provision of educational, cultural,  
8 health care, public information, public safety, or other so-  
9 cial services: *Provided further*, That notwithstanding any  
10 other provision of law, no entity that receives tele-  
11 communications services at preferential rates under sec-  
12 tion 254(h) of the Act (47 U.S.C. 254(h)) or receives as-  
13 sistance under the regional information sharing systems  
14 grant program of the Department of Justice under part  
15 M of title I of the Omnibus Crime Control and Safe  
16 Streets Act of 1968 (42 U.S.C. 3796h) may use funds  
17 under a grant under this heading to cover any costs of  
18 the entity that would otherwise be covered by such pref-  
19 erential rates or such assistance, as the case may be: *Pro-*  
20 *vided further*, That the Administrator shall, after consulta-  
21 tion with other federal departments and agencies respon-  
22 sible for regulating the core operations of entities engaged  
23 in the provision of energy, water and railroad services,  
24 complete and submit to Congress, not later than twelve  
25 months after date of enactment of this subsection, a study

1 of the current and future use of spectrum by these entities  
2 to protect and maintain the nation's critical infrastruc-  
3 ture: *Provided further*, That within six months after the  
4 release of this study, the Chairman of the Federal Com-  
5 munications Commission shall submit a report to Con-  
6 gress on the actions that could be taken by the Commis-  
7 sion to address any needs identified in the Administrator's  
8 study.

9 PATENT AND TRADEMARK OFFICE

10 SALARIES AND EXPENSES

11 For necessary expenses of the Patent and Trademark  
12 Office provided for by law, including defense of suits insti-  
13 tuted against the Commissioner of Patents and Trade-  
14 marks, \$783,843,000, to remain available until expended:  
15 *Provided*, That of this amount, \$783,843,000 shall be de-  
16 rived from offsetting collections assessed and collected  
17 pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376,  
18 and shall be retained and used for necessary expenses in  
19 this appropriation: *Provided further*, That the sum herein  
20 appropriated from the general fund shall be reduced as  
21 such offsetting collections are received during fiscal year  
22 2001, so as to result in a final fiscal year 2001 appropria-  
23 tion from the general fund estimated at \$0: *Provided fur-*  
24 *ther*, That during fiscal year 2001, should the total  
25 amount of offsetting fee collections be less than

1 \$783,843,000, the total amounts available to the Patent  
2 and Trademark Office shall be reduced accordingly: *Pro-*  
3 *vided further*, That any amount received in excess of  
4 \$783,843,000 in fiscal year 2001 shall not be available  
5 for obligation: *Provided further*, That not to exceed  
6 \$254,889,000 from fees collected in fiscal years 1999 and  
7 2000 shall be made available for obligation in fiscal year  
8 2001.

9 SCIENCE AND TECHNOLOGY

10 TECHNOLOGY ADMINISTRATION

11 UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF

12 TECHNOLOGY POLICY

13 SALARIES AND EXPENSES

14 For necessary expenses for the Under Secretary for  
15 Technology/Office of Technology Policy, \$8,080,000.

16 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
17 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

18 For necessary expenses of the National Institute of  
19 Standards and Technology, \$312,617,000, to remain  
20 available until expended, of which not to exceed \$282,000  
21 may be transferred to the “Working Capital Fund”.

22 INDUSTRIAL TECHNOLOGY SERVICES

23 For necessary expenses of the Manufacturing Exten-  
24 sion Partnership of the National Institute of Standards  
25 and Technology, \$105,137,000, to remain available until  
26 expended.



1           In addition, for necessary expenses of the Advanced  
2 Technology Program of the National Institute of Stand-  
3 ards and Technology, \$145,700,000, to remain available  
4 until expended, of which not to exceed \$60,700,000 shall  
5 be available for the award of new grants.

6           CONSTRUCTION OF RESEARCH FACILITIES

7           For construction of new research facilities, including  
8 architectural and engineering design, and for renovation  
9 of existing facilities, not otherwise provided for the Na-  
10 tional Institute of Standards and Technology, as author-  
11 ized by 15 U.S.C. 278c–278e, \$34,879,000, to remain  
12 available until expended.

13           NATIONAL OCEANIC AND ATMOSPHERIC

14                           ADMINISTRATION

15           OPERATIONS, RESEARCH, AND FACILITIES

16                           (INCLUDING TRANSFERS OF FUNDS)

17           For necessary expenses of activities authorized by law  
18 for the National Oceanic and Atmospheric Administration,  
19 including maintenance, operation, and hire of aircraft;  
20 grants, contracts, or other payments to nonprofit organi-  
21 zations for the purposes of conducting activities pursuant  
22 to cooperative agreements; and relocation of facilities as  
23 authorized by 33 U.S.C. 883i, \$1,869,170,000, to remain  
24 available until expended: *Provided*, That fees and dona-  
25 tions received by the National Ocean Service for the man-

1 agement of the national marine sanctuaries may be re-  
2 tained and used for the salaries and expenses associated  
3 with those activities, notwithstanding 31 U.S.C. 3302:  
4 *Provided further*, That in addition, \$68,000,000 shall be  
5 derived by transfer from the fund entitled “Promote and  
6 Develop Fishery Products and Research Pertaining to  
7 American Fisheries”: *Provided further*, That grants to  
8 States pursuant to sections 306 and 306A of the Coastal  
9 Zone Management Act of 1972, as amended, shall not ex-  
10 ceed \$2,000,000: *Provided further*, That not to exceed  
11 \$31,439,000 shall be expended for Executive Direction  
12 and Administration, which consists of the Offices of the  
13 Undersecretary, the Executive Secretariat, Policy and  
14 Strategic Planning, International Affairs, Legislative Af-  
15 fairs, Public Affairs, Sustainable Development, the Chief  
16 Scientist, and the General Counsel: *Provided further*, That  
17 the aforementioned offices, excluding the Office of the  
18 General Counsel, shall not be augmented by personnel de-  
19 tails, temporary transfers of personnel on either a reim-  
20 bursable or nonreimbursable basis or any other type of  
21 formal or informal transfer or reimbursement of personnel  
22 or funds on either a temporary or long-term basis above  
23 the level of 42 personnel: *Provided further*, That no gen-  
24 eral administrative charge shall be applied against an as-  
25 signed activity included in this Act and, further, that any

1 direct administrative expenses applied against an assigned  
2 activity shall be limited to 5 percent of the funds provided  
3 for that assigned activity: *Provided further*, That any use  
4 of deobligated balances of funds provided under this head-  
5 ing in previous years shall be subject to the procedures  
6 set forth in section 605 of this Act.

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

13 PROCUREMENT, ACQUISITION AND CONSTRUCTION

14 (INCLUDING TRANSFERS OF FUNDS)

15 For procurement, acquisition and construction of  
16 capital assets, including alteration and modification costs,  
17 of the National Oceanic and Atmospheric Administration,  
18 \$682,899,000, to remain available until expended: *Pro-*  
19 *vided*, That unexpended balances of amounts previously  
20 made available in the "Operations, Research, and Facili-  
21 ties" account for activities funded under this heading may  
22 be transferred to and merged with this account, to remain  
23 available until expended for the purposes for which the  
24 funds were originally appropriated: *Provided further*, That  
25 none of the funds provided in this Act or any other Act  
26 under the heading "National Oceanic and Atmospheric

1 Administration, Procurement, Acquisition and Construc-  
2 tion” shall be used to fund the construction and tenant  
3 build-out costs of a facility at the Suitland Federal Center.

4 COASTAL AND OCEAN ACTIVITIES

5 In addition, for coastal and ocean activities,  
6 \$420,000,000, to remain available until expended, of  
7 which \$135,000,000 is for ocean, coastal and waterway  
8 conservation programs; of which \$135,000,000 is for Na-  
9 tional Oceanic and Atmospheric Administration programs;  
10 and of which \$150,000,000 is for coastal impact assist-  
11 ance as authorized by section 31 of the Outer Continental  
12 Shelf Lands Act as authorized by section 903 of this Act:  
13 *Provided*, That of the funds provided under this heading  
14 for ocean and coastal conservation programs, \$10,000,000  
15 is available for implementation of State nonpoint pollution  
16 control plans established pursuant to section 6217 of the  
17 Coastal Zone Management Act of 1972, as amended by  
18 Public Law 101–508, other than in non-contiguous States  
19 except Hawaii; \$30,000,000 is for competitive grants for  
20 community-based coastal restoration activities in the  
21 Great Lakes region; \$14,000,000 is for the University of  
22 New Hampshire, Building and Pier; \$1,000,000 is for the  
23 Sea Coast Science Center; \$3,000,000 is for the Great  
24 Bay Partnership; \$1,000,000 is for the New Hampshire  
25 Department of Environmental Services Marsh Restoration  
26 initiative; \$1,000,000 is for the Mississippi Laboratories

1 at Pascagoula; \$8,000,000 is for the ACE Basin NERRS  
2 Research Center construction; \$4,000,000 is for  
3 Kachamek Bay NERRS research center construction;  
4 \$1,000,000 is for the Raritan, New Jersey, NERRS land  
5 acquisition; \$2,500,000 is for Winyah Bay land acquisi-  
6 tion; \$2,000,000 is for ACE Basin Land Acquisition;  
7 \$10,000,000 is for a direct payment to the SeaLife Cen-  
8 ter; \$10,000,000 is for Dupage River restoration;  
9 \$1,000,000 is for Detroit River restoration; \$500,000 is  
10 for lower Rouge River restoration; \$8,500,000 is for  
11 Bronx River restoration and land acquisition; \$16,000,000  
12 is for a grant for Eastern Kentucky Pride, Inc., of which  
13 \$11,000,000 is for design and construction of facilities for  
14 water protection and related environmental infrastructure;  
15 \$3,000,000 is for a grant to the Louisiana Department  
16 of Natural Resources for brown marsh research/mitigation  
17 and nutria control; \$2,000,000 is for land acquisition in  
18 southern Orange County, California for conservation of  
19 coastal sage scrub; \$3,000,000 is for planning, renovation  
20 and construction of facilities for a new national estuarine  
21 research reserve in San Francisco, California; \$2,000,000  
22 is for a grant to the National Fish and Wildlife Founda-  
23 tion for species management and estuarine habitat con-  
24 servation; and \$1,500,000 is for a grant to the Pinellas  
25 County Environmental Foundation for the Tampa Bay

1 watershed for lower Rouge River restoration: *Provided fur-*  
2 *ther*, That of the funds provided for the National Oceanic  
3 and Atmospheric Administration programs, \$5,000,000 is  
4 for National Estuarine Research Reserves operations;  
5 \$12,000,000 is for Marine Sanctuaries operations;  
6 \$8,500,000 is for Coastal Zone Management Act grants;  
7 \$1,500,000 is for Program Administration; \$4,000,000 is  
8 for marine mammal strandings; \$25,000,000 is for protec-  
9 tion of Coral Reefs; \$36,000,000 is for Pacific Coastal  
10 Salmon Recovery grants to States and tribes; \$6,000,000  
11 is for fisheries habitat restoration; \$15,000,000 is for  
12 NOAA Cooperative Enforcement initiative; \$3,000,000 is  
13 for Atlantic Coast observers; \$3,000,000 is for Coopera-  
14 tive Research; \$3,000,000 is for Red Snapper research;  
15 \$3,000,000 is for Aquaculture; \$5,000,000 is for Harmful  
16 Algal Blooms research; \$2,000,000 is for Ocean explo-  
17 ration initiative; and \$3,000,000 is for Marine Sanctuaries  
18 construction.

19                   PACIFIC COASTAL SALMON RECOVERY

20           For necessary expenses associated with the restora-  
21 tion of Pacific salmon populations and the implementation  
22 of the 1999 Pacific Salmon Treaty Agreement between the  
23 United States and Canada, \$54,000,000, subject to ex-  
24 press authorization.

25           In addition, for implementation of the 1999 Pacific  
26 Salmon Treaty Agreement, \$20,000,000, of which

1 \$10,000,000 shall be deposited in the Northern Boundary  
2 and Transboundary Rivers Restoration and Enhancement  
3 Fund and of which \$10,000,000 shall be deposited in the  
4 Southern Boundary Restoration and Enhancement Fund.

5 COASTAL ZONE MANAGEMENT FUND

6 Of amounts collected pursuant to section 308 of the  
7 Coastal Zone Management Act of 1972 (16 U.S.C.  
8 1456a), not to exceed \$3,200,000, for purposes set forth  
9 in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of  
10 such Act.

11 FISHERMEN'S CONTINGENCY FUND

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

16 FOREIGN FISHING OBSERVER FUND

17 For expenses necessary to carry out the provisions  
18 of the Atlantic Tunas Convention Act of 1975, as amend-  
19 ed (Public Law 96-339), the Magnuson-Stevens Fishery  
20 Conservation and Management Act of 1976, as amended  
21 (Public Law 100-627), and the American Fisheries Pro-  
22 motion Act (Public Law 96-561), to be derived from the  
23 fees imposed under the foreign fishery observer program  
24 authorized by these Acts, not to exceed \$191,000, to re-  
25 main available until expended.

## 1 FISHERIES FINANCE PROGRAM ACCOUNT

2 For the cost of direct loans, \$288,000, as authorized  
3 by the Merchant Marine Act of 1936, as amended: *Pro-*  
4 *vided*, That such costs, including the cost of modifying  
5 such loans, shall be as defined in section 502 of the Con-  
6 gressional Budget Act of 1974: *Provided further*, That  
7 none of the funds made available under this heading may  
8 be used for direct loans for any new fishing vessel that  
9 will increase the harvesting capacity in any United States  
10 fishery.

## 11 DEPARTMENTAL MANAGEMENT

## 12 SALARIES AND EXPENSES

13 For expenses necessary for the departmental manage-  
14 ment of the Department of Commerce provided for by law,  
15 including not to exceed \$3,000 for official entertainment,  
16 \$35,920,000.

## 17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector  
19 General in carrying out the provisions of the Inspector  
20 General Act of 1978, as amended (5 U.S.C. App. 1–11,  
21 as amended by Public Law 100–504), \$20,000,000.

## 22 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

23 SEC. 201. During the current fiscal year, applicable  
24 appropriations and funds made available to the Depart-  
25 ment of Commerce by this Act shall be available for the  
26 activities specified in the Act of October 26, 1949 (15



1 U.S.C. 1514), to the extent and in the manner prescribed  
2 by the Act, and, notwithstanding 31 U.S.C. 3324, may  
3 be used for advanced payments not otherwise authorized  
4 only upon the certification of officials designated by the  
5 Secretary of Commerce that such payments are in the  
6 public interest.

7       SEC. 202. During the current fiscal year, appropria-  
8 tions made available to the Department of Commerce by  
9 this Act for salaries and expenses shall be available for  
10 hire of passenger motor vehicles as authorized by 31  
11 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.  
12 3109; and uniforms or allowances therefore, as authorized  
13 by law (5 U.S.C. 5901–5902).

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

19       SEC. 204. None of the funds provided in this or any  
20 previous Act, or hereinafter made available to the Depart-  
21 ment of Commerce, shall be available to reimburse the Un-  
22 employment Trust Fund or any other fund or account of  
23 the Treasury to pay for any expenses authorized by section  
24 8501 of title 5, United States Code, for services performed  
25 by individuals appointed to temporary positions within the

1 Bureau of the Census for purposes relating to the decen-  
2 nial censuses of population.

3       SEC. 205. Not to exceed 5 percent of any appropria-  
4 tion made available for the current fiscal year for the De-  
5 partment of Commerce in this Act may be transferred be-  
6 tween such appropriations, but no such appropriation shall  
7 be increased by more than 10 percent by any such trans-  
8 fers: *Provided*, That any transfer pursuant to this section  
9 shall be treated as a reprogramming of funds under sec-  
10 tion 605 of this Act and shall not be available for obliga-  
11 tion or expenditure except in compliance with the proce-  
12 dures set forth in that section.

13       SEC. 206. Any costs incurred by a department or  
14 agency funded under this title resulting from personnel  
15 actions taken in response to funding reductions included  
16 in this title or from actions taken for the care and protec-  
17 tion of loan collateral or grant property shall be absorbed  
18 within the total budgetary resources available to such de-  
19 partment or agency: *Provided*, That the authority to trans-  
20 fer funds between appropriations accounts as may be nec-  
21 essary to carry out this section is provided in addition to  
22 authorities included elsewhere in this Act: *Provided fur-*  
23 *ther*, That use of funds to carry out this section shall be  
24 treated as a reprogramming of funds under section 605  
25 of this Act and shall not be available for obligation or ex-

1 penditure except in compliance with the procedures set  
2 forth in that section.

3       SEC. 207. The Secretary of Commerce may award  
4 contracts for hydrographic, geodetic, and photo-  
5 grammetric surveying and mapping services in accordance  
6 with title IX of the Federal Property and Administrative  
7 Services Act of 1949 (40 U.S.C. 541 et seq.).

8       SEC. 208. The Secretary of Commerce may use the  
9 Commerce franchise fund for expenses and equipment nec-  
10 essary for the maintenance and operation of such adminis-  
11 trative services as the Secretary determines may be per-  
12 formed more advantageously as central services, pursuant  
13 to section 403 of Public Law 103–356: *Provided*, That any  
14 inventories, equipment, and other assets pertaining to the  
15 services to be provided by such fund, either on hand or  
16 on order, less the related liabilities or unpaid obligations,  
17 and any appropriations made for the purpose of providing  
18 capital shall be used to capitalize such fund: *Provided fur-*  
19 *ther*, That such fund shall be paid in advance from funds  
20 available to the Department and other Federal agencies  
21 for which such centralized services are performed, at rates  
22 which will return in full all expenses of operation, includ-  
23 ing accrued leave, depreciation of fund plant and equip-  
24 ment, amortization of automated data processing (ADP)  
25 software and systems (either acquired or donated), and

1 an amount necessary to maintain a reasonable operating  
2 reserve, as determined by the Secretary: *Provided further*,  
3 That such fund shall provide services on a competitive  
4 basis: *Provided further*, That an amount not to exceed 4  
5 percent of the total annual income to such fund may be  
6 retained in the fund for fiscal year 2001 and each fiscal  
7 year thereafter, to remain available until expended, to be  
8 used for the acquisition of capital equipment, and for the  
9 improvement and implementation of department financial  
10 management, ADP, and other support systems: *Provided*  
11 *further*, That such amounts retained in the fund for fiscal  
12 year 2001 and each fiscal year thereafter shall be available  
13 for obligation and expenditure only in accordance with sec-  
14 tion 605 of this Act: *Provided further*, That no later than  
15 30 days after the end of each fiscal year, amounts in ex-  
16 cess of this reserve limitation shall be deposited as mis-  
17 cellaneous receipts in the Treasury: *Provided further*, That  
18 such franchise fund pilot program shall terminate pursu-  
19 ant to section 403(f) of Public Law 103–356.

20       SEC. 209. Notwithstanding any other provision of  
21 law, of the amounts made available elsewhere in this title  
22 to the “National Institute of Standards and Technology,  
23 Construction of Research Facilities”, \$4,000,000 is appro-  
24 priated to the Institute at Saint Anselm College,  
25 \$4,000,000 is appropriated to fund a cooperative agree-

1 ment with the Medical University of South Carolina,  
2 \$3,000,000 is appropriated to the Thayer School of Engi-  
3 neering for the biocommodity and biomass research initia-  
4 tive, and \$3,000,000 is appropriated to establish the Insti-  
5 tute for Information Infrastructure Protection at the In-  
6 stitute for Security Technology Studies.

7       In addition, of the amounts for “National Oceanic  
8 and Atmospheric Administration, Procurement, Acquisi-  
9 tion, and Construction”, \$5,000,000 shall be for a grant  
10 for Eastern Kentucky Pride, Inc., for design and construc-  
11 tion of facilities for water protection and related environ-  
12 mental infrastructure.

13       SEC. 210. (a) The Secretary of Commerce shall es-  
14 tablish and administer through the National Ocean Serv-  
15 ice the Dr. Nancy Foster Scholarship Program. Under the  
16 program, the Secretary shall award graduate education  
17 scholarships in marine biology, oceanography, or maritime  
18 archaeology, including the curation, preservation, and dis-  
19 play of maritime artifacts, to be known as “Dr. Nancy  
20 Foster Scholarships”.

21       (b) The purpose of the Dr. Nancy Foster Scholarship  
22 Program is to recognize outstanding scholarship in marine  
23 biology, oceanography, or maritime archaeology, particu-  
24 larly by women and members of minority groups, and en-

1 courage independent graduate level research in such fields  
2 of study.

3 (c) Each Dr. Nancy Foster Scholarship award—

4 (1) shall be used to support a candidate's grad-  
5 uate studies in marine biology, oceanography, or  
6 maritime archaeology at a sponsoring institution;  
7 and

8 (2) shall be made available to individual can-  
9 didates in accordance with guidelines issued by the  
10 Secretary.

11 (d) The amount of each Dr. Nancy Foster Scholar-  
12 ship shall be provided directly to each recipient selected  
13 by the Secretary upon receipt of certification that the re-  
14 cipient will adhere to a specific and detailed plan of study  
15 and research approved by the sponsoring institution.

16 (e) The Secretary shall make 1 percent of the amount  
17 appropriated each fiscal year to carry out the National  
18 Marine Sanctuaries Act (46 U.S.C. 1431 et seq.) available  
19 for Dr. Nancy Foster Scholarships.

20 (f) Repayment of the award shall be made to the Sec-  
21 retary in the case of fraud or noncompliance.

22 This title may be cited as the “Department of Com-  
23 merce and Related Agencies Appropriations Act, 2001”.

1 TITLE III—THE JUDICIARY  
2 SUPREME COURT OF THE UNITED STATES  
3 SALARIES AND EXPENSES

4 For expenses necessary for the operation of the Su-  
5 preme Court, as required by law, excluding care of the  
6 building and grounds, including purchase or hire, driving,  
7 maintenance, and operation of an automobile for the Chief  
8 Justice, not to exceed \$10,000 for the purpose of trans-  
9 porting Associate Justices, and hire of passenger motor  
10 vehicles as authorized by 31 U.S.C. 1343 and 1344; not  
11 to exceed \$10,000 for official reception and representation  
12 expenses; and for miscellaneous expenses, to be expended  
13 as the Chief Justice may approve, \$37,591,000.

14 CARE OF THE BUILDING AND GROUNDS

15 For such expenditures as may be necessary to enable  
16 the Architect of the Capitol to carry out the duties im-  
17 posed upon the Architect by the Act approved May 7,  
18 1934 (40 U.S.C. 13a–13b), \$7,530,000, of which  
19 \$4,460,000 shall remain available until expended.

20 UNITED STATES COURT OF APPEALS FOR THE FEDERAL  
21 CIRCUIT

22 SALARIES AND EXPENSES

23 For salaries of the chief judge, judges, and other offi-  
24 cers and employees, and for necessary expenses of the  
25 court, as authorized by law, \$17,930,000.

1 UNITED STATES COURT OF INTERNATIONAL TRADE  
2 SALARIES AND EXPENSES

3 For salaries of the chief judge and eight judges, sala-  
4 ries of the officers and employees of the court, services  
5 as authorized by 5 U.S.C. 3109, and necessary expenses  
6 of the court, as authorized by law, \$12,456,000.

7 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER  
8 JUDICIAL SERVICES  
9 SALARIES AND EXPENSES

10 For the salaries of circuit and district judges (includ-  
11 ing judges of the territorial courts of the United States),  
12 justices and judges retired from office or from regular ac-  
13 tive service, judges of the United States Court of Federal  
14 Claims, bankruptcy judges, magistrate judges, and all  
15 other officers and employees of the Federal Judiciary not  
16 otherwise specifically provided for, and necessary expenses  
17 of the courts, as authorized by law, \$3,359,725,000 (in-  
18 cluding the purchase of firearms and ammunition); of  
19 which not to exceed \$17,817,000 shall remain available  
20 until expended for space alteration projects; and of which  
21 not to exceed \$10,000,000 shall remain available until ex-  
22 pended for furniture and furnishings related to new space  
23 alteration and construction projects.

24 In addition, for expenses of the United States Court  
25 of Federal Claims associated with processing cases under



1 the National Childhood Vaccine Injury Act of 1986, not  
2 to exceed \$2,602,000, to be appropriated from the Vaccine  
3 Injury Compensation Trust Fund.

4 DEFENDER SERVICES

5 For the operation of Federal Public Defender and  
6 Community Defender organizations; the compensation and  
7 reimbursement of expenses of attorneys appointed to rep-  
8 resent persons under the Criminal Justice Act of 1964,  
9 as amended; the compensation and reimbursement of ex-  
10 penses of persons furnishing investigative, expert and  
11 other services under the Criminal Justice Act of 1964 (18  
12 U.S.C. 3006A(e)); the compensation (in accordance with  
13 Criminal Justice Act maximums) and reimbursement of  
14 expenses of attorneys appointed to assist the court in  
15 criminal cases where the defendant has waived representa-  
16 tion by counsel; the compensation and reimbursement of  
17 travel expenses of guardians ad litem acting on behalf of  
18 financially eligible minor or incompetent offenders in con-  
19 nection with transfers from the United States to foreign  
20 countries with which the United States has a treaty for  
21 the execution of penal sentences; and the compensation of  
22 attorneys appointed to represent jurors in civil actions for  
23 the protection of their employment, as authorized by 28  
24 U.S.C. 1875(d), \$435,000,000, to remain available until  
25 expended as authorized by 18 U.S.C. 3006A(i).

## 1 FEES OF JURORS AND COMMISSIONERS

2 For fees and expenses of jurors as authorized by 28  
3 U.S.C. 1871 and 1876; compensation of jury commis-  
4 sioners as authorized by 28 U.S.C. 1863; and compensa-  
5 tion of commissioners appointed in condemnation cases  
6 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-  
7 cedure (28 U.S.C. Appendix Rule 71A(h)), \$59,567,000,  
8 to remain available until expended: *Provided*, That the  
9 compensation of land commissioners shall not exceed the  
10 daily equivalent of the highest rate payable under section  
11 5332 of title 5, United States Code.

## 12 COURT SECURITY

13 For necessary expenses, not otherwise provided for,  
14 incident to the procurement, installation, and maintenance  
15 of security equipment and protective services for the  
16 United States Courts in courtrooms and adjacent areas,  
17 including building ingress-egress control, inspection of  
18 packages, directed security patrols, and other similar ac-  
19 tivities as authorized by section 1010 of the Judicial Im-  
20 provement and Access to Justice Act (Public Law 100–  
21 702), \$199,575,000, of which not to exceed \$10,000,000  
22 shall remain available until expended for security systems,  
23 to be expended directly or transferred to the United States  
24 Marshals Service, which shall be responsible for admin-  
25 istering elements of the Judicial Security Program con-

1 sistent with standards or guidelines agreed to by the Di-  
2 rector of the Administrative Office of the United States  
3 Courts and the Attorney General.

4 ADMINISTRATIVE OFFICE OF THE UNITED STATES  
5 COURTS

6 SALARIES AND EXPENSES

7 For necessary expenses of the Administrative Office  
8 of the United States Courts as authorized by law, includ-  
9 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-  
10 senger motor vehicle as authorized by 31 U.S.C. 1343(b),  
11 advertising and rent in the District of Columbia and else-  
12 where, \$58,340,000, of which not to exceed \$8,500 is au-  
13 thorized for official reception and representation expenses.

14 FEDERAL JUDICIAL CENTER

15 SALARIES AND EXPENSES

16 For necessary expenses of the Federal Judicial Cen-  
17 ter, as authorized by Public Law 90–219, \$18,777,000;  
18 of which \$1,800,000 shall remain available through Sep-  
19 tember 30, 2002, to provide education and training to  
20 Federal court personnel; and of which not to exceed  
21 \$1,000 is authorized for official reception and representa-  
22 tion expenses.

## 1 JUDICIAL RETIREMENT FUNDS

## 2 PAYMENT TO JUDICIARY TRUST FUNDS

3 For payment to the Judicial Officers' Retirement  
4 Fund, as authorized by 28 U.S.C. 377(o), \$25,700,000;  
5 to the Judicial Survivors' Annuities Fund, as authorized  
6 by 28 U.S.C. 376(c), \$8,100,000; and to the United  
7 States Court of Federal Claims Judges' Retirement Fund,  
8 as authorized by 28 U.S.C. 178(l), \$1,900,000.

## 9 UNITED STATES SENTENCING COMMISSION

## 10 SALARIES AND EXPENSES

11 For the salaries and expenses necessary to carry out  
12 the provisions of chapter 58 of title 28, United States  
13 Code, \$9,931,000, of which not to exceed \$1,000 is au-  
14 thorized for official reception and representation expenses.

## 15 GENERAL PROVISIONS—THE JUDICIARY

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

19 SEC. 302. Not to exceed 5 percent of any appropria-  
20 tion made available for the current fiscal year for the Judi-  
21 ciary in this Act may be transferred between such appropria-  
22 tions, but no such appropriation, except "Courts of  
23 Appeals, District Courts, and Other Judicial Services, De-  
24 fender Services" and "Courts of Appeals, District Courts,  
25 and Other Judicial Services, Fees of Jurors and Commis-

1 sioners”, shall be increased by more than 10 percent by  
2 any such transfers: *Provided*, That any transfer pursuant  
3 to this section shall be treated as a reprogramming of  
4 funds under section 605 of this Act and shall not be avail-  
5 able for obligation or expenditure except in compliance  
6 with the procedures set forth in that section.

7       SEC. 303. Notwithstanding any other provision of  
8 law, the salaries and expenses appropriation for district  
9 courts, courts of appeals, and other judicial services shall  
10 be available for official reception and representation ex-  
11 penses of the Judicial Conference of the United States:  
12 *Provided*, That such available funds shall not exceed  
13 \$11,000 and shall be administered by the Director of the  
14 Administrative Office of the United States Courts in the  
15 capacity as Secretary of the Judicial Conference.

16       SEC. 304. (a) The Director of the Administrative Of-  
17 fice of the United States Courts (the Director) may des-  
18 ignate in writing officers and employees of the judicial  
19 branch of the United States Government, including the  
20 courts as defined in section 610 of title 28, United States  
21 Code, but excluding the Supreme Court, to be disbursing  
22 officers in such numbers and locations as the Director con-  
23 siders necessary. These disbursing officers will: (1) dis-  
24 burse moneys appropriated to the judicial branch and  
25 other funds only in strict accordance with payment re-

1 requests certified by the Director or in accordance with sub-  
2 section (b) of this section; (2) examine payment requests  
3 as necessary to ascertain whether they are in proper form,  
4 certified, and approved; and (3) be held accountable as  
5 provided by law. However, a disbursing officer will not be  
6 held accountable or responsible for any illegal, improper,  
7 or incorrect payment resulting from any false, inaccurate,  
8 or misleading certificate for which a certifying officer is  
9 responsible under subsection (b) of this section.

10 (b)(1) The Director may designate in writing officers  
11 and employees of the judicial branch of the United States  
12 Government, including the courts as defined in section 610  
13 of title 28, United States Code, but excluding the Supreme  
14 Court, to certify payment requests payable from appro-  
15 priations and funds. These certifying officers will be re-  
16 sponsible and accountable for: (A) the existence and cor-  
17 rectness of the facts recited in the certificate or other re-  
18 quest for payment or its supporting papers; (B) the legal-  
19 ity of the proposed payment under the appropriation or  
20 fund involved; and (C) the correctness of the computations  
21 of certified payment requests.

22 (2) The liability of a certifying officer will be enforced  
23 in the same manner and to the same extent as provided  
24 by law with respect to the enforcement of the liability of  
25 disbursing and other accountable officers. A certifying of-

1 fier shall be required to make restitution to the United  
2 States for the amount of any illegal, improper, or incorrect  
3 payment resulting from any false, inaccurate, or mis-  
4 leading certificates made by the certifying officer, as well  
5 as for any payment prohibited by law or which did not  
6 represent a legal obligation under the appropriation or  
7 fund involved.

8 (c) A certifying or disbursing officer: (1) has the right  
9 to apply for and obtain a decision by the Comptroller Gen-  
10 eral on any question of law involved in a payment request  
11 presented for certification; and (2) is entitled to relief  
12 from liability arising under this section as provided by law.

13 (d) The Director shall disburse, directly or through  
14 officials designated pursuant to this section, appropria-  
15 tions and other funds for the maintenance and operation  
16 of the courts.

17 (e) Nothing in this section affects the authority of  
18 the courts to receive or disburse moneys in accordance  
19 with chapter 129 of title 28, United States Code.

20 (f) This section shall be effective for fiscal year 2001  
21 and hereafter.

22 SEC. 305. DISTRICT JUDGES FOR THE DISTRICT  
23 COURTS. (a) IN GENERAL.—The President shall appoint,  
24 by and with the advice and consent of the Senate—

1           (1) 1 additional district judge for the district of  
2 Arizona;

3           (2) 1 additional district judge for the southern  
4 district of Florida;

5           (3) 1 additional district judge for the eastern  
6 district of Kentucky;

7           (4) 1 additional district judge for the district of  
8 Nevada;

9           (5) 1 additional district judge for the district of  
10 New Mexico;

11          (6) 1 additional district judge for the district of  
12 South Carolina;

13          (7) 1 additional district judge for the southern  
14 district of Texas;

15          (8) 1 additional district judge for the western  
16 district of Texas;

17          (9) 1 additional district judge for the eastern  
18 district of Virginia; and

19          (10) 1 additional district judge for the eastern  
20 district of Wisconsin.

21          (b) TABLE.—In order that the table contained in sec-  
22 tion 133 of title 28, United States Code, will, with respect  
23 to each judicial district, reflect the changes in the total  
24 number of permanent district judges authorized under  
25 subsection (a), such table is amended—



1           (1) in the item relating to the district of Ari-  
2           zona, by striking “11” and inserting “12”;

3           (2) in the item relating to the southern district  
4           of Florida, by striking “16” and inserting “17”;

5           (3) in the item relating to the eastern district  
6           of Kentucky, by striking “4” and inserting “5”;

7           (4) in the item relating to the district of Ne-  
8           vada, by striking “6” and inserting “7”;

9           (5) in the item relating to the district of New  
10          Mexico, by striking “5” and inserting “6”;

11          (6) in the item relating to the district of South  
12          Carolina, by striking “9” and inserting “10”;

13          (7) in the item relating to the southern district  
14          of Texas, by striking “18” and inserting “19”;

15          (8) in the item relating to the western district  
16          of Texas, by striking “10” and inserting “11”;

17          (9) in the item relating to the eastern district  
18          of Virginia, by striking “9” and inserting “10”; and

19          (10) in the item relating to the eastern district  
20          of Wisconsin, by striking “4” and inserting “5”.

21          (c) DESIGNATION OF JUDGE TO HOLD COURT.—The  
22          chief judge of the eastern district of Wisconsin shall des-  
23          ignate 1 judge who shall hold court for such district in  
24          Green Bay, Wisconsin.

1       SEC. 306. Section 332 of title 28, United States  
2 Code, is amended by adding at the end the following new  
3 subsection:

4       “(h)(1) The United States Court of Appeals for the  
5 Federal Circuit may appoint a circuit executive, who shall  
6 serve at the pleasure of the court. In appointing a circuit  
7 executive, the court shall take into account experience in  
8 administrative and executive positions, familiarity with  
9 court procedures, and special training. The circuit execu-  
10 tive shall exercise such administrative powers and perform  
11 such duties as may be delegated by the court. The duties  
12 delegated to the circuit executive may include but need  
13 not be limited to the duties specified in subsection (e) of  
14 this section, insofar as they are applicable to the Court  
15 of Appeals for the Federal Circuit.

16       “(2) The circuit executive shall be paid the salary for  
17 circuit executives established under subsection (f) of this  
18 section.

19       “(3) The circuit executive may appoint, with the ap-  
20 proval of the court, necessary employees in such number  
21 as may be approved by the Director of the Administrative  
22 Office of the United States Courts.

23       “(4) The circuit executive and staff shall be deemed  
24 to be officers and employees of the United States within  
25 the meaning of the statutes specified in subsection (f)(4).

1       “(5) The court may appoint either a circuit executive  
2 under this subsection or a clerk under section 711 of this  
3 title, but not both, or may appoint a combined circuit execu-  
4 tive/clerk who shall be paid the salary of a circuit execu-  
5 tive.”.

6       SEC. 307. Section 3102(a)(1) of title 5, United States  
7 Code, is amended—

8           (1) in subparagraph (A) by striking “and”;

9           (2) in subparagraph (B) by adding “and” after  
10 the semicolon; and

11          (3) by adding at the end the following:

12                   “(C) an office, agency, or other establish-  
13                   ment in the judicial branch;”.

14       SEC. 308. (a) SUPREME COURT POLICE RETIRE-  
15 MENT.—

16           (1) SERVICE DEEMED TO BE SERVICE AS LAW  
17 ENFORCEMENT OFFICER.—Any period of service  
18 performed before the effective date of this section by  
19 an individual as a member of the Supreme Court  
20 Police, who is such a member on such date, shall be  
21 deemed to be service performed as a law enforce-  
22 ment officer for purposes of chapters 83 and 84 of  
23 title 5, United States Code. Notwithstanding any  
24 amendment made by this section, any period of serv-  
25 ice performed before the effective date of this section

1 by an individual as a member of the Supreme Court  
2 Police, who is not such a member on such date, shall  
3 be employee service for purposes of chapters 83 and  
4 84 of title 5, United States Code.

5 (2) CONTRIBUTIONS.—The Marshal of the Su-  
6 preme Court of the United States shall pay an  
7 amount determined by the Office of Personnel Man-  
8 agement equal to—

9 (A)(i) the difference between—

10 (I) the amount that was deducted and  
11 withheld from basic pay under chapters 83  
12 and 84 of title 5, United States Code, for  
13 the period of service described in the first  
14 sentence of paragraph (1); and

15 (II) the amount that should have been  
16 deducted and withheld for such period of  
17 service, if it had instead been performed as  
18 a law enforcement officer; and

19 (ii) interest as prescribed under section  
20 8334(e) of title 5, United States Code, based on  
21 the amount determined under clause (i); and

22 (B) with respect to the period of service  
23 described in subparagraph (A), the difference  
24 between the Government contributions that  
25 were in fact made to the Civil Service Retire-

1           ment and Disability Fund for such service, and  
2           the amount that would have been required if  
3           such service had instead been performed as a  
4           law enforcement officer, subject to subsection  
5           (f).

6           (3) DEPOSIT OF PAYMENTS.—Payments under  
7           paragraph (2) shall be paid from the salaries and  
8           expenses account from appropriations to the Su-  
9           preme Court of the United States, including any  
10          prior year unobligated balances, and deposited in the  
11          Civil Service Retirement and Disability Fund.

12          (b) AMENDMENTS TO CHAPTER 83.—

13           (1) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-  
14          ITS.—Section 8334 of title 5, United States Code, is  
15          amended—

16           (A) in subsection (a)(1) by inserting  
17           “member of the Supreme Court Police,” after  
18           “member of the Capitol Police,”; and

19           (B) in subsection (c) in the item relating  
20           to law enforcement officers by inserting “,  
21           member of the Supreme Court Police for Su-  
22           preme Court Police service,” after “law enforce-  
23           ment service”.

24           (2) MANDATORY SEPARATION.—(A) Section  
25          8335 of title 5, United States Code, is amended by

1 redesignating subsection (e) as subsection (f) and in-  
2 serting after subsection (d) the following:

3 “(e) A member of the Supreme Court Police who is  
4 otherwise eligible for immediate retirement under section  
5 8336(n) shall be separated from the service on the last  
6 day of the month in which such member becomes 57 years  
7 of age or completes 20 years of service if then over that  
8 age. The Marshal of the Supreme Court of the United  
9 States, when in his judgment the public interest so re-  
10 quires, may exempt such a member from automatic sepa-  
11 ration under this subsection until that member becomes  
12 60 years of age. The Marshal shall notify the member in  
13 writing of the date of separation at least 60 days in ad-  
14 vance thereof. Action to separate the member is not effec-  
15 tive, without the consent of the member, until the last day  
16 of the month in which the 60-day notice expires.”.

17 (B) Section 8335(f) of title 5, United States  
18 Code, as redesignated by subparagraph (A), is  
19 amended by striking “Police)” and inserting “Police  
20 or the Supreme Court Police)”.

21 (3) IMMEDIATE RETIREMENT.—Section 8336 of  
22 title 5, United States Code, is amended by redesi-  
23 gnating subsection (n) as subsection (o) and inserting  
24 after subsection (m) the following:

1       “(n) A member of the Supreme Court Police who is  
2 separated from the service after becoming 50 years of age  
3 and completing 20 years of service as a member of the  
4 Supreme Court Police or as a law enforcement officer, or  
5 any combination of such service totaling at least 20 years,  
6 is entitled to an annuity.”.

7           (4) COMPUTATION.—Section 8339 of title 5,  
8 United States Code, is amended by redesignating  
9 subsection (r) as subsection (s) and inserting after  
10 subsection (q) the following:

11       “(r) The annuity of a member of the Supreme Court  
12 Police, or former member of the Supreme Court Police,  
13 retiring under this subchapter is computed in accordance  
14 with subsection (d).”.

15       (c) AMENDMENTS TO CHAPTER 84.—

16           (1) IMMEDIATE RETIREMENT.—Section 8412(d)  
17 of title 5, United States Code, is amended by insert-  
18 ing “or Supreme Court Police” after “Capitol Po-  
19 lice” each place it appears.

20           (2) COMPUTATION OF BASIC ANNUITY.—Section  
21 8415(g) of title 5, United States Code, is amended  
22 by inserting “member of the Supreme Court Police,”  
23 after “law enforcement officer,”.

24           (3) DEDUCTIONS FROM PAY.—Section  
25 8422(a)(3) of title 5, United States Code, is amend-

1 ed in the item relating to law enforcement officers  
2 by inserting “member of the Supreme Court Police,”  
3 after “member of the Capitol Police,”.

4 (4) GOVERNMENT CONTRIBUTIONS.—Section  
5 8423(a) of title 5, United States Code, is amended  
6 by inserting “members of the Supreme Court Po-  
7 lice,” after “law enforcement officers,” each place it  
8 appears.

9 (5) MANDATORY SEPARATION.—(A) Section  
10 8425 of title 5, United States Code, is amended by  
11 redesignating subsection (d) as subsection (e) and  
12 inserting after subsection (c) the following:

13 “(d) A member of the Supreme Court Police who is  
14 otherwise eligible for immediate retirement under section  
15 8412(d) shall be separated from the service on the last  
16 day of the month in which such member becomes 57 years  
17 of age or completes 20 years of service if then over that  
18 age. The Marshal of the Supreme Court of the United  
19 States, when in his judgment the public interest so re-  
20 quires, may exempt such a member from automatic sepa-  
21 ration under this subsection until that member becomes  
22 60 years of age. The Marshal shall notify the member in  
23 writing of the date of separation at least 60 days before  
24 the date. Action to separate the member is not effective,



1 without the consent of the member, until the last day of  
2 the month in which the 60-day notice expires.”.

3 (B) Section 8425(e) of title 5, United States  
4 Code, as so redesignated, is amended by striking  
5 “Police)” and inserting “Police or Supreme Court  
6 Police)”.

7 (d) PAYMENTS FOR OTHER LIABILITY.—

8 (1) IN GENERAL.—The Marshal of the Supreme  
9 Court of the United States shall pay into the Civil  
10 Service Retirement and Disability Fund an amount  
11 determined by the Director of the Office of Per-  
12 sonnel Management to be necessary to reimburse the  
13 Fund for any estimated increase in the unfunded li-  
14 ability of the Fund resulting from the amendments  
15 related to the Civil Service Retirement System under  
16 this section, and for any estimated increase in the  
17 supplemental liability of the Fund resulting from the  
18 amendments related to the Federal Employees’ Re-  
19 tirement System under this section.

20 (2) INSTALLMENTS.—The amount determined  
21 under paragraph (1) shall be paid in 5 equal annual  
22 installments with interest computed at the rates  
23 used in the most recent valuation of the Federal  
24 Employees’ Retirement System.

1           (3) SOURCE OF FUNDS.—Payments under this  
2           subsection shall be made from amounts available  
3           from the salaries and expenses account from appro-  
4           priations to the Supreme Court of the United  
5           States, including any prior year unobligated bal-  
6           ances.

7           (e) NO MANDATORY SEPARATION FOR A 2-YEAR PE-  
8           RIOD.—Nothing in section 8335(e) or 8425(d) of title 5,  
9           United States Code, as added by this section, shall require  
10          the automatic separation of any member of the Supreme  
11          Court Police before the end of the 2-year period beginning  
12          on the effective date of this section.

13          (f) NONREDUCTION IN GOVERNMENT CONTRIBU-  
14          TIONS.—Notwithstanding any other provision of this sec-  
15          tion, Government contributions to the Civil Service Retire-  
16          ment and Disability Fund on behalf of a member of the  
17          Supreme Court Police shall, with respect to any service  
18          performed during the period beginning on January 1,  
19          1999, and ending on December 31, 2002, while subject  
20          to the Federal Employees' Retirement System, be deter-  
21          mined in the same way as if this section had never been  
22          enacted.

23          (g) SAVINGS PROVISION.—Nothing in this section or  
24          in any amendment made by this section shall, with respect  
25          to any service performed before the effective date of such

1 amendment, have the effect of reducing the percentage ap-  
2 plicable in computing any portion of an annuity based on  
3 service as a member of the Supreme Court Police below  
4 the percentage which would otherwise apply if this section  
5 had not been enacted.

6 (h) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) Section 8337(a) of title 5, United States  
8 Code, is amended in the last sentence by striking  
9 “8339(a)–(e), (n), (q), or (r)” and inserting  
10 “8339(a) through (e), (n), (q), (r), or (s)”.

11 (2) Subsections (f) and (m) of section 8339 of  
12 title 5, United States Code, are each amended by  
13 striking “subsections (a)–(e), (n), (q), and (r)” and  
14 inserting “subsections (a) through (e), (n), (q), (r),  
15 and (s)”.

16 (3) Section 8339(g) of title 5, United States  
17 Code, is amended—

18 (A) in paragraph (2), by striking “sub-  
19 sections (a)–(c), (n), (q), or (r)” and inserting  
20 “subsections (a) through (c), (n), (q), (r), or  
21 (s)”;

22 (B) in the matter following paragraph (2),  
23 by striking “(q), or (r)” each place it appears  
24 and inserting “(q), (r), or (s)”.

1           (4) Section 8339(i) of title 5, United States  
2 Code, is amended by striking “(a)–(h), (n), (q), and  
3 (r)” and inserting “(a)–(h), (n), (q), (r), or (s)”.

4           (5) Sections 8339(j), 8339(k)(1), and 8343a of  
5 title 5, United States Code, are each amended by  
6 striking “(a)–(i), (n), (q), and (r)” each place it ap-  
7 pears and inserting “(a)–(i), (n), (q), (r), and (s)”.

8           (6) Section 8339(l) of title 5, United States  
9 Code, is amended by striking “(a)–(k), (n), (q), and  
10 (r)” and inserting “(a)–(k), (n), (q), (r), and (s)”.

11           (7) Subsections (b)(1) and (d) of section 8341  
12 of title 5, United States Code, are each amended by  
13 striking “(q), and (r)” and inserting “(q), (r), and  
14 (s)”.

15           (8) Section 8344(a)(A) of title 5, United States  
16 Code, is amended by striking “(q), and (r)” and in-  
17 serting “(q), (r), and (s)”.

18           (i) **APPLICABILITY.**—This section and the amend-  
19 ments made by this section shall apply only to an indi-  
20 vidual who is employed as a member of the Supreme Court  
21 Police after the later of October 1, 2000, or the date of  
22 enactment of this Act.

23           (j) **EFFECTIVE DATE.**—Except as otherwise provided  
24 in this section, this section and the amendments made by  
25 this section shall take effect on the first day of the first

1 applicable pay period that begins on the later of October  
2 1, 2000, or the date of enactment of this Act.

3 SEC. 309. Pursuant to section 140 of Public Law 97–  
4 92, Justices and judges of the United States are author-  
5 ized during fiscal year 2001, to receive a salary adjust-  
6 ment in accordance with 28 U.S.C. 461, only if for the  
7 purposes of each provision of law amended by section  
8 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C.  
9 5318 note), adjustments under section 5303 of title 5,  
10 United States Code, shall take effect in fiscal year 2001:  
11 *Provided*, That, if such adjustments take effect pursuant  
12 to this section, \$8,801,000 is appropriated for such ad-  
13 justments pursuant to this section and such funds shall  
14 be transferred to and merged with appropriations in title  
15 III of this Act.

16 This title may be cited as this “Judiciary Appropria-  
17 tions Act, 2001”.

18 TITLE IV—DEPARTMENT OF STATE AND

19 RELATED AGENCY

20 DEPARTMENT OF STATE

21 ADMINISTRATION OF FOREIGN AFFAIRS

22 DIPLOMATIC AND CONSULAR PROGRAMS

23 For necessary expenses of the Department of State  
24 and the Foreign Service not otherwise provided for, includ-  
25 ing employment, without regard to civil service and classi-

1 fication laws, of persons on a temporary basis (not to ex-  
2 ceed \$700,000 of this appropriation), as authorized; rep-  
3 resentation to certain international organizations in which  
4 the United States participates pursuant to treaties, rati-  
5 fied pursuant to the advice and consent of the Senate, or  
6 specific Acts of Congress; arms control, nonproliferation  
7 and disarmament activities as authorized; acquisition by  
8 exchange or purchase of passenger motor vehicles as au-  
9 thorized by law; and for expenses of general administra-  
10 tion, \$2,758,725,000: *Provided*, That, of the amount made  
11 available under this heading, not to exceed \$4,000,000  
12 may be transferred to, and merged with, funds in the  
13 “Emergencies in the Diplomatic and Consular Service”  
14 appropriations account, to be available only for emergency  
15 evacuations and terrorism rewards: *Provided further*,  
16 That, in fiscal year 2001, all receipts collected from indi-  
17 viduals for assistance in the preparation and filing of an  
18 affidavit of support pursuant to section 213A of the Immi-  
19 gration and Nationality Act shall be deposited into this  
20 account as an offsetting collection and shall remain avail-  
21 able until expended: *Provided further*, That, of the amount  
22 made available under this heading, \$246,644,000 shall be  
23 available only for public diplomacy international informa-  
24 tion programs: *Provided further*, That of the amount made  
25 available under this heading, \$5,000,000 shall be available

1 only for overseas continuing language education: *Provided*  
2 *further*, That of the amount made available under this  
3 heading, not to exceed \$1,400,000 shall be available for  
4 transfer to the Presidential Advisory Commission on Holo-  
5 caust Assets in the United States: *Provided further*, That  
6 notwithstanding section 140(a)(5), and the second sen-  
7 tence of section 140(a)(3), of the Foreign Relations Au-  
8 thorization Act, Fiscal Years 1994 and 1995, fees may  
9 be collected during fiscal years 2001 and 2002, under the  
10 authority of section 140(a)(1) of that Act: *Provided fur-*  
11 *ther*, That all fees collected under the preceding proviso  
12 shall be deposited in fiscal years 2001 and 2002 as an  
13 offsetting collection to appropriations made under this  
14 heading to recover costs as set forth under section  
15 140(a)(2) of that Act and shall remain available until ex-  
16 pended: *Provided further*, That advances for services au-  
17 thorized by 22 U.S.C. 3620(c) may be credited to this ac-  
18 count, to remain available until expended for such services:  
19 *Provided further*, That in fiscal year 2001 and thereafter  
20 reimbursements for services provided to the press in con-  
21 nection with the travel of senior-level officials may be col-  
22 lected and credited to this appropriation and shall remain  
23 available until expended: *Provided further*, That no funds  
24 may be obligated or expended for processing licenses for  
25 the export of satellites of United States origin (including

1 commercial satellites and satellite components) to the Peo-  
2 ple's Republic of China, unless, at least 15 days in ad-  
3 vance, the Committees on Appropriations of the House of  
4 Representatives and the Senate are notified of such pro-  
5 posed action: *Provided further*, That of the amount made  
6 available under this heading, \$40,000,000 shall only be  
7 available to implement the 1999 Pacific Salmon Treaty  
8 Agreement, of which \$10,000,000 shall be deposited in the  
9 Northern Boundary and Transboundary Rivers Restora-  
10 tion and Enhancement Fund, of which \$10,000,000 shall  
11 be deposited in the Southern Boundary Restoration and  
12 Enhancement Fund, and of which \$20,000,000 shall be  
13 for a direct payment to the State of Washington for obli-  
14 gations under the 1999 Pacific Salmon Treaty Agreement.

15       In addition, not to exceed \$1,252,000 shall be derived  
16 from fees collected from other executive agencies for lease  
17 or use of facilities located at the International Center in  
18 accordance with section 4 of the International Center Act,  
19 as amended; in addition, as authorized by section 5 of such  
20 Act, \$490,000, to be derived from the reserve authorized  
21 by that section, to be used for the purposes set out in  
22 that section; in addition, as authorized by section 810 of  
23 the United States Information and Educational Exchange  
24 Act, not to exceed \$6,000,000, to remain available until  
25 expended, may be credited to this appropriation from fees



1 or other payments received from English teaching, library,  
2 motion pictures, and publication programs, and from fees  
3 from educational advising and counseling, and exchange  
4 visitor programs; and, in addition, not to exceed \$15,000,  
5 which shall be derived from reimbursements, surcharges,  
6 and fees for use of Blair House facilities.

7 In addition, for the costs of worldwide security up-  
8 grades, \$410,000,000, to remain available until expended.

9 CAPITAL INVESTMENT FUND

10 For necessary expenses of the Capital Investment  
11 Fund, \$97,000,000, to remain available until expended,  
12 as authorized: *Provided*, That section 135(e) of Public  
13 Law 103–236 shall not apply to funds available under this  
14 heading.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector  
17 General, \$28,490,000, notwithstanding section 209(a)(1)  
18 of the Foreign Service Act of 1980, as amended (Public  
19 Law 96–465), as it relates to post inspections.

20 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

21 For expenses of educational and cultural exchange  
22 programs, as authorized, \$231,587,000, to remain avail-  
23 able until expended: *Provided*, That not to exceed  
24 \$800,000, to remain available until expended, may be  
25 credited to this appropriation from fees or other payments  
26 received from or in connection with English teaching and

1 educational advising and counseling programs as author-  
2 ized.

3 REPRESENTATION ALLOWANCES

4 For representation allowances as authorized,  
5 \$6,499,000.

6 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

7 For expenses, not otherwise provided, to enable the  
8 Secretary of State to provide for extraordinary protective  
9 services, as authorized, \$15,467,000, to remain available  
10 until September 30, 2002: *Provided*, That, notwith-  
11 standing the limitations of 3 U.S.C. 202(10) concerning  
12 20 or more consulates, of the amount made available  
13 under this heading, \$5,000,000 shall be available only for  
14 the reimbursement of costs incurred by the City of Seattle,  
15 Washington.

16 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

17 For necessary expenses for carrying out the Foreign  
18 Service Buildings Act of 1926, as amended (22 U.S.C.  
19 292–300), preserving, maintaining, repairing, and plan-  
20 ning for, buildings that are owned or directly leased by  
21 the Department of State, renovating, in addition to funds  
22 otherwise available, the Main State Building, and carrying  
23 out the Diplomatic Security Construction Program as au-  
24 thorized, \$416,976,000, to remain available until ex-  
25 pended as authorized, of which not to exceed \$25,000 may  
26 be used for domestic and overseas representation as au-

1 thORIZED: *Provided*, That none of the funds appropriated  
2 in this paragraph shall be available for acquisition of fur-  
3 niture and furnishings and generators for other depart-  
4 ments and agencies.

5 In addition, for the costs of worldwide security up-  
6 grades, acquisition, and construction as authorized,  
7 \$663,000,000, to remain available until expended.

8 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR  
9 SERVICE

10 For expenses necessary to enable the Secretary of  
11 State to meet unforeseen emergencies arising in the Diplo-  
12 matic and Consular Service, \$5,477,000, to remain avail-  
13 able until expended as authorized, of which not to exceed  
14 \$1,000,000 may be transferred to and merged with the  
15 Repatriation Loans Program Account, subject to the same  
16 terms and conditions.

17 REPATRIATION LOANS PROGRAM ACCOUNT

18 For the cost of direct loans, \$591,000, as authorized:  
19 *Provided*, That such costs, including the cost of modifying  
20 such loans, shall be as defined in section 502 of the Con-  
21 gressional Budget Act of 1974. In addition, for adminis-  
22 trative expenses necessary to carry out the direct loan pro-  
23 gram, \$604,000, which may be transferred to and merged  
24 with the Diplomatic and Consular Programs account  
25 under Administration of Foreign Affairs.

## 1 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

2 For necessary expenses to carry out the Taiwan Rela-  
3 tions Act, Public Law 96–8, \$16,345,000.

4 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
5 DISABILITY FUND

6 For payment to the Foreign Service Retirement and  
7 Disability Fund, as authorized by law, \$131,224,000.

## 8 INTERNATIONAL ORGANIZATIONS AND CONFERENCES

## 9 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

10 For expenses, not otherwise provided for, necessary  
11 to meet annual obligations of membership in international  
12 multilateral organizations, pursuant to treaties ratified  
13 pursuant to the advice and consent of the Senate, conven-  
14 tions or specific Acts of Congress, \$870,833,000: *Pro-*  
15 *vided*, That any payment of arrearages under this title  
16 shall be directed toward special activities that are mutually  
17 agreed upon by the United States and the respective inter-  
18 national organization: *Provided further*, That none of the  
19 funds appropriated in this paragraph shall be available for  
20 a United States contribution to an international organiza-  
21 tion for the United States share of interest costs made  
22 known to the United States Government by such organiza-  
23 tion for loans incurred on or after October 1, 1984,  
24 through external borrowings: *Provided further*, That of the  
25 funds appropriated in this paragraph, \$100,000,000 may  
26 be made available only pursuant to a certification by the

1 Secretary of State that the United Nations has taken no  
2 action in calendar year 2000 prior to the date of enact-  
3 ment of this Act to increase funding for any United Na-  
4 tions program without identifying an offsetting decrease  
5 elsewhere in the United Nations budget and cause the  
6 United Nations to exceed the budget for the biennium  
7 2000–2001 of \$2,535,700,000: *Provided further*, That if  
8 the Secretary of State is unable to make the aforemen-  
9 tioned certification, the \$100,000,000 is to be applied to  
10 paying the current year assessment for other international  
11 organizations for which the assessment has not been paid  
12 in full or to paying the assessment due in the next fiscal  
13 year for such organizations, subject to the reprogramming  
14 procedures contained in Section 605 of this Act: *Provided*  
15 *further*, That funds appropriated under this paragraph  
16 may be obligated and expended to pay the full United  
17 States assessment to the civil budget of the North Atlantic  
18 Treaty Organization.

19 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING  
20 ACTIVITIES

21 For necessary expenses to pay assessed and other ex-  
22 penses of international peacekeeping activities directed to  
23 the maintenance or restoration of international peace and  
24 security, \$846,000,000, of which 15 percent shall remain  
25 available until September 30, 2002: *Provided*, That none  
26 of the funds made available under this Act shall be obli-

1 gated or expended for any new or expanded United Na-  
2 tions peacekeeping mission unless, at least 15 days in ad-  
3 vance of voting for the new or expanded mission in the  
4 United Nations Security Council (or in an emergency, as  
5 far in advance as is practicable): (1) the Committees on  
6 Appropriations of the House of Representatives and the  
7 Senate and other appropriate committees of the Congress  
8 are notified of the estimated cost and length of the mis-  
9 sion, the vital national interest that will be served, and  
10 the planned exit strategy; and (2) a reprogramming of  
11 funds pursuant to section 605 of this Act is submitted,  
12 and the procedures therein followed, setting forth the  
13 source of funds that will be used to pay for the cost of  
14 the new or expanded mission: *Provided further*, That funds  
15 shall be available for peacekeeping expenses only upon a  
16 certification by the Secretary of State to the appropriate  
17 committees of the Congress that American manufacturers  
18 and suppliers are being given opportunities to provide  
19 equipment, services, and material for United Nations  
20 peacekeeping activities equal to those being given to for-  
21 eign manufacturers and suppliers: *Provided further*, That  
22 none of the funds made available under this heading are  
23 available to pay the United States share of the cost of  
24 court monitoring that is part of any United Nations peace-  
25 keeping mission.

## 1 INTERNATIONAL COMMISSIONS

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

5 INTERNATIONAL BOUNDARY AND WATER COMMISSION,  
6 UNITED STATES AND MEXICO

7 For necessary expenses for the United States Section  
8 of the International Boundary and Water Commission,  
9 United States and Mexico, and to comply with laws appli-  
10 cable to the United States Section, including not to exceed  
11 \$6,000 for representation; as follows:

12 SALARIES AND EXPENSES

13 For salaries and expenses, not otherwise provided for,  
14 \$7,142,000.

15 CONSTRUCTION

16 For detailed plan preparation and construction of au-  
17 thorized projects, \$22,950,000, to remain available until  
18 expended, as authorized.

19 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

20 For necessary expenses, not otherwise provided for  
21 the International Joint Commission and the International  
22 Boundary Commission, United States and Canada, as au-  
23 thorized by treaties between the United States and Can-  
24 ada or Great Britain, and for the Border Environment  
25 Cooperation Commission as authorized by Public Law  
26 103-182, \$6,741,000, of which not to exceed \$9,000 shall

1 be available for representation expenses incurred by the  
2 International Joint Commission.

3 INTERNATIONAL FISHERIES COMMISSIONS

4 For necessary expenses for international fisheries  
5 commissions, not otherwise provided for, as authorized by  
6 law, \$19,392,000: *Provided*, That the United States' share  
7 of such expenses may be advanced to the respective com-  
8 missions, pursuant to 31 U.S.C. 3324.

9 OTHER

10 PAYMENT TO THE ASIA FOUNDATION

11 For a grant to the Asia Foundation, as authorized  
12 by section 501 of Public Law 101-246, \$9,250,000, to  
13 remain available until expended, as authorized.

14 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST

15 FUND

16 For necessary expenses of Eisenhower Exchange Fel-  
17 lowships, Incorporated, as authorized by sections 4 and  
18 5 of the Eisenhower Exchange Fellowship Act of 1990 (20  
19 U.S.C. 5204-5205), all interest and earnings accruing to  
20 the Eisenhower Exchange Fellowship Program Trust  
21 Fund on or before September 30, 2001, to remain avail-  
22 able until expended: *Provided*, That none of the funds ap-  
23 propriated herein shall be used to pay any salary or other  
24 compensation, or to enter into any contract providing for  
25 the payment thereof, in excess of the rate authorized by  
26 5 U.S.C. 5376; or for purposes which are not in accord-



1 ance with OMB Circulars A-110 (Uniform Administrative  
2 Requirements) and A-122 (Cost Principles for Non-profit  
3 Organizations), including the restrictions on compensation  
4 for personal services.

5 ISRAELI ARAB SCHOLARSHIP PROGRAM

6 For necessary expenses of the Israeli Arab Scholar-  
7 ship Program as authorized by section 214 of the Foreign  
8 Relations Authorization Act, Fiscal Years 1992 and 1993  
9 (22 U.S.C. 2452), all interest and earnings accruing to  
10 the Israeli Arab Scholarship Fund on or before September  
11 30, 2001, to remain available until expended.

12 EAST-WEST CENTER

13 To enable the Secretary of State to provide for car-  
14 rying out the provisions of the Center for Cultural and  
15 Technical Interchange Between East and West Act of  
16 1960, by grant to the Center for Cultural and Technical  
17 Interchange Between East and West in the State of Ha-  
18 waii, \$13,500,000: *Provided*, That none of the funds ap-  
19 propriated herein shall be used to pay any salary, or enter  
20 into any contract providing for the payment thereof, in  
21 excess of the rate authorized by 5 U.S.C. 5376.

22 NATIONAL ENDOWMENT FOR DEMOCRACY

23 For grants made by the Department of State to the  
24 National Endowment for Democracy as authorized by the  
25 National Endowment for Democracy Act, \$30,999,000, to  
26 remain available until expended.

1                                   RELATED AGENCY  
2                                   BROADCASTING BOARD OF GOVERNORS  
3                                   INTERNATIONAL BROADCASTING OPERATIONS

4           For expenses necessary to enable the Broadcasting  
5 Board of Governors, as authorized, to carry out inter-  
6 national communication activities, \$398,971,000, of which  
7 not to exceed \$16,000 may be used for official receptions  
8 within the United States as authorized, not to exceed  
9 \$35,000 may be used for representation abroad as author-  
10 ized, and not to exceed \$39,000 may be used for official  
11 reception and representation expenses of Radio Free Eu-  
12 rope/Radio Liberty; and in addition, notwithstanding any  
13 other provision of law, not to exceed \$2,000,000 in re-  
14 cepts from advertising and revenue from business ven-  
15 tures, not to exceed \$500,000 in receipts from cooperating  
16 international organizations, and not to exceed \$1,000,000  
17 in receipts from privatization efforts of the Voice of Amer-  
18 ica and the International Broadcasting Bureau, to remain  
19 available until expended for carrying out authorized pur-  
20 poses.

21                                   BROADCASTING TO CUBA

22           For necessary expenses to enable the Broadcasting  
23 Board of Governors to carry out broadcasting to Cuba,  
24 including the purchase, rent, construction, and improve-  
25 ment of facilities for radio and television transmission and  
26 reception, and purchase and installation of necessary

1 equipment for radio and television transmission and recep-  
2 tion, \$22,095,000, to remain available until expended.

3 BROADCASTING CAPITAL IMPROVEMENTS

4 For the purchase, rent, construction, and improve-  
5 ment of facilities for radio transmission and reception, and  
6 purchase and installation of necessary equipment for radio  
7 and television transmission and reception as authorized,  
8 \$20,358,000, to remain available until expended, as au-  
9 thorized.

10 GENERAL PROVISIONS—DEPARTMENT OF STATE AND  
11 RELATED AGENCY

12 SEC. 401. Funds appropriated under this title shall  
13 be available, except as otherwise provided, for allowances  
14 and differentials as authorized by subchapter 59 of title  
15 5, United States Code; for services as authorized by 5  
16 U.S.C. 3109; and hire of passenger transportation pursu-  
17 ant to 31 U.S.C. 1343(b).

18 SEC. 402. Not to exceed 5 percent of any appropria-  
19 tion made available for the current fiscal year for the De-  
20 partment of State in this Act may be transferred between  
21 such appropriations, but no such appropriation, except as  
22 otherwise specifically provided, shall be increased by more  
23 than 10 percent by any such transfers: *Provided*, That not  
24 to exceed 5 percent of any appropriation made available  
25 for the current fiscal year for the Broadcasting Board of  
26 Governors in this Act may be transferred between such

1 appropriations, but no such appropriation, except as oth-  
2 erwise specifically provided, shall be increased by more  
3 than 10 percent by any such transfers: *Provided further*,  
4 That any transfer pursuant to this section shall be treated  
5 as a reprogramming of funds under section 605 of this  
6 Act and shall not be available for obligation or expenditure  
7 except in compliance with the procedures set forth in that  
8 section.

9       SEC. 403. None of the funds made available in this  
10 Act may be used by the Department of State or the Broad-  
11 casting Board of Governors to provide equipment, tech-  
12 nical support, consulting services, or any other form of  
13 assistance to the Palestinian Broadcasting Corporation.

14       SEC. 404. (a) Section 1(a)(2) of the State Depart-  
15 ment Basic Authorities Act of 1956 (22 U.S.C.  
16 2651a(a)(2)) is amended by striking “and the Deputy Sec-  
17 retary of State” and inserting “, the Deputy Secretary of  
18 State, and the Deputy Secretary of State for Management  
19 and Resources”.

20       (b) Section 5313 of title 5, United States Code, is  
21 amended by inserting “Deputy Secretary of State for  
22 Management and Resources.” after the item relating to  
23 the “Deputy Secretary of State”.

24       SEC. 405. None of the funds appropriated or other-  
25 wise made available in this Act for the United Nations

1 may be used by the United Nations for the promulgation  
2 or enforcement of any treaty, resolution, or regulation au-  
3 thorizing the United Nations, or any of its specialized  
4 agencies or affiliated organizations, to tax any aspect of  
5 the Internet.

6       SEC. 406. Notwithstanding any other provision of  
7 law, none of the funds appropriated or otherwise made  
8 available by this or any other Act may be used to allow  
9 for the entry into, or withdrawal from warehouse for con-  
10 sumption in the United States of diamonds if the country  
11 of origin in which such diamonds were mined (as evi-  
12 denced by a legible certificate of origin) is the Republic  
13 of Sierra Leone, the Republic of Liberia, the Republic of  
14 Cote d'Ivoire, Burkina Faso, the Democratic Republic of  
15 the Congo, or the Republic of Angola with the exception  
16 of diamonds certified by the lawful governments of the Re-  
17 public of Sierra Leone, the Democratic Republic of the  
18 Congo, or the Republic of Angola.

19       SEC. 407. Section 37(a)(3) of the State Department  
20 Basic Authorities Act, as amended, (22 U.S.C. 2709) is  
21 amended by—

22               (1) striking “and” at the end of subsection  
23               (a)(3)(C); and

24               (2) by inserting at the end the following new  
25               subsections:

1           “(E) a departing Secretary of State for a  
2           period of up to 180 days after the date of ter-  
3           mination of that individual’s incumbency as  
4           Secretary of State, on the basis of a threat as-  
5           sessment; and

6           “(F) an individual who has been des-  
7           ignated by the President to serve as Secretary  
8           of State, prior to that individual’s appoint-  
9           ment.”.

10        SEC. 408. Funds appropriated by this Act for the  
11        Broadcasting Board of Governors and the Department of  
12        State, and for the American Section of the International  
13        Joint Commission in Public Law 106–246, may be obli-  
14        gated and expended notwithstanding section 313 of the  
15        Foreign Relations Authorization Act, Fiscal Years 1994  
16        and 1995, and section 15 of the State Department Basic  
17        Authorities Act of 1956, as amended.

18        This title may be cited as the “Department of State  
19        and Related Agency Appropriations Act, 2001”.

20                            TITLE V—RELATED AGENCIES

21                            DEPARTMENT OF TRANSPORTATION

22                                    MARITIME ADMINISTRATION

23    MARITIME SECURITY PROGRAM

24        For necessary expenses to maintain and preserve a  
25        U.S.-flag merchant fleet to serve the national security

1 needs of the United States, \$98,700,000, to remain avail-  
2 able until expended.

3 OPERATIONS AND TRAINING

4 For necessary expenses of operations and training ac-  
5 tivities authorized by law, \$86,910,000.

6 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

7 ACCOUNT

8 For the cost of guaranteed loans, as authorized by  
9 the Merchant Marine Act, 1936, \$30,000,000, to remain  
10 available until expended: *Provided*, That such costs, in-  
11 cluding the cost of modifying such loans, shall be as de-  
12 fined in section 502 of the Congressional Budget Act of  
13 1974, as amended.

14 In addition, for administrative expenses to carry out  
15 the guaranteed loan program, not to exceed \$3,987,000,  
16 which shall be transferred to and merged with the appro-  
17 priation for Operations and Training.

18 ADMINISTRATIVE PROVISIONS—MARITIME

19 ADMINISTRATION

20 Notwithstanding any other provision of this Act, the  
21 Maritime Administration is authorized to furnish utilities  
22 and services and make necessary repairs in connection  
23 with any lease, contract, or occupancy involving Govern-  
24 ment property under control of the Maritime Administra-  
25 tion, and payments received therefore shall be credited to  
26 the appropriation charged with the cost thereof: *Provided*,

1 That rental payments under any such lease, contract, or  
2 occupancy for items other than such utilities, services, or  
3 repairs shall be covered into the Treasury as miscellaneous  
4 receipts.

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

10 COMMISSION FOR THE PRESERVATION OF AMERICA'S

11 HERITAGE ABROAD

12 SALARIES AND EXPENSES

13 For expenses for the Commission for the Preservation  
14 of America's Heritage Abroad, \$490,000, as authorized by  
15 section 1303 of Public Law 99-83.

16 COMMISSION ON CIVIL RIGHTS

17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission on Civil  
19 Rights, including hire of passenger motor vehicles,  
20 \$8,900,000: *Provided*, That not to exceed \$50,000 may  
21 be used to employ consultants: *Provided further*, That  
22 none of the funds appropriated in this paragraph shall be  
23 used to employ in excess of four full-time individuals under  
24 Schedule C of the Excepted Service exclusive of one special  
25 assistant for each Commissioner: *Provided further*, That



1 none of the funds appropriated in this paragraph shall be  
2 used to reimburse Commissioners for more than 75  
3 billable days, with the exception of the chairperson, who  
4 is permitted 125 billable days.

5 COMMISSION ON OCEAN POLICY

6 SALARIES AND EXPENSES

7 For the necessary expenses of the Commission on  
8 Ocean Policy, pursuant to S. 2327 as passed the Senate,  
9 \$1,000,000, to remain available until expended: *Provided*,  
10 That the Commission shall present to the Congress within  
11 18 months of appointment its recommendations for a na-  
12 tional ocean policy.

13 COMMISSION ON SECURITY AND COOPERATION IN

14 EUROPE

15 SALARIES AND EXPENSES

16 For necessary expenses of the Commission on Secu-  
17 rity and Cooperation in Europe, as authorized by Public  
18 Law 94-304, \$1,370,000, to remain available until ex-  
19 pended as authorized by section 3 of Public Law 99-7.

20 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE

21 PEOPLE'S REPUBLIC OF CHINA

22 SALARIES AND EXPENSES

23 For necessary expenses of the Congressional-Execu-  
24 tive Commission on the People's Republic of China, as au-  
25 thorized, \$500,000, to remain available until expended.

## 1 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## 2 SALARIES AND EXPENSES

3 For necessary expenses of the Equal Employment  
4 Opportunity Commission as authorized by title VII of the  
5 Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)  
6 and 621–634), the Americans with Disabilities Act of  
7 1990, and the Civil Rights Act of 1991, including services  
8 as authorized by 5 U.S.C. 3109; hire of passenger motor  
9 vehicles as authorized by 31 U.S.C. 1343(b); non-mone-  
10 tary awards to private citizens; and not to exceed  
11 \$30,000,000 for payments to State and local enforcement  
12 agencies for services to the Commission pursuant to title  
13 VII of the Civil Rights Act of 1964, as amended, sections  
14 6 and 14 of the Age Discrimination in Employment Act,  
15 the Americans with Disabilities Act of 1990, and the Civil  
16 Rights Act of 1991, \$303,864,000: *Provided*, That the  
17 Commission is authorized to make available for official re-  
18 ception and representation expenses not to exceed \$2,500  
19 from available funds.

## 20 FEDERAL COMMUNICATIONS COMMISSION

## 21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Communica-  
23 tions Commission, as authorized by law, including uni-  
24 forms and allowances therefor, as authorized by 5 U.S.C.  
25 5901–5902; not to exceed \$600,000 for land and struc-

1 ture; not to exceed \$500,000 for improvement and care  
2 of grounds and repair to buildings; not to exceed \$4,000  
3 for official reception and representation expenses; pur-  
4 chase (not to exceed 16) and hire of motor vehicles; special  
5 counsel fees; and services as authorized by 5 U.S.C. 3109,  
6 \$230,000,000, of which not to exceed \$300,000 shall re-  
7 main available until September 30, 2002, for research and  
8 policy studies: *Provided*, That \$200,146,000 of offsetting  
9 collections shall be assessed and collected pursuant to sec-  
10 tion 9 of title I of the Communications Act of 1934, as  
11 amended, and shall be retained and used for necessary ex-  
12 penses in this appropriation, and shall remain available  
13 until expended: *Provided further*, That the sum herein ap-  
14 propriated shall be reduced as such offsetting collections  
15 are received during fiscal year 2001 so as to result in a  
16 final fiscal year 2001 appropriation estimated at  
17 \$29,854,000: *Provided further*, That any offsetting collec-  
18 tions received in excess of \$200,146,000 in fiscal year  
19 2001 shall remain available until expended, but shall not  
20 be available for obligation until October 1, 2001.

21 FEDERAL MARITIME COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Federal Maritime  
24 Commission as authorized by section 201(d) of the Mer-  
25 chant Marine Act, 1936, as amended (46 U.S.C. App.

1 1111), including services as authorized by 5 U.S.C. 3109;  
2 hire of passenger motor vehicles as authorized by 31  
3 U.S.C. 1343(b); and uniforms or allowances therefor, as  
4 authorized by 5 U.S.C. 5901–5902, \$15,500,000: *Pro-*  
5 *vided*, That not to exceed \$2,000 shall be available for offi-  
6 cial reception and representation expenses.

7 FEDERAL TRADE COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Federal Trade Com-  
10 mission, including uniforms or allowances therefor, as au-  
11 thorized by 5 U.S.C. 5901–5902; services as authorized  
12 by 5 U.S.C. 3109; hire of passenger motor vehicles; not  
13 to exceed \$2,000 for official reception and representation  
14 expenses, \$145,254,000: *Provided*, That not to exceed  
15 \$300,000 shall be available for use to contract with a per-  
16 son or persons for collection services in accordance with  
17 the terms of 31 U.S.C. 3718, as amended: *Provided fur-*  
18 *ther*, That, notwithstanding section 3302(b) of title 31,  
19 United States Code, not to exceed \$145,254,000 of offset-  
20 ting collections derived from fees collected for premerger  
21 notification filings under the Hart-Scott-Rodino Antitrust  
22 Improvements Act of 1976 (15 U.S.C. 18(a)) shall be re-  
23 tained and used for necessary expenses in this appropria-  
24 tion, and shall remain available until expended: *Provided*  
25 *further*, That the sum herein appropriated from the gen-



1 pose prohibited or limited by, or contrary to any of the  
2 provisions of, sections 501, 502, 503, 504, 505, and 506  
3 of Public Law 105–119, and all funds appropriated in this  
4 Act to the Legal Services Corporation shall be subject to  
5 the same terms and conditions set forth in such sections,  
6 except that all references in sections 502 and 503 to 1997  
7 and 1998 shall be deemed to refer instead to 2000 and  
8 2001, respectively.

9                   MARINE MAMMAL COMMISSION

10                           SALARIES AND EXPENSES

11           For necessary expenses of the Marine Mammal Com-  
12 mission as authorized by title II of Public Law 92–522,  
13 as amended, \$1,700,000.

14                   SECURITIES AND EXCHANGE COMMISSION

15                           SALARIES AND EXPENSES

16           For necessary expenses for the Securities and Ex-  
17 change Commission, including services as authorized by  
18 5 U.S.C. 3109, the rental of space (to include multiple  
19 year leases) in the District of Columbia and elsewhere, and  
20 not to exceed \$3,000 for official reception and representa-  
21 tion expenses, \$127,800,000 from fees collected in fiscal  
22 year 2001 to remain available until expended, and from  
23 fees collected in fiscal year 1999, \$295,000,000, to remain  
24 available until expended; of which not to exceed \$10,000  
25 may be used toward funding a permanent secretariat for

1 the International Organization of Securities Commissions;  
2 and of which not to exceed \$100,000 shall be available  
3 for expenses for consultations and meetings hosted by the  
4 Commission with foreign governmental and other regu-  
5 latory officials, members of their delegations, appropriate  
6 representatives and staff to exchange views concerning de-  
7 velopments relating to securities matters, development and  
8 implementation of cooperation agreements concerning se-  
9 curities matters and provision of technical assistance for  
10 the development of foreign securities markets, such ex-  
11 penses to include necessary logistic and administrative ex-  
12 penses and the expenses of Commission staff and foreign  
13 invitees in attendance at such consultations and meetings  
14 including: (1) such incidental expenses as meals taken in  
15 the course of such attendance; (2) any travel and trans-  
16 portation to or from such meetings; and (3) any other re-  
17 lated lodging or subsistence: *Provided*, That fees and  
18 charges authorized by sections 6(b)(4) of the Securities  
19 Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Secu-  
20 rities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be  
21 credited to this account as offsetting collections.

22 SMALL BUSINESS ADMINISTRATION

23 SALARIES AND EXPENSES

24 For necessary expenses, not otherwise provided for,  
25 of the Small Business Administration as authorized by

1 Public Law 105–135, including hire of passenger motor  
2 vehicles as authorized by 31 U.S.C. 1343 and 1344, and  
3 not to exceed \$3,500 for official reception and representa-  
4 tion expenses, \$331,635,000: *Provided*, That the Adminis-  
5 trator is authorized to charge fees to cover the cost of pub-  
6 lications developed by the Small Business Administration,  
7 and certain loan servicing activities: *Provided further*,  
8 That, notwithstanding 31 U.S.C. 3302, revenues received  
9 from all such activities shall be credited to this account,  
10 to be available for carrying out these purposes without fur-  
11 ther appropriations: *Provided further*, That \$88,000,000  
12 shall be available to fund grants for performance in fiscal  
13 year 2001 or fiscal year 2002 as authorized by section  
14 21 of the Small Business Act, as amended: *Provided fur-*  
15 *ther*, That, of the funds made available under this heading,  
16 \$4,000,000 shall be for the National Veterans Business  
17 Development Corporation established under section 33(a)  
18 of the Small Business Act (15 U.S.C. 657c).

19 In addition, for the costs of programs related to the  
20 New Markets Venture Capital Program, \$37,000,000, of  
21 which \$7,000,000 shall be for BusinessLINC, and of  
22 which \$30,000,000 shall be for technical assistance: *Pro-*  
23 *vided*, That the funds appropriated under this paragraph  
24 shall not be available for obligation until the New Markets



1 Venture Capital Program is authorized by subsequent leg-  
2 islation.

3 In addition, to reimburse the Small Business Admin-  
4 istration for qualified expenses of delinquent non-tax debt  
5 collection, to be derived from increased agency collections  
6 of delinquent debt, 5 percent of such collections but not  
7 to exceed \$3,000,000.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector  
10 General in carrying out the provisions of the Inspector  
11 General Act of 1978, as amended (5 U.S.C. App.),  
12 \$11,953,000.

13 BUSINESS LOANS PROGRAM ACCOUNT

14 For the cost of direct loans, \$2,250,000, to be avail-  
15 able until expended; and for the cost of guaranteed loans,  
16 \$163,160,000, as authorized by 15 U.S.C. 631 note, of  
17 which \$45,000,000 shall remain available until September  
18 30, 2002: *Provided*, That of the total provided,  
19 \$22,000,000 shall be available only for the costs of guar-  
20 anteed loans under the New Markets Venture Capital pro-  
21 gram and shall become available for obligation only upon  
22 authorization of such program by the enactment of subse-  
23 quent legislation in fiscal year 2001: *Provided further*,  
24 That such costs, including the cost of modifying such  
25 loans, shall be as defined in section 502 of the Congres-  
26 sional Budget Act of 1974, as amended: *Provided further*,

1 That during fiscal year 2001, commitments to guarantee  
2 loans under section 503 of the Small Business Investment  
3 Act of 1958, as amended, shall not exceed  
4 \$3,750,000,000: *Provided further*, That during fiscal year  
5 2001, commitments for general business loans authorized  
6 under section 7(a) of the Small Business Act, as amended,  
7 shall not exceed \$10,000,000,000 without prior notifica-  
8 tion of the Committees on Appropriations of the House  
9 of Representatives and Senate in accordance with section  
10 605 of this Act: *Provided further*, That during fiscal year  
11 2001, commitments to guarantee loans under section  
12 303(b) of the Small Business Investment Act of 1958, as  
13 amended, shall not exceed \$500,000,000.

14 In addition, for administrative expenses to carry out  
15 the direct and guaranteed loan programs, \$129,000,000,  
16 which may be transferred to and merged with the appro-  
17 priations for Salaries and Expenses.

18 DISASTER LOANS PROGRAM ACCOUNT

19 For the cost of direct loans authorized by section 7(b)  
20 of the Small Business Act, as amended, \$76,140,000, to  
21 remain available until expended: *Provided*, That such  
22 costs, including the cost of modifying such loans, shall be  
23 as defined in section 502 of the Congressional Budget Act  
24 of 1974, as amended.

25 In addition, for administrative expenses to carry out  
26 the direct loan program, \$108,354,000, which may be

1 transferred to and merged with appropriations for Salaries  
2 and Expenses, of which \$500,000 is for the Office of In-  
3 spector General of the Small Business Administration for  
4 audits and reviews of disaster loans and the disaster loan  
5 program and shall be transferred to and merged with ap-  
6 propriations for the Office of Inspector General; of which  
7 \$98,000,000 is for direct administrative expenses of loan  
8 making and servicing to carry out the direct loan program;  
9 and of which \$9,854,000 is for indirect administrative ex-  
10 penses: *Provided*, That any amount in excess of  
11 \$9,854,000 to be transferred to and merged with appro-  
12 priations for Salaries and Expenses for indirect adminis-  
13 trative expenses shall be treated as a reprogramming of  
14 funds under section 605 of this Act and shall not be avail-  
15 able for obligation or expenditure except in compliance  
16 with the procedures set forth in that section.

17 ADMINISTRATIVE PROVISION—SMALL BUSINESS

18 ADMINISTRATION

19 Not to exceed 5 percent of any appropriation made  
20 available for the current fiscal year for the Small Business  
21 Administration in this Act may be transferred between  
22 such appropriations, but no such appropriation shall be  
23 increased by more than 10 percent by any such transfers:  
24 *Provided*, That any transfer pursuant to this paragraph  
25 shall be treated as a reprogramming of funds under sec-  
26 tion 605 of this Act and shall not be available for obliga-

1 tion or expenditure except in compliance with the proce-  
2 dures set forth in that section.

3 STATE JUSTICE INSTITUTE

4 SALARIES AND EXPENSES

5 For necessary expenses of the State Justice Institute,  
6 as authorized by the State Justice Institute Authorization  
7 Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516),  
8 \$6,850,000, to remain available until expended: *Provided*,  
9 That not to exceed \$2,500 shall be available for official  
10 reception and representation expenses.

11 TITLE VI—GENERAL PROVISIONS

12 SEC. 601. No part of any appropriation contained in  
13 this Act shall be used for publicity or propaganda purposes  
14 not authorized by the Congress.

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

18 SEC. 603. The expenditure of any appropriation  
19 under this Act for any consulting service through procure-  
20 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
21 to those contracts where such expenditures are a matter  
22 of public record and available for public inspection, except  
23 where otherwise provided under existing law, or under ex-  
24 isting Executive order issued pursuant to existing law.

1        SEC. 604. If any provision of this Act or the applica-  
2 tion of such provision to any person or circumstances shall  
3 be held invalid, the remainder of the Act and the applica-  
4 tion of each provision to persons or circumstances other  
5 than those as to which it is held invalid shall not be af-  
6 fected thereby.

7        SEC. 605. (a) None of the funds provided under this  
8 Act, or provided under previous appropriations Acts to the  
9 agencies funded by this Act that remain available for obli-  
10 gation or expenditure in fiscal year 2001, or provided from  
11 any accounts in the Treasury of the United States derived  
12 by the collection of fees available to the agencies funded  
13 by this Act, shall be available for obligation or expenditure  
14 through a reprogramming of funds which: (1) creates new  
15 programs; (2) eliminates a program, project, or activity;  
16 (3) increases funds or personnel by any means for any  
17 project or activity for which funds have been denied or  
18 restricted; (4) relocates an office or employees; (5) reorga-  
19 nizes offices, programs, or activities; or (6) contracts out  
20 or privatizes any functions, or activities presently per-  
21 formed by Federal employees; unless the Appropriations  
22 Committees of both Houses of Congress are notified 15  
23 days in advance of such reprogramming of funds.

24        (b) None of the funds provided under this Act, or  
25 provided under previous appropriations Acts to the agen-

1 cies funded by this Act that remain available for obligation  
2 or expenditure in fiscal year 2001, or provided from any  
3 accounts in the Treasury of the United States derived by  
4 the collection of fees available to the agencies funded by  
5 this Act, shall be available for obligation or expenditure  
6 for activities, programs, or projects through a reprogram-  
7 ming of funds in excess of \$500,000 or 10 percent, which-  
8 ever is less, that: (1) augments existing programs,  
9 projects, or activities; (2) reduces by 10 percent funding  
10 for any existing program, project, or activity, or numbers  
11 of personnel by 10 percent as approved by Congress; or  
12 (3) results from any general savings from a reduction in  
13 personnel which would result in a change in existing pro-  
14 grams, activities, or projects as approved by Congress; un-  
15 less the Appropriations Committees of both Houses of  
16 Congress are notified 15 days in advance of such re-  
17 programming of funds.

18       SEC. 606. None of the funds made available in this  
19 Act may be used for the construction, repair (other than  
20 emergency repair), overhaul, conversion, or modernization  
21 of vessels for the National Oceanic and Atmospheric Ad-  
22 ministration in shipyards located outside of the United  
23 States.

24       SEC. 607. (a) PURCHASE OF AMERICAN-MADE  
25 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-

1 gress that, to the greatest extent practicable, all equip-  
2 ment and products purchased with funds made available  
3 in this Act should be American-made.

4 (b) NOTICE REQUIREMENT.—In providing financial  
5 assistance to, or entering into any contract with, any enti-  
6 ty using funds made available in this Act, the head of each  
7 Federal agency, to the greatest extent practicable, shall  
8 provide to such entity a notice describing the statement  
9 made in subsection (a) by the Congress.

10 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
11 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—  
12 If it has been finally determined by a court or Federal  
13 agency that any person intentionally affixed a label bear-  
14 ing a “Made in America” inscription, or any inscription  
15 with the same meaning, to any product sold in or shipped  
16 to the United States that is not made in the United  
17 States, the person shall be ineligible to receive any con-  
18 tract or subcontract made with funds made available in  
19 this Act, pursuant to the debarment, suspension, and ineli-  
20 gibility procedures described in sections 9.400 through  
21 9.409 of title 48, Code of Federal Regulations.

22 SEC. 608. None of the funds made available in this  
23 Act may be used to implement, administer, or enforce any  
24 guidelines of the Equal Employment Opportunity Com-  
25 mission covering harassment based on religion, when it is

1 made known to the Federal entity or official to which such  
2 funds are made available that such guidelines do not differ  
3 in any respect from the proposed guidelines published by  
4 the Commission on October 1, 1993 (58 Fed. Reg.  
5 51266).

6 SEC. 609. None of the funds made available by this  
7 Act may be used for any United Nations undertaking  
8 when it is made known to the Federal official having au-  
9 thority to obligate or expend such funds: (1) that the  
10 United Nations undertaking is a peacekeeping mission; (2)  
11 that such undertaking will involve United States Armed  
12 Forces under the command or operational control of a for-  
13 eign national; and (3) that the President's military advi-  
14 sors have not submitted to the President a recommenda-  
15 tion that such involvement is in the national security inter-  
16 ests of the United States and the President has not sub-  
17 mitted to the Congress such a recommendation.

18 SEC. 610. (a) None of the funds appropriated or oth-  
19 erwise made available by this Act shall be expended for  
20 any purpose for which appropriations are prohibited by  
21 section 609 of the Departments of Commerce, Justice, and  
22 State, the Judiciary, and Related Agencies Appropriations  
23 Act, 1999.



1 (b) The requirements in subparagraphs (A) and (B)  
2 of section 609 of that Act shall continue to apply during  
3 fiscal year 2001.

4 SEC. 611. None of the funds made available in this  
5 Act shall be used to provide the following amenities or per-  
6 sonal comforts in the Federal prison system—

7 (1) in-cell television viewing except for prisoners  
8 who are segregated from the general prison popu-  
9 lation for their own safety;

10 (2) the viewing of R, X, and NC-17 rated mov-  
11 ies, through whatever medium presented;

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

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

18 (5) the use or possession of any electric or elec-  
19 tronic musical instrument.

20 SEC. 612. None of the funds made available in title  
21 II for the National Oceanic and Atmospheric Administra-  
22 tion (NOAA) under the headings “Operations, Research,  
23 and Facilities” and “Procurement, Acquisition and Con-  
24 struction” may be used to implement sections 603, 604,  
25 and 605 of Public Law 102-567: *Provided*, That NOAA

1 may develop a modernization plan for its fisheries research  
2 vessels that takes fully into account opportunities for con-  
3 tracting for fisheries surveys.

4       SEC. 613. Any costs incurred by a department or  
5 agency funded under this Act resulting from personnel ac-  
6 tions taken in response to funding reductions included in  
7 this Act shall be absorbed within the total budgetary re-  
8 sources available to such department or agency: *Provided*,  
9 That the authority to transfer funds between appropria-  
10 tions accounts as may be necessary to carry out this sec-  
11 tion is provided in addition to authorities included else-  
12 where in this Act: *Provided further*, That use of funds to  
13 carry out this section shall be treated as a reprogramming  
14 of funds under section 605 of this Act and shall not be  
15 available for obligation or expenditure except in compli-  
16 ance with the procedures set forth in that section.

17       SEC. 614. Hereafter, none of the funds made avail-  
18 able in this Act to the Federal Bureau of Prisons may  
19 be used to distribute or make available any commercially  
20 published information or material to a prisoner when it  
21 is made known to the Federal official having authority to  
22 obligate or expend such funds that such information or  
23 material is sexually explicit or features nudity.

24       SEC. 615. Of the funds appropriated in this Act  
25 under the heading “Office of Justice Programs—State

1 and Local Law Enforcement Assistance”, not more than  
2 90 percent of the amount to be awarded to an entity under  
3 the Local Law Enforcement Block Grant shall be made  
4 available to such an entity when it is made known to the  
5 Federal official having authority to obligate or expend  
6 such funds that the entity that employs a public safety  
7 officer (as such term is defined in section 1204 of title  
8 I of the Omnibus Crime Control and Safe Streets Act of  
9 1968) does not provide such a public safety officer who  
10 retires or is separated from service due to injury suffered  
11 as the direct and proximate result of a personal injury  
12 sustained in the line of duty while responding to an emer-  
13 gency situation or a hot pursuit (as such terms are defined  
14 by State law) with the same or better level of health insur-  
15 ance benefits at the time of retirement or separation as  
16 they received while on duty.

17       SEC. 616. None of the funds provided by this Act  
18 shall be available to promote the sale or export of tobacco  
19 or tobacco products, or to seek the reduction or removal  
20 by any foreign country of restrictions on the marketing  
21 of tobacco or tobacco products, except for restrictions  
22 which are not applied equally to all tobacco or tobacco  
23 products of the same type.

24       SEC. 617. (a) None of the funds appropriated or oth-  
25 erwise made available by this Act shall be expended for

1 any purpose for which appropriations are prohibited by  
2 section 616 of the Departments of Commerce, Justice, and  
3 State, the Judiciary, and Related Agencies Appropriations  
4 Act, 1999, as amended.

5 (b) Subsection (a)(1) of section 616 of that Act, as  
6 amended, is further amended—

7 (1) by striking “and” after “Toussaint,”; and

8 (2) by inserting before the semicolon at the end  
9 of the subsection, “, Jean Leopold Dominique, Jean-  
10 Claude Louissaint, Legitime Athis and his wife,  
11 Christa Joseph Athis, Jean-Michel Olophene, Claudy  
12 Myrthil, Merilus Deus, and Ferdinand Dorvil”.

13 (c) The requirements in subsections (b) and (c) of  
14 section 616 of that Act shall continue to apply during fis-  
15 cal year 2001.

16 SEC. 618. None of the funds appropriated pursuant  
17 to this Act or any other provision of law may be used for:

18 (1) the implementation of any tax or fee in connection  
19 with the implementation of 18 U.S.C. 922(t); and (2) any  
20 system to implement 18 U.S.C. 922(t) that does not re-  
21 quire and result in the destruction of any identifying infor-  
22 mation submitted by or on behalf of any person who has  
23 been determined not to be prohibited from owning a fire-  
24 arm.

1       SEC. 619. Notwithstanding any other provision of  
2 law, amounts deposited or available in the Fund estab-  
3 lished under 42 U.S.C. 10601 in any fiscal year in excess  
4 of \$537,500,000 shall not be available for obligation until  
5 the following fiscal year.

6       SEC. 620. None of the funds made available to the  
7 Department of Justice in this Act may be used to discrimi-  
8 nate against or denigrate the religious or moral beliefs of  
9 students who participate in programs for which financial  
10 assistance is provided from those funds, or of the parents  
11 or legal guardians of such students.

12       SEC. 621. None of the funds appropriated in this Act  
13 shall be available for the purpose of granting either immi-  
14 grant or nonimmigrant visas, or both, consistent with the  
15 Secretary's determination under section 243(d) of the Im-  
16 migration and Nationality Act, to citizens, subjects, na-  
17 tionals, or residents of countries that the Attorney General  
18 has determined deny or unreasonably delay accepting the  
19 return of citizens, subjects, nationals, or residents under  
20 that section.

21       SEC. 622. None of the funds made available to the  
22 Department of Justice in this Act may be used for the  
23 purpose of transporting an individual who is a prisoner  
24 pursuant to conviction for crime under State or Federal  
25 law and is classified as a maximum or high security pris-

1 oner, other than to a prison or other facility certified by  
2 the Federal Bureau of Prisons as appropriately secure for  
3 housing such a prisoner.

4       SEC. 623. None of the funds appropriated by this Act  
5 shall be used to propose or issue rules, regulations, de-  
6 crees, or orders for the purpose of implementation, or in  
7 preparation for implementation, of the Kyoto Protocol  
8 which was adopted on December 11, 1997, in Kyoto,  
9 Japan, at the Third Conference of the Parties to the  
10 United Nations Framework Convention on Climate  
11 Change, which has not been submitted to the Senate for  
12 advice and consent to ratification pursuant to article II,  
13 section 2, clause 2, of the United States Constitution, and  
14 which has not entered into force pursuant to article 25  
15 of the Protocol.

16       SEC. 624. Beginning 60 days from the date of the  
17 enactment of this Act, none of the funds appropriated or  
18 otherwise made available by this Act may be made avail-  
19 able for the participation by delegates of the United States  
20 to the Standing Consultative Commission unless the Presi-  
21 dent certifies and so reports to the Committees on Appro-  
22 priations that the United States Government is not imple-  
23 menting the Memorandum of Understanding Relating to  
24 the Treaty Between the United States of America and the  
25 Union of Soviet Socialist Republics on the limitation of

1 Anti-Ballistic Missile Systems of May 26, 1972, entered  
2 into in New York on September 26, 1997, by the United  
3 States, Russia, Kazakhstan, Belarus, and Ukraine, or  
4 until the Senate provides its advice and consent to the  
5 Memorandum of Understanding.

6 SEC. 625. None of the funds appropriated in this Act  
7 may be available to the Department of State to approve  
8 the purchase of property in Arlington, Virginia by the  
9 Xinhua News Agency.

10 SEC. 626. Title 18, section 4006(b)(1) is amended  
11 by inserting, “, the Federal Bureau of Investigation” after  
12 “United States Marshals Service”.

13 SEC. 627. Section 3022 of the 1999 Emergency Sup-  
14 plemental Appropriations Act (113 Stat. 100) is amended  
15 by striking “between the date of enactment of this Act  
16 and October 1, 2000,”.

17 SEC. 628. Section 623 of H.R. 3421 (the Depart-  
18 ments of Commerce, Justice, and State, the Judiciary, and  
19 Related Agencies Appropriations Act, 2000 (16 U.S.C.  
20 3645)), as enacted into law by section 1000(a)(1) of Pub-  
21 lic Law 106–113 (113 Stat. 1535), is amended—

22 (a) in subsection (a)(1) by striking “The North-  
23 ern Fund and Southern Fund shall each receive  
24 \$10,000,000 of the amounts authorized by this sec-  
25 tion.”;

1 (b) by striking subsection (d) and inserting in  
2 lieu thereof the following new subsection:

3 “(d)(1) PACIFIC SALMON TREATY.—

4 “(A) For capitalizing the Northern Fund there  
5 is authorized to be appropriated in fiscal years 2000,  
6 2001, 2002, and 2003 a total of \$75,000,000.

7 “(B) For capitalizing the Southern Fund there  
8 is authorized to be appropriated in fiscal years 2000,  
9 2001, 2002, and 2003 a total of \$65,000,000.

10 “(C) To provide economic adjustment assist-  
11 ance to fishermen pursuant to the 1999 Pacific  
12 Salmon Treaty Agreement, there is authorized to be  
13 appropriated in fiscal years 2000, 2001, and 2002  
14 a total of \$30,000,000.

15 “(2) PACIFIC COASTAL SALMON RECOVERY.—

16 “(A) For salmon habitat restoration, salmon  
17 stock enhancement, and salmon research, including  
18 the construction of salmon research and related fa-  
19 cilities, there is authorized to be appropriated for  
20 each of fiscal years 2000, 2001, 2002, and 2003,  
21 \$90,000,000 to the States of Alaska, Washington,  
22 Oregon, and California. Amounts appropriated pur-  
23 suant to this subparagraph shall be made available  
24 as direct payments. The State of Alaska may allo-



1       cate a portion of any funds it receives under this  
2       subsection to eligible activities outside Alaska.

3           “(B) For salmon habitat restoration, salmon  
4       stock enhancement, salmon research, and sup-  
5       plementation activities, there is authorized to be ap-  
6       propriated in each of fiscal years 2000, 2001, 2002,  
7       and 2003, \$10,000,000 to be divided between the  
8       Pacific Coastal tribes (as defined by the Secretary of  
9       Commerce) and the Columbia River tribes (as de-  
10      fined by the Secretary of Commerce).”.

11       SEC. 629. Section 3(3) of the Interstate Horseracing  
12      Act of 1978 (15 U.S.C. 3002(3)) is amended by inserting  
13      “and includes pari-mutuel wagers, where lawful in each  
14      State involved, placed or transmitted by an individual in  
15      one State via telephone or other electronic media and ac-  
16      cepted by an off-track betting system in the same or an-  
17      other State, as well as the combination of any pari-mutuel  
18      wagering pools” after “another State”.

19       SEC. 630. (a) Section 7A(a) of the Clayton Act (15  
20      U.S.C. 18a(a)) is amended to read as follows:

21       “(a) Except as exempted pursuant to subsection (c),  
22      no person shall acquire, directly or indirectly, any voting  
23      securities or assets of any other person, unless both per-  
24      sons (or in the case of a tender offer, the acquiring person)  
25      file notification pursuant to rules under subsection (d)(1)

1 and the waiting period described in subsection (b)(1) has  
2 expired, if—

3 “(1) the acquiring person, or the person whose  
4 voting securities or assets are being acquired, is en-  
5 gaged in commerce or in any activity affecting com-  
6 merce; and

7 “(2) as a result of such acquisition, the acquir-  
8 ing person would hold an aggregate total amount of  
9 the voting securities and assets of the acquired  
10 person—

11 “(A) in excess of \$200,000,000 (as ad-  
12 justed and published for each fiscal year begin-  
13 ning after September 30, 2004, in the same  
14 manner as provided in section 8(a)(5) to reflect  
15 the percentage change in the gross national  
16 product for such fiscal year compared to the  
17 gross national product for the year ending Sep-  
18 tember 30, 2003); or

19 “(B)(i) in excess of \$50,000,000 (as so ad-  
20 justed and published) but not in excess of  
21 \$200,000,000 (as so adjusted and published);  
22 and

23 “(ii)(I) any voting securities or assets of a  
24 person engaged in manufacturing which has an-  
25 nual net sales or total assets of \$10,000,000

1 (as so adjusted and published) or more are  
2 being acquired by any person which has total  
3 assets or annual net sales of \$100,000,000 (as  
4 so adjusted and published) or more;

5 “(II) any voting securities or assets of a  
6 person not engaged in manufacturing which has  
7 total assets of \$10,000,000 (as so adjusted and  
8 published) or more are being acquired by any  
9 person which has total assets or annual net  
10 sales of \$100,000,000 (as so adjusted and pub-  
11 lished) or more; or

12 “(III) any voting securities or assets of a  
13 person with annual net sales or total assets of  
14 \$100,000,000 (as so adjusted and published) or  
15 more are being acquired by any person with  
16 total assets or annual net sales of \$10,000,000  
17 (as so adjusted and published) or more.

18 In the case of a tender offer, the person whose voting secu-  
19 rities are sought to be acquired by a person required to  
20 file notification under this subsection shall file notification  
21 pursuant to rules under subsection (d).”.

22 (b) Section 605 of title VI of Public Law 101–162  
23 (15 U.S.C. 18a note) is amended—

24 (1) by inserting “(a)” after “SEC. 605.”,

25 (2) in the 1st sentence—

1 (A) by striking “at \$45,000” and inserting  
2 “in subsection (b)”, and

3 (B) by striking “Hart-Scott-Rodino Anti-  
4 trust Improvements Act of 1976” and inserting  
5 “section 7A of the Clayton Act”, and

6 (3) by adding at the end the following:

7 “(b) The filing fees referred to in subsection (a)  
8 are—

9 “(1) \$45,000 if the aggregate total amount de-  
10 termined under section 7A(a)(2) of the Clayton Act  
11 (15 U.S.C. 18a(a)(2)) is less than \$100,000,000 (as  
12 adjusted and published for each fiscal year begin-  
13 ning after September 30, 2004, in the same manner  
14 as provided in section 8(a)(5) of the Clayton Act (15  
15 U.S.C. 19(a)(5)) to reflect the percentage change in  
16 the gross national product for such fiscal year com-  
17 pared to the gross national product for the year end-  
18 ing September 30, 2003);

19 “(2) \$125,000 if the aggregate total amount  
20 determined under section 7A(a)(2) of the Clayton  
21 Act (15 U.S.C. 18a(a)(2)) is not less than  
22 \$100,000,000 (as so adjusted and published) but  
23 less than \$500,000,000 (as so adjusted and pub-  
24 lished); and

1           “(3) \$280,000 if the aggregate total amount  
2 determined under section 7A(a)(2) of the Clayton  
3 Act (15 U.S.C. 18a(a)(2)) is not less than  
4 \$500,000,000 (as so adjusted and published).”,

5           (4) by striking “States.” and inserting  
6 “States”, and

7           (5) by adding a period at the end.

8           (c) Section 7A(e)(1) of the Clayton Act (15 U.S.C.  
9 18a(e)(1)) is amended)—

10           (1) by inserting “(A)” after “(1)”, and

11           (2) by inserting at the end the following:

12           “(B)(i) The Assistant Attorney General and the Fed-  
13 eral Trade Commission shall each designate a senior offi-  
14 cial who does not have direct responsibility for the review  
15 of any enforcement recommendation under this section  
16 concerning the transaction at issue, to hear any petition  
17 filed by such person to determine—

18           “(I) whether the request for additional informa-  
19 tion or documentary material is unreasonably cumu-  
20 lative, unduly burdensome, or duplicative; or

21           “(II) whether the request for additional infor-  
22 mation or documentary material has been substan-  
23 tially complied with by the petitioning person.

24           “(ii) Internal review procedures for petitions filed  
25 pursuant to clause (i) shall include reasonable deadlines

1 for expedited review of such petitions, after reasonable ne-  
2 gotiations with investigative staff, in order to avoid undue  
3 delay of the merger review process.

4 “(iii) Not later than 90 days after the date of the  
5 enactment of this Act, the Assistant Attorney General and  
6 the Federal Trade Commission shall conduct an internal  
7 review and implement reforms of the merger review proc-  
8 ess in order to eliminate unnecessary burden, remove cost-  
9 ly duplication, and eliminate undue delay, in order to  
10 achieve a more effective and more efficient merger review  
11 process.

12 “(iv) Not later than 120 days after the date of enact-  
13 ment of this Act, the Assistant Attorney General and the  
14 Federal Trade Commission shall issue or amend their re-  
15 spective industry guidance, regulations, operating manuals  
16 and relevant policy documents, to the extent appropriate,  
17 to implement each reform in this subparagraph.

18 “(v) Not later than 180 days after the date the of  
19 enactment of this Act, the Assistant Attorney General and  
20 the Federal Trade Commission shall each report to  
21 Congress—

22 “(I) which reforms each agency has adopted  
23 under this subparagraph;

24 “(II) which steps each has taken to implement  
25 such internal reforms; and

1 “(III) the effects of such reforms.”.

2 (d) Section 7A of the Clayton Act (15 U.S.C. 18a)  
3 is amended—

4 (1) in subsection (e)(2), by striking “20 days”  
5 and inserting “30 days”, and

6 (2) by adding at the end the following:

7 “(k) If the end of any period of time provided in this  
8 section falls on a Saturday, Sunday, or legal public holiday  
9 (as defined in section 6103(a) of title 5 of the United  
10 States Code), then such period shall be extended to the  
11 end of the next day that is not a Saturday, Sunday, or  
12 legal public holiday.”.

13 (e) This section and the amendments made by this  
14 section shall take effect on the 1st day of the 1st month  
15 that begins more than 30 days after the date of the enact-  
16 ment of this Act.

17 SEC. 631. (a) The Secretary of the Army is author-  
18 ized to take all necessary measures to further stabilize and  
19 renovate Lock and Dam 10 at Boonesborough, Kentucky,  
20 with the purpose of extending the design life of the struc-  
21 ture by an additional 50 years, at a total cost of  
22 \$24,000,000, with an estimated Federal cost of  
23 \$19,200,000 and an estimated non-Federal cost of  
24 \$4,800,000.

1 (b) For purposes of this section only, “stabilize and  
2 renovate” shall include, but shall not be limited to, the  
3 following activities: stabilization of the main dam, auxil-  
4 iary dam and lock; renovation of all operational aspects  
5 of the lock; and elevation of the main and auxiliary dams.

6 SEC. 632. (a)(1) The Federal Communications Com-  
7 mission shall modify the rules authorizing the operation  
8 of low-power FM radio stations, as proposed in MM Dock-  
9 et No. 99–25, to—

10 (A) prescribe minimum distance separations for  
11 third-adjacent channels (as well as for co-channels  
12 and first- and second-adjacent channels); and

13 (B) prohibit any applicant from obtaining a  
14 low-power FM license if the applicant has engaged  
15 in any manner in the unlicensed operation of any  
16 station in violation of section 301 of the Commu-  
17 nications Act of 1934 (47 U.S.C. 301).

18 (2) The Federal Communications Commission may  
19 not—

20 (A) eliminate or reduce the minimum distance  
21 separations for third-adjacent channels required by  
22 paragraph (1)(A); or

23 (B) extend the eligibility for application for low-  
24 power FM stations beyond the organizations and en-



1 titles as proposed in MM Docket No. 99–25 (47  
2 CFR 73.853),  
3 except as expressly authorized by an Act of Congress en-  
4 acted after the date of the enactment of this Act.

5 (3) Any license that was issued by the Commission  
6 to a low-power FM station prior to the date on which the  
7 Commission modifies its rules as required by paragraph  
8 (1) and that does not comply with such modifications shall  
9 be invalid.

10 (b)(1) The Federal Communications Commission  
11 shall conduct an experimental program to test whether  
12 low-power FM radio stations will result in harmful inter-  
13 ference to existing FM radio stations if such stations are  
14 not subject to the minimum distance separations for third-  
15 adjacent channels required by subsection (a). The Com-  
16 mission shall conduct such test in no more than nine FM  
17 radio markets, including urban, suburban, and rural mar-  
18 kets, by waiving the minimum distance separations for  
19 third-adjacent channels for the stations that are the sub-  
20 ject of the experimental program. At least one of the sta-  
21 tions shall be selected for the purpose of evaluating wheth-  
22 er minimum distance separations for third-adjacent chan-  
23 nels are needed for FM translator stations. The Commis-  
24 sion may, consistent with the public interest, continue  
25 after the conclusion of the experimental program to waive

1 the minimum distance separations for third-adjacent  
2 channels for the stations that are the subject of the experi-  
3 mental program.

4 (2) The Commission shall select an independent test-  
5 ing entity to conduct field tests in the markets of the sta-  
6 tions in the experimental program under paragraph (1).  
7 Such field tests shall include—

8 (A) an opportunity for the public to comment  
9 on interference; and

10 (B) independent audience listening tests to de-  
11 termine what is objectionable and harmful inter-  
12 ference to the average radio listener.

13 (3) The Commission shall publish the results of the  
14 experimental program and field tests and afford an oppor-  
15 tunity for the public to comment on such results. The Fed-  
16 eral Communications Commission shall submit a report on  
17 the experimental program and field tests to the Committee  
18 on Commerce of the House of Representatives and the  
19 Committee on Commerce, Science, and Transportation of  
20 the Senate not later than February 1, 2001. Such report  
21 shall include—

22 (A) an analysis of the experimental program  
23 and field tests and of the public comment received  
24 by the Commission;

1 (B) an evaluation of the impact of the modifica-  
2 tion or elimination of minimum distance separations  
3 for third-adjacent channels on—

4 (i) listening audiences;

5 (ii) incumbent FM radio broadcasters in  
6 general, and on minority and small market  
7 broadcasters in particular, including an analysis  
8 of the economic impact on such broadcasters;

9 (iii) the transition to digital radio for ter-  
10 restrial radio broadcasters;

11 (iv) stations that provide a reading service  
12 for the blind to the public; and

13 (v) FM radio translator stations;

14 (C) the Commission's recommendations to the  
15 Congress to reduce or eliminate the minimum dis-  
16 tance separations for third-adjacent channels re-  
17 quired by subsection (a); and

18 (D) such other information and recommenda-  
19 tions as the Commission considers appropriate.

20 SEC. 633. For an additional amount for “Small Busi-  
21 ness Administration, Salaries and Expenses”,  
22 \$40,000,000, of which \$2,500,000 shall be available for  
23 a grant to the NTTC at Wheeling Jesuit University to  
24 continue the outreach program to assist small business de-  
25 velopment; \$600,000 shall be available for a grant for

1 Western Carolina University to develop a tourism and hos-  
2 pitality curriculum; \$2,500,000 shall be available for a  
3 grant to the Bronx Museum of the Arts, New York, to  
4 develop facilities, including the Museum's participation in  
5 the Point Residency and the Community Gallery projects;  
6 \$1,000,000 shall be available for a grant to Soundview  
7 Community in Action in the Bronx, New York, for a tech-  
8 nology access and business improvement project;  
9 \$5,000,000 shall be available for the Center for Rural De-  
10 velopment, Somerset, Kentucky, for a regional program of  
11 technology workforce development; \$1,500,000 shall be  
12 available for a grant to the State University of New York  
13 to develop a facility and operate the Institute of Entrepre-  
14 neurship for small business and workforce development;  
15 \$500,000 shall be available for a grant for Pike County,  
16 Kentucky, for an interpretive development initiative;  
17 \$1,000,000 shall be available for a grant to the East Los  
18 Angeles Community Union to develop a facility;  
19 \$5,000,000 shall be available for a grant to the Southern  
20 Kentucky Tourism Development Association for a regional  
21 tourism promotion initiative; \$1,500,000 shall be available  
22 for a grant for Union College, Barbourville, Kentucky, for  
23 a technology and media center; \$500,000 shall be available  
24 for a grant to the National Corrections and Law Enforce-  
25 ment Training and Technology Center, Inc., to work in

1 conjunction with the Office of Law Enforcement Tech-  
2 nology Commercialization and the Moundsville Economic  
3 Development Council for continued operations of the Na-  
4 tional Corrections and Law Enforcement Training and  
5 Technology Center, and for infrastructure improvements  
6 associated with this initiative; \$2,000,000 shall be avail-  
7 able for a grant for the City of Paintsville, Kentucky, for  
8 a regional arts and tourism center; \$200,000 shall be  
9 available for a grant for the Vandalia Heritage Founda-  
10 tion to fulfill its charter purposes; \$800,000 shall be avail-  
11 able for a grant for the Museum of Science and Industry  
12 to develop a Manufacturing Learning Center; \$200,000  
13 shall be available for a grant to Rural Enterprises, Inc.,  
14 in Durant, Oklahoma, to continue support for a resource  
15 center for rural businesses; \$1,000,000 shall be available  
16 for a grant for Greenpoint Manufacturing and Design  
17 Center to acquire certain properties to develop a small  
18 business incubator facility; \$1,000,000 shall be available  
19 for a grant to the Long Island Bay Shore Aquarium to  
20 develop a facility; \$200,000 shall be available for a grant  
21 for Old Sturbridge Village's Threshold Project to develop  
22 an arts and tourism facility; \$1,300,000 shall be available  
23 for a grant to Pulaski County, Kentucky, for an emer-  
24 gency training center; \$2,000,000 shall be available for  
25 a grant for Promesa Enterprises in the Bronx, New York,

1 to assist community-based businesses; \$1,000,000 shall be  
2 available for a grant to the City of Oak Ridge, Tennessee,  
3 to develop a center to support technology and economic  
4 development initiatives; \$1,000,000 shall be available for  
5 a grant for the Safer Foundation to develop a facility;  
6 \$250,000 shall be available for a grant for the Johnstown  
7 Area Regional Industries Center for a Workforce Develop-  
8 ment initiative; \$600,000 shall be available for a grant for  
9 the Buckhorn Children's Foundation for a community-  
10 based youth development facility; \$250,000 shall be avail-  
11 able for a grant for the Johnstown Area Regional Indus-  
12 tries Center to continue support for the Entrepreneur  
13 Challenge 2000 small business incubator initiative;  
14 \$250,000 shall be available for a grant to the Business  
15 Development Assistance Group to establish an Entrepre-  
16 neurship Center for New Americans in Northern Virginia;  
17 \$1,000,000 shall be available for a grant for the Brother-  
18 hood Business Development and Capital Fund for a small  
19 business technical assistance and loan program; \$900,000  
20 shall be available for a grant for the Arizona Department  
21 of Public Safety for planning and design for infrastructure  
22 improvements; \$250,000 shall be available for a grant for  
23 Gadsden State Community College to develop a Center for  
24 Economic Development; \$2,000,000 shall be available for  
25 a grant to Morehead State University for a science re-

1 search and technology center; \$350,000 shall be available  
2 for a grant for the Nicholas County, Kentucky, Industrial  
3 Authority to acquire certain properties in Carlisle, Ken-  
4 tucky, to develop a small business initiative; \$350,000  
5 shall be available for a grant for Montgomery County,  
6 Kentucky, to develop an education and training facility;  
7 \$500,000 shall be available for a grant to the New York  
8 City Department of Parks and Recreation, Bronx County,  
9 to develop a river house facility; \$500,000 shall be avail-  
10 able for a grant to the New York Public Library Mott  
11 Haven Branch in the Bronx, New York, to develop a facil-  
12 ity; and \$500,000 shall be available for a grant to the  
13 Oklahoma Department of Career and Technology Edu-  
14 cation for a technology-based pilot program for vocational  
15 training for economic and job development.

16       SEC. 634. None of the funds provided in this or any  
17 previous Act, or hereinafter made available to the Depart-  
18 ment of Commerce shall be available to issue or renew,  
19 for any fishing vessel, any general or harpoon category  
20 fishing permit for Atlantic bluefin tuna that would allow  
21 the vessel—

22               (1) to use an aircraft to locate, or otherwise as-  
23               sist in fishing for, catching, or possessing Atlantic  
24               bluefin tuna; or

1           (2) to fish for, catch, or possessing Atlantic  
2 bluefin tuna located by the use of an aircraft.

3           SEC. 635. (a) This section may be cited as “Amy  
4 Boyer’s Law”.

5           (b) Congress makes the following findings:

6           (1) The inappropriate display, sale, or use of  
7 social security numbers is a significant factor in a  
8 growing range of illegal activities, including fraud,  
9 identity theft, and, in some cases, stalking and other  
10 violent crimes.

11           (2) Because social security numbers are used to  
12 track financial, health care, and other sensitive in-  
13 formation about individuals, the inappropriate sale  
14 or display of those numbers to the general public  
15 can result in serious invasions of individual privacy  
16 and facilitate the commission of criminal activity.

17           (3) The Federal Government requires virtually  
18 every individual in the United States to obtain and  
19 maintain a social security number in order to pay  
20 taxes, to qualify for social security benefits, or to  
21 seek employment. An unintended consequence of  
22 these requirements is that social security numbers  
23 have become tools that can be used to facilitate  
24 crime, fraud, and invasions of the privacy of the in-  
25 dividuals to whom the numbers are assigned. Be-



1 cause the Federal Government created and main-  
2 tains the social security number system, and because  
3 the Federal Government does not permit persons to  
4 exempt themselves from the requirements of that  
5 system, it is appropriate for the Federal Government  
6 to take steps to stem abuse of the system.

7 (4) A social security number is simply a se-  
8 quence of numbers. In no meaningful sense can the  
9 number itself impart knowledge or ideas. Persons do  
10 not sell or transfer such numbers in order to convey  
11 any particularized message, nor to express to the  
12 purchaser any ideas, knowledge, or thoughts.

13 (5) No one should seek to profit from the dis-  
14 play or sale to the general public of social security  
15 numbers in circumstances that create a substantial  
16 risk of physical, emotional, or financial harm to the  
17 individuals to whom those numbers are assigned.

18 (6) Various entities may display, sell, or use so-  
19 cial security numbers, including the private sector,  
20 the Federal Government and State governments,  
21 and Federal and State courts. Whatever the source,  
22 the inappropriate display or sale to the general pub-  
23 lic of social security numbers should be prevented.

24 (7) Congress should enact legislation that will  
25 offer an individual assigned a social security number

1 necessary protection from the display, sale, or pur-  
2 chase of the number in circumstances that might fa-  
3 cilitate unlawful conduct or that might otherwise  
4 likely result in unfair and deceptive practices.

5 (c)(1) Part A of title XI of the Social Security Act  
6 (42 U.S.C. 1301 et seq.) is amended by adding at the end  
7 the following new section:

8 “PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL  
9 SECURITY NUMBER

10 “SEC. 1150A. (a) Except as otherwise provided in  
11 this section, no person may display or sell to the general  
12 public any individual’s social security number, or any iden-  
13 tifiable derivative of such number, without the affirma-  
14 tively expressed consent, electronically or in writing, of the  
15 individual.

16 “(b) No person may obtain any individual’s social se-  
17 curity number, or any identifiable derivative of such num-  
18 ber, for purposes of locating or identifying an individual  
19 with the intent to physically injure, harm, or use the iden-  
20 tity of the individual for illegal purposes.

21 “(c) In order for consent to exist under subsection  
22 (a), the person displaying, or seeking to display, or selling  
23 or attempting to sell, an individual’s social security num-  
24 ber, or any identifiable derivative of such number, shall—

25 “(1) inform the individual of the general pur-  
26 poses for which the number will be utilized and the

1 types of persons to whom the number may be avail-  
2 able; and

3 “(2) obtain affirmatively expressed consent elec-  
4 tronically or in writing.

5 “(d) Except as set forth in subsection (b), nothing  
6 in this section shall be construed to prohibit or limit the  
7 display, sale, or use of a social security number—

8 “(1)(A) permitted, required, or excepted, ex-  
9 pressly or by implication, under section 205(c)(2),  
10 section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C.  
11 552a note; 88 Stat. 1909), section 6109(d) of the  
12 Internal Revenue Code of 1986, the Fair Credit Re-  
13 porting Act (15 U.S.C. 1681 et seq.), title V of the  
14 Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.),  
15 or the Health Insurance Portability and Account-  
16 ability Act of 1996 (Public Law 104–191; 110 Stat.  
17 1936) or the amendments made by that Act, or (B)  
18 in connection with an activity authorized under or  
19 pursuant to section 4(k) of the Bank Holding Com-  
20 pany Act of 1956 (12 U.S.C. 1843(k)), whether or  
21 not such activity is conducted by or subject to any  
22 limitations or requirements applicable to a financial  
23 holding company;

24 “(2) by a professional or commercial user who  
25 appropriately uses the information in the normal

1 course and scope of their businesses for purposes of  
2 retrieval of other information, except that the pro-  
3 fessional or commercial user may not display or sell  
4 the number (or any identifiable derivative of the  
5 number) to the general public;

6 “(3) for purposes of law enforcement, including  
7 investigation of fraud or as required under sub-  
8 chapter II of chapter 53 of title 31, United States  
9 Code, and chapter 2 of title I of Public Law 91–508  
10 (12 U.S.C. 1951-1959); or

11 “(4) that may appear in a public record includ-  
12 ing, but not limited to, proceedings or records of  
13 Federal or State courts.

14 “(e)(1) Any individual aggrieved by any act of any  
15 person in violation of this section may bring a civil action  
16 in a United States district court to recover—

17 “(A) such preliminary and equitable relief as  
18 the court determines to be appropriate; and

19 “(B) the greater of—

20 “(i) actual damages;

21 “(ii) liquidated damages of \$2,500; or

22 “(iii) in the case of a violation that was  
23 willful and resulted in profit or monetary gain,  
24 liquidated damages of \$10,000.

1       “(2) In the case of a civil action brought under para-  
2 graph (1)(B)(iii) in which the aggrieved individual has  
3 substantially prevailed, the court may assess against the  
4 respondent a reasonable attorney’s fee and other litigation  
5 costs and expenses (including expert fees) reasonably in-  
6 curred.

7       “(3) No action may be commenced under this sub-  
8 section more than 3 years after the date on which the vio-  
9 lation was or should reasonably have been discovered by  
10 the aggrieved individual.

11       “(4) The remedy provided under this subsection shall  
12 be in addition to any other lawful remedy available to the  
13 individual.

14       “(f)(1) Any person who the Commissioner of Social  
15 Security determines has violated this section shall be sub-  
16 ject, in addition to any other penalties that may be pre-  
17 scribed by law, to—

18               “(A) a civil money penalty of not more than  
19 \$5,000 for each such violation; and

20               “(B) a civil money penalty of not more than  
21 \$50,000, if violations have occurred with such fre-  
22 quency as to constitute a general business practice.

23       “(2) Any willful violation committed contempora-  
24 neously with respect to the social security numbers of 2  
25 or more individuals by means of mail, telecommunication,

1 or otherwise shall be treated as a separate violation with  
2 respect to each such individual.

3 “(3) The provisions of section 1128A (other than  
4 subsections (a), (b), (f), (h), (i), (j), and (m), and the first  
5 sentence of subsection (c)) and the provisions of sub-  
6 sections (d) and (e) of section 205 shall apply to civil  
7 money penalties under this subsection in the same manner  
8 as such provisions apply to a penalty or proceeding under  
9 section 1128A(a), except that, for purposes of this para-  
10 graph, any reference in section 1128A to the Secretary  
11 shall be deemed a reference to the Commissioner of Social  
12 Security.

13 “(g) In this section, the term ‘display or sell to the  
14 general public’ means the intentional placing of an individ-  
15 ual’s social security number, or identifying portion thereof,  
16 in a viewable manner on a web site that makes such infor-  
17 mation available to the general public, or otherwise inten-  
18 tionally communicating an individual’s social security  
19 number, or an identifying portion thereof, to the general  
20 public.

21 “(h) Nothing in this section shall be construed to  
22 limit the use of social security numbers by the Federal  
23 Government for governmental purposes, including any of  
24 the following purposes:

25 “(1) National security.

1           “(2) Law enforcement.

2           “(3) Public health.

3           “(4) Federal or federally-funded research con-  
4           ducted for the purposes of advancing knowledge.

5           “(5) When such numbers are required to be  
6           submitted as part of the process for applying for any  
7           type of government benefit or program.”.

8           (2) Section 208(a) of the Social Security Act (42  
9           U.S.C. 408(a)) is amended—

10           (1) in paragraph (8), by inserting “or” after  
11           the semicolon; and

12           (2) by inserting after paragraph (8), the fol-  
13           lowing new paragraphs:

14           “(9) except as provided in section 1150A(d),  
15           knowingly and willfully displays or sells to the gen-  
16           eral public (as defined in section 1150A(g)) any in-  
17           dividual’s social security number, or any identifiable  
18           derivative of such number, without the affirmatively  
19           expressed consent (as defined in section 1150A(c)),  
20           electronically or in writing, of such individual; or

21           “(10) obtains any individual’s social security  
22           number, or any identifiable derivative of such num-  
23           ber, for purposes of locating or identifying an indi-  
24           vidual with the intent to physically injure, harm, or

1 use the identity of the individual for illegal pur-  
2 poses;”.

3 (3) The amendments made by this subsection  
4 apply with respect to violations occurring on and  
5 after the date that is 2 years after the date of enact-  
6 ment of this Act.

7 (d)(1) The Comptroller General of the United States  
8 shall conduct a study of the feasibility and advisability of  
9 imposing additional limitations or prohibitions on the use  
10 of social security numbers in public records.

11 (2) Not later than 1 year after the date of enactment  
12 of this section, the Comptroller General shall submit to  
13 Congress a report on the study conducted under para-  
14 graph (1). The report shall include a detailed description  
15 of the activities and results of the study and such rec-  
16 ommendations for legislative action as the Comptroller  
17 General considers appropriate.

18 SEC. 636. The Cuyahoga Valley National Park shall  
19 not be redesignated as a Class I area under title I, Part  
20 C of the Clean Air Act, 42 U.S.C. sections 7470–7479.



1 TITLE VII—RESCISSIONS  
2 DEPARTMENT OF JUSTICE  
3 DRUG ENFORCEMENT ADMINISTRATION  
4 DRUG DIVERSION CONTROL FEE ACCOUNT  
5 (RESCISSION)

6 Amounts otherwise available for obligation in fiscal  
7 year 2001 for the Drug Diversion Control Fee Account  
8 are reduced by \$8,000,000.

9 RELATED AGENCIES  
10 DEPARTMENT OF TRANSPORTATION  
11 MARITIME ADMINISTRATION  
12 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM  
13 ACCOUNT  
14 (RESCISSION)

15 Of the funds provided under this heading in Public  
16 Law 104–208, \$7,644,000 are rescinded.

17 TITLE VIII—DEBT REDUCTION AND OTHER  
18 MATTER

19 DEPARTMENT OF THE TREASURY  
20 BUREAU OF THE PUBLIC DEBT  
21 GIFTS TO THE UNITED STATES FOR REDUCTION OF THE  
22 PUBLIC DEBT

23 For deposit on November 1, 2000, of an additional  
24 amount into the account established under section  
25 3113(d) of title 31, United States Code, to reduce the pub-  
26 lic debt, the amount equal to the difference between

1 \$240,088,000,000 and the aggregate amount deposited  
2 into this account in other appropriation Acts for fiscal  
3 year 2001 enacted before such date.

4 GENERAL PROVISION

5 SEC. 801. Beginning on the first day of the 107th  
6 Congress, the Presiding officer of the Senate shall apply  
7 all of the precedents of the Senate under Rule XXVIII  
8 in effect at the conclusion of the 103rd Congress. Further  
9 that there is now in effect a Standing order of the Senate  
10 that the reading of conference reports, are no longer re-  
11 quired, if the said conference report is available in the  
12 Senate.

13 TITLE IX—WILDLIFE, OCEAN AND COASTAL  
14 CONSERVATION

15 **SEC. 901. WILDLIFE CONSERVATION AND RESTORATION**  
16 **PLANNING.**

17 For expenses necessary to support activities that sup-  
18 plement, but not replace, existing funding available to the  
19 States and territories from the sport fish restoration ac-  
20 count and wildlife restoration account and shall be used  
21 for the development, revision, and implementation of wild-  
22 life conservation and restoration plans and programs,  
23 \$50,000,000, to remain available until expended: *Pro-*  
24 *vided*, That these funds may be used by a State, territory  
25 or an Indian Tribe for the planning and implementation  
26 of its wildlife conservation and restoration program and

1 wildlife conservation strategy, including wildlife conserva-  
2 tion, wildlife conservation education, and wildlife-associ-  
3 ated recreation projects: *Provided further*, That the Sec-  
4 retary, after deducting administrative expenses shall make  
5 the following apportionment from the Wildlife Conserva-  
6 tion and Restoration Account: (A) to the District of Co-  
7 lumbia and to the Commonwealth of Puerto Rico, each  
8 a sum equal to not more than one-half of 1 percent there-  
9 of; (B) to Guam, American Samoa, the Virgin Islands, and  
10 the Commonwealth of the Northern Mariana Islands, each  
11 a sum equal to not more than one-fourth of 1 percent  
12 thereof: *Provided further*, That the Secretary shall appor-  
13 tion the remaining amount in the Wildlife Conservation  
14 and Restoration Account for each year among the States  
15 in the following manner: (A) one-third of which is based  
16 on the ratio to which the land area of such State bears  
17 to the total land area of all such States; and, (B) two-  
18 thirds of which is based on the ratio to which the popu-  
19 lation of such State bears to the total population of all  
20 such States: *Provided further*, That the amounts appor-  
21 tioned under this paragraph shall be adjusted equitably  
22 so that no State shall be apportioned a sum which is less  
23 than 1 percent of the amount available for apportionment  
24 under this paragraph for any fiscal year or more than 5  
25 percent of such amount: *Provided further*, That no State,

1 territory or other jurisdiction shall receive a grant unless  
2 it has certified to the Service that it has in place, or has  
3 agreed to develop by a mutually agreed date certain, a  
4 wildlife conservation strategy and plan.

5 **SEC. 902. WILDLIFE CONSERVATION AND RESTORATION.**

6 (a) PURPOSES.—The purposes of this section are—

7 (1) to extend financial and technical assistance  
8 to the States under the Federal Aid to Wildlife Res-  
9 toration Act for the benefit of a diverse array of  
10 wildlife and associated habitats, including species  
11 that are not hunted or fished, to fulfill unmet needs  
12 of wildlife within the States in recognition of the pri-  
13 mary role of the States to conserve all wildlife;

14 (2) to assure sound conservation policies  
15 through the development, revision, and implementa-  
16 tion of a comprehensive wildlife conservation and  
17 restoration plan;

18 (3) to encourage State fish and wildlife agencies  
19 to participate with the Federal Government, other  
20 State agencies, wildlife conservation organizations  
21 and outdoor recreation and conservation interests  
22 through cooperative planning and implementation of  
23 this title; and

24 (4) to encourage State fish and wildlife agencies  
25 to provide for public involvement in the process of

1 development and implementation of a wildlife con-  
2 servation and restoration program.

3 (b) REFERENCE TO LAW.—In this section, the term  
4 “Federal Aid in Wildlife Restoration Act” means the Act  
5 of September 2, 1937 (16 U.S.C. 669 et seq.), commonly  
6 referred to as the Federal Aid in Wildlife Restoration Act  
7 or the Pittman-Robertson Act.

8 (c) DEFINITIONS.—Section 2 of the Federal Aid in  
9 Wildlife Restoration Act (16 U.S.C. 669a) is amended to  
10 read as follows:

11 **“SEC. 2. DEFINITIONS.**

12 “As used in this Act—

13 “(1) the term ‘conservation’ means the use of  
14 methods and procedures necessary or desirable to  
15 sustain healthy populations of wildlife, including all  
16 activities associated with scientific resources man-  
17 agement such as research, census, monitoring of  
18 populations, acquisition, improvement and manage-  
19 ment of habitat, live trapping and transplantation,  
20 wildlife damage management, and periodic or total  
21 protection of a species or population, as well as the  
22 taking of individuals within wildlife stock or popu-  
23 lation if permitted by applicable State and Federal  
24 law;

1           “(2) the term ‘Secretary’ means the Secretary  
2 of the Interior;

3           “(3) the term ‘State fish and game department’  
4 or ‘State fish and wildlife department’ means any  
5 department or division of department of another  
6 name, or commission, or official or officials, of a  
7 State empowered under its laws to exercise the func-  
8 tions ordinarily exercised by a State fish and game  
9 department or State fish and wildlife department.

10           “(4) the term ‘wildlife’ means any species of  
11 wild, free-ranging fauna including fish, and also  
12 fauna in captive breeding programs the object of  
13 which is to reintroduce individuals of a depleted in-  
14 digenous species into previously occupied range;

15           “(5) the term ‘wildlife-associated recreation’  
16 means projects intended to meet the demand for  
17 outdoor activities associated with wildlife including,  
18 but not limited to, hunting and fishing, wildlife ob-  
19 servation and photography, such projects as con-  
20 struction or restoration of wildlife viewing areas, ob-  
21 servation towers, blinds, platforms, land and water  
22 trails, water access, field trialing, trail heads, and  
23 access for such projects;

24           “(6) the term ‘wildlife conservation and restora-  
25 tion program’ means a program developed by a

1 State fish and wildlife department and approved by  
2 the Secretary under section 304(d), the projects that  
3 constitute such a program, which may be imple-  
4 mented in whole or part through grants and con-  
5 tracts by a State to other State, Federal, or local  
6 agencies (including those that gather, evaluate, and  
7 disseminate information on wildlife and their habi-  
8 tats), wildlife conservation organizations, and out-  
9 door recreation and conservation education entities  
10 from funds apportioned under this title, and mainte-  
11 nance of such projects;

12 “(7) the term ‘wildlife conservation education’  
13 means projects, including public outreach, intended  
14 to foster responsible natural resource stewardship;  
15 and

16 “(8) the term ‘wildlife-restoration project’ in-  
17 cludes the wildlife conservation and restoration pro-  
18 gram and means the selection, restoration, rehabili-  
19 tation, and improvement of areas of land or water  
20 adaptable as feeding, resting, or breeding places for  
21 wildlife, including acquisition of such areas or es-  
22 tates or interests therein as are suitable or capable  
23 of being made suitable therefor, and the construction  
24 thereon or therein of such works as may be nec-  
25 essary to make them available for such purposes and

1 also including such research into problems of wildlife  
2 management as may be necessary to efficient admin-  
3 istration affecting wildlife resources, and such pre-  
4 liminary or incidental costs and expenses as may be  
5 incurred in and about such projects.”.

6 (d) WILDLIFE CONSERVATION AND RESTORATION  
7 ACCOUNT.—Section 3 of the Federal Aid in Wildlife Res-  
8 toration Act (16 U.S.C. 669b) is amended—

9 (1) in subsection (a) by inserting “(1)” after  
10 “(a)”, and by adding at the end the following:

11 “(2) There is established in the Federal aid to  
12 wildlife restoration fund a subaccount to be known  
13 as the ‘Wildlife Conservation and Restoration Ac-  
14 count’. There are authorized to be appropriated for  
15 the purposes of the Wildlife Conservation and Res-  
16 toration Account \$50,000,000 in fiscal year 2001 for  
17 apportionment in accordance with this Act to carry  
18 out State wildlife conservation and restoration pro-  
19 grams. Further, interest on amounts transferred  
20 shall be treated in a manner consistent with 16  
21 U.S.C. 669(b)(1)).”; and

22 (2) by adding at the end the following:

23 “(c)(1) Amounts transferred to the Wildlife Con-  
24 servation and Restoration Account shall supplement, but  
25 not replace, existing funds available to the States from the



1 sport fish restoration account and wildlife restoration ac-  
2 count and shall be used for the development, revision, and  
3 implementation of wildlife conservation and restoration  
4 programs and should be used to address the unmet needs  
5 for a diverse array of wildlife and associated habitats, in-  
6 cluding species that are not hunted or fished, for wildlife  
7 conservation, wildlife conservation education, and wildlife-  
8 associated recreation projects. Such funds may be used for  
9 new programs and projects as well as to enhance existing  
10 programs and projects.

11 “(2) Funds may be used by a State or an Indian tribe  
12 for the planning and implementation of its wildlife con-  
13 servation and restoration program and wildlife conserva-  
14 tion strategy, as provided in sections 4(d) and (e) of this  
15 Act, including wildlife conservation, wildlife conservation  
16 education, and wildlife-associated recreation projects.  
17 Such funds may be used for new programs and projects  
18 as well as to enhance existing programs and projects.

19 “(3) Priority for funding from the Wildlife Conserva-  
20 tion and Restoration Account shall be for those species  
21 with the greatest conservation need as defined by the  
22 State wildlife conservation and restoration program.

23 “(d) Notwithstanding subsections (a) and (b) of this  
24 section, with respect to amounts transferred to the Wild-  
25 life Conservation and Restoration Account, so much of

1 such amounts apportioned to any State for any fiscal year  
2 as remains unexpended at the close thereof shall remain  
3 available for obligation in that State until the close of the  
4 second succeeding fiscal year.”.

5 (e) APPORTIONMENTS OF AMOUNTS.—Section 4 of  
6 the Federal Aid in Wildlife Restoration Act (16 U.S.C.  
7 669c) is amended by adding at the end the following new  
8 subsection:

9 “(c) APPORTIONMENT OF WILDLIFE CONSERVATION  
10 AND RESTORATION ACCOUNT.—

11 “(1) The Secretary of the Interior shall make  
12 the following apportionment from the Wildlife Con-  
13 servation and Restoration Account:

14 “(A) to the District of Columbia and to  
15 the Commonwealth of Puerto Rico, each a sum  
16 equal to not more than one-half of 1 percent  
17 thereof.

18 “(B) to Guam, American Samoa, the Vir-  
19 gin Islands, and the Commonwealth of the  
20 Northern Mariana Islands, each a sum equal to  
21 not more than one-fourth of 1 percent thereof.

22 “(2)(A) The Secretary of the Interior, after  
23 making the apportionment under paragraph (1),  
24 shall apportion the remaining amount in the Wildlife

1 Conservation and Restoration Account for each fis-  
2 cal year among the States in the following manner:

3 “(i) one-third of which is based on the  
4 ratio to which the land area of such State bears  
5 to the total land area of all such States; and

6 “(ii) two-thirds of which is based on the  
7 ratio to which the population of such State  
8 bears to the total population of all such States.

9 “(B) The amounts apportioned under this para-  
10 graph shall be adjusted equitably so that no such  
11 State shall be apportioned a sum which is less than  
12 one percent of the amount available for apportion-  
13 ment under this paragraph for any fiscal year or  
14 more than five percent of such amount.

15 “(3) Of the amounts transferred to the Wildlife  
16 Conservation and Restoration Account, not to exceed  
17 3 percent shall be available for any Federal expenses  
18 incurred in the administration and execution of pro-  
19 grams carried out with such amounts.

20 “(d) WILDLIFE CONSERVATION AND RESTORATION  
21 PROGRAMS.—

22 “(1) Any State, through its fish and wildlife de-  
23 partment, may apply to the Secretary of the Interior  
24 for approval of a wildlife conservation and restora-  
25 tion program, or for funds from the Wildlife Con-

1        servation and Restoration Account, to develop a pro-  
2        gram. To apply, a State shall submit a comprehen-  
3        sive plan that includes—

4                “(A) provisions vesting in the fish and  
5                wildlife department of the State overall respon-  
6                sibility and accountability for the program;

7                “(B) provisions for the development and  
8                implementation of—

9                        “(i) wildlife conservation projects that  
10                        expand and support existing wildlife pro-  
11                        grams, giving appropriate consideration to  
12                        all wildlife;

13                        “(ii) wildlife-associated recreation  
14                        projects; and

15                        “(iii) wildlife conservation education  
16                        projects pursuant to programs under sec-  
17                        tion 8(a); and

18                “(C) provisions to ensure public participa-  
19                tion in the development, revision, and imple-  
20                mentation of projects and programs required  
21                under this paragraph.

22                “(D) WILDLIFE CONSERVATION STRAT-  
23                EGY.—Within five years of the date of the ini-  
24                tial apportionment, develop and begin imple-  
25                mentation of a wildlife conservation strategy

1 based upon the best available and appropriate  
2 scientific information and data that—

3 “(i) uses such information on the dis-  
4 tribution and abundance of species of wild-  
5 life, including low population and declining  
6 species as the State fish and wildlife de-  
7 partment deems appropriate, that are in-  
8 dicative of the diversity and health of wild-  
9 life of the State;

10 “(ii) identifies the extent and condi-  
11 tion of wildlife habitats and community  
12 types essential to conservation of species  
13 identified under paragraph (1);

14 “(iii) identifies the problems which  
15 may adversely affect the species identified  
16 under paragraph (1) or their habitats, and  
17 provides for priority research and surveys  
18 to identify factors which may assist in res-  
19 toration and more effective conservation of  
20 such species and their habitats;

21 “(iv) determines those actions which  
22 should be taken to conserve the species  
23 identified under paragraph (1) and their  
24 habitats and establishes priorities for im-  
25 plementing such conservation actions;

1           “(v) provides for periodic monitoring  
2 of species identified under paragraph (1)  
3 and their habitats and the effectiveness of  
4 the conservation actions determined under  
5 paragraph (4), and for adapting conserva-  
6 tion actions as appropriate to respond to  
7 new information or changing conditions;

8           “(vi) provides for the review of the  
9 State wildlife conservation strategy and, if  
10 appropriate, revision at intervals of not  
11 more than ten years;

12           “(vii) provides for coordination to the  
13 extent feasible the State fish and wildlife  
14 department, during the development, im-  
15 plementation, review, and revision of the  
16 wildlife conservation strategy, with Fed-  
17 eral, State, and local agencies and Indian  
18 tribes that manage significant areas of  
19 land or water within the State, or admin-  
20 ister programs that significantly affect the  
21 conservation of species identified under  
22 paragraph (1) or their habitats.

23           “(2) A State shall provide an opportunity for  
24 public participation in the development of the com-  
25 prehensive plan required under paragraph (1).

1           “(3) If the Secretary finds that the comprehen-  
2           sive plan submitted by a State complies with para-  
3           graph (1), the Secretary shall approve the wildlife  
4           conservation and restoration program of the State  
5           and set aside from the apportionment to the State  
6           made pursuant to subsection (c) an amount that  
7           shall not exceed 75 percent of the estimated cost of  
8           developing and implementing the program.

9           “(4)(A) Except as provided in subparagraph  
10          (B), after the Secretary approves a State’s wildlife  
11          conservation and restoration program, the Secretary  
12          may make payments on a project that is a segment  
13          of the State’s wildlife conservation and restoration  
14          program as the project progresses. Such payments,  
15          including previous payments on the project, if any,  
16          shall not be more than the United States pro rata  
17          share of such project. The Secretary, under such  
18          regulations as he may prescribe, may advance funds  
19          representing the United States pro rata share of a  
20          project that is a segment of a wildlife conservation  
21          and restoration program, including funds to develop  
22          such program.

23          “(B) Not more than 10 percent of the amounts  
24          apportioned to each State under this section for a

1 State’s wildlife conservation and restoration program  
2 may be used for wildlife-associated recreation.

3 “(5) For purposes of this subsection, the term  
4 ‘State’ shall include the District of Columbia, the  
5 Commonwealth of Puerto Rico, the Virgin Islands,  
6 Guam, American Samoa, and the Commonwealth of  
7 the Northern Mariana Islands.”.

8 (f) FACA.—Coordination with State fish and wildlife  
9 agency personnel or with personnel of other State agencies  
10 pursuant to the Federal Aid in Wildlife Restoration Act  
11 or the Federal Aid in Sport Fish Restoration Act shall  
12 not be subject to the Federal Advisory Committee Act (5  
13 U.S.C. App.). Except for the preceding sentence, the pro-  
14 visions of this title relate solely to wildlife conservation and  
15 restoration programs and shall not be construed to affect  
16 the provisions of the Federal Aid in Wildlife Restoration  
17 Act relating to wildlife restoration projects or the provi-  
18 sions of the Federal Aid in Sport Fish Restoration Act  
19 relating to fish restoration and management projects.

20 (g) EDUCATION.—Section 8(a) of the Federal Aid in  
21 Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended  
22 by adding the following at the end thereof: “Funds from  
23 the Wildlife Conservation and Restoration Account may  
24 be used for a wildlife conservation education program, ex-  
25 cept that no such funds may be used for education efforts,



1 projects, or programs that promote or encourage opposi-  
2 tion to the regulated taking of wildlife.”.

3 (h) PROHIBITION AGAINST DIVERSION.—No des-  
4 igned State agency shall be eligible to receive matching  
5 funds under this title if sources of revenue available to  
6 it after January 1, 2000, for conservation of wildlife are  
7 diverted for any purpose other than the administration of  
8 the designated State agency, it being the intention of Con-  
9 gress that funds available to States under this title be  
10 added to revenues from existing State sources and not  
11 serve as a substitute for revenues from such sources. Such  
12 revenues shall include interest, dividends, or other income  
13 earned on the foregoing.

14 (i) NORTH AMERICAN WETLANDS CONSERVATION  
15 ACT.—Section 7(c) of the North American Wetlands Con-  
16 servation Act (16 U.S.C. 4406(c)) is amended by striking  
17 “\$30,000,000” and inserting “\$50,000,000”.

18 **SEC. 903. COASTAL IMPACT ASSISTANCE.**

19 The Outer Continental Shelf Lands Act (43 U.S.C.  
20 1331 et seq.) is amended by adding at the end the fol-  
21 lowing:

22 **“SEC. 31. COASTAL IMPACT ASSISTANCE.**

23 “(a) IN GENERAL.—Nothing in this section shall be  
24 construed as a permanent authorization.

25 “(b) DEFINITIONS.—When used in this section:

1           “(1) The term ‘coastal political subdivision’  
2 means a county, parish, or any equivalent subdivi-  
3 sion of a Producing Coastal State all or part of  
4 which subdivision lies within the coastal zone (as de-  
5 fined in section 304(1) of the Coastal Zone Manage-  
6 ment Act of 1972 (16 U.S.C. 1453(1)).

7           “(2) The term ‘coastal population’ means the  
8 population of all political subdivisions, as determined  
9 by the most recent official data of the Census Bu-  
10 reau, contained in whole or in part within the des-  
11 ignated coastal boundary of a State as defined in a  
12 State’s coastal zone management program under the  
13 Coastal Zone Management Act (16 U.S.C. 1451 et  
14 seq.).

15           “(3) The term ‘Coastal State’ has the same  
16 meaning as provided by subsection 304(4) of the  
17 Coastal Zone Management Act (16 U.S.C. 1453(4)).

18           “(4) The term ‘coastline’ has the same meaning  
19 as the term ‘coast line’ as defined in subsection 2(c)  
20 of the Submerged Lands Act (43 U.S.C. 1301(c)).

21           “(5) The term ‘distance’ means minimum great  
22 circle distance, measured in statute miles.

23           “(6) The term ‘leased tract’ means a tract  
24 maintained under section 6 or leased under section

1 8 for the purpose of drilling for, developing, and pro-  
2 ducing oil and natural gas resources.

3 “(7) The term ‘Producing Coastal State’ means  
4 a Coastal State with a coastal seaward boundary  
5 within 200 miles from the geographic center of a  
6 leased tract other than a leased tract within any  
7 area of the Outer Continental Shelf where a morato-  
8 rium on new leasing was in effect as of January 1,  
9 2000, unless the lease was issued prior to the estab-  
10 lishment of the moratorium and was in production  
11 on January 1, 2000.

12 “(8) The term ‘qualified Outer Continental  
13 Shelf revenues’ means all amounts received by the  
14 United States from each leased tract or portion of  
15 a leased tract lying seaward of the zone defined and  
16 governed by section 8(g) of this Act, or lying within  
17 such zone but to which section 8(g) does not apply,  
18 the geographic center of which lies within a distance  
19 of 200 miles from any part of the coastline of any  
20 Coastal State, including bonus bids, rents, royalties  
21 (including payments for royalties taken in kind and  
22 sold), net profit share payments, and related late  
23 payment interest. Such term does not include any  
24 revenues from a leased tract or portion of a leased  
25 tract that is included within any area of the Outer

1 Continental Shelf where a moratorium on new leas-  
2 ing was in effect as of January 1, 2000, unless the  
3 lease was issued prior to the establishment of the  
4 moratorium and was in production on January 1,  
5 2000.

6 “(9) The term ‘Secretary’ means the Secretary  
7 of Commerce.

8 “(c) AUTHORIZATION.—For fiscal year 2001,  
9 \$150,000,000 is authorized to be appropriated for the  
10 purposes of this section.

11 “(d) IMPACT ASSISTANCE PAYMENTS TO STATES  
12 AND POLITICAL SUBDIVISIONS.—The Secretary shall  
13 make payments from the amounts available under this sec-  
14 tion to Producing Coastal States with an approved Coastal  
15 Impact Assistance Plan, and to coastal political subdivi-  
16 sions as follows:

17 “(1) ALLOCATIONS TO PRODUCING COASTAL  
18 STATES.—In each fiscal year, each Producing Coast-  
19 al State’s allocable share shall be equal to the sum  
20 of the following:

21 “(A) 60 percent of the amounts appro-  
22 priated shall be equally divided among all Pro-  
23 ducing Coastal States;

24 “(B) 40 percent of the amounts appro-  
25 priated for the purposes of this section shall be

1           divided among Producing Coastal States based  
2           on Outer Continental Shelf production, except  
3           that of such amounts no Producing Coastal  
4           State may receive more than 25 percent in any  
5           fiscal year.

6           “(2) CALCULATION.—The amount for each Pro-  
7           ducing Coastal State under paragraph (1)(B) shall  
8           be calculated based on the ratio of qualified OCS  
9           revenues generated off the coastline of the Pro-  
10          ducing Coastal State to the qualified OCS revenues  
11          generated off the coastlines of all Producing Coastal  
12          States for the period beginning on January 1, 1995  
13          and ending on December 31, 2000. Where there is  
14          more than one Producing Coastal State within 200  
15          miles of a leased tract, the amount of each Pro-  
16          ducing Coastal State’s payment under paragraph  
17          (1)(B) for such leased tract shall be inversely pro-  
18          portional to the distance between the nearest point  
19          on the coastline of such State and the geographic  
20          center of each leased tract or portion of the leased  
21          tract (to the nearest whole mile) that is within 200  
22          miles of that coastline, as determined by the Sec-  
23          retary. A leased tract or portion of a leased tract  
24          shall be excluded if the tract or portion is located in  
25          a geographic area where a moratorium on new leas-

1       ing was in effect on January 1, 2000, unless the  
2       lease was issued prior to the establishment of the  
3       moratorium and was in production on January 1,  
4       2000.

5               “(3) PAYMENTS TO COASTAL POLITICAL SUB-  
6       DIVISIONS.—Thirty-five percent of each Producing  
7       Coastal State’s allocable share as determined under  
8       paragraph (1) shall be paid directly to the coastal  
9       political subdivisions by the Secretary based on the  
10      following formula, except that a coastal political sub-  
11      division in the State of California that has a coastal  
12      shoreline, that is not within 200 miles of the geo-  
13      graphic center of a leased tract or portion of a  
14      leased tract, and in which there is located one or  
15      more oil refineries shall be eligible for that portion  
16      of the allocation described in paragraph (C) in the  
17      same manner as if that political subdivision were lo-  
18      cated within a distance of 50 miles from the geo-  
19      graphic center of the closest leased tract with quali-  
20      fied Outer Continental Shelf revenues:

21               “(A) Twenty-five percent shall be allocated  
22               based on the ratio of such coastal political sub-  
23               division’s coastal population to the coastal pop-  
24               ulation of all coastal political subdivisions in the  
25               Producing Coastal State.

1           “(B) Twenty-five percent shall be allocated  
2 based on the ratio of such coastal political sub-  
3 division’s coastline miles to the coastline miles  
4 of all coastal political subdivisions in the Pro-  
5 ducing Coastal State.

6           “(C) Fifty percent shall be allocated based  
7 on the relative distance of such coastal political  
8 subdivision from any leased tract used to cal-  
9 culate that Producing Coastal State’s allocation  
10 using ratios that are inversely proportional to  
11 the distance between the point in the coastal  
12 political subdivision closest to the geographic  
13 center of each leased tract or portion, as deter-  
14 mined by the Secretary. For purposes of the  
15 calculations under this subparagraph, a leased  
16 tract or portion of a leased tract shall be ex-  
17 cluded if the leased tract or portion is located  
18 in a geographic area where a moratorium on  
19 new leasing was in effect on January 1, 2000,  
20 unless the lease was issued prior to the estab-  
21 lishment of the moratorium and was in produc-  
22 tion on January 1, 2000.

23           “(4) FAILURE TO HAVE PLAN APPROVED.—Any  
24 amount allocated to a Producing Coastal State or  
25 coastal political subdivision but not disbursed be-

1 cause of a failure to have an approved Coastal Im-  
2 pact Assistance Plan under this section shall be allo-  
3 cated equally by the Secretary among all other Pro-  
4 ducing Coastal States in a manner consistent with  
5 this subsection except that the Secretary shall hold  
6 in escrow such amount until the final resolution of  
7 any appeal regarding the disapproval of a plan sub-  
8 mitted under this section. The Secretary may waive  
9 the provisions of this paragraph and hold a Pro-  
10 ducing Coastal State's allocable share in escrow if  
11 the Secretary determines that such State is making  
12 a good faith effort to develop and submit, or update,  
13 a Coastal Impact Assistance Plan.

14 “(e) COASTAL IMPACT ASSISTANCE PLAN.—

15 “(1) DEVELOPMENT AND SUBMISSION OF  
16 STATE PLANS.—The Governor of each Producing  
17 Coastal State shall prepare, and submit to the Sec-  
18 retary, a Coastal Impact Assistance Plan. The Gov-  
19 ernor shall solicit local input and shall provide for  
20 public participation in the development of the plan.  
21 The plan shall be submitted to the Secretary by July  
22 1, 2001. Amounts received by Producing Coastal  
23 States and coastal political subdivisions may be used  
24 only for the purposes specified in the Producing  
25 Coastal State's Coastal Impact Assistance Plan.



1           “(2) APPROVAL.—The Secretary shall approve  
2 a plan under paragraph (1) prior to disbursement of  
3 amounts under this section. The Secretary shall ap-  
4 prove the plan if the Secretary determines that the  
5 plan is consistent with the uses set forth in sub-  
6 section (f) and if the plan contains each of the fol-  
7 lowing:

8           “(A) The name of the State agency that  
9 will have the authority to represent and act for  
10 the State in dealing with the Secretary for pur-  
11 poses of this section.

12           “(B) A program for the implementation of  
13 the plan which describes how the amounts pro-  
14 vided under this section will be used.

15           “(C) A contact for each political subdivi-  
16 sion and description of how coastal political  
17 subdivisions will use amounts provided under  
18 this section, including a certification by the  
19 Governor that such uses are consistent with the  
20 requirements of this section.

21           “(D) Certification by the Governor that  
22 ample opportunity has been accorded for public  
23 participation in the development and revision of  
24 the plan.

1           “(E) Measures for taking into account  
2           other relevant Federal resources and programs.

3           “(3) PROCEDURE.—The Secretary shall ap-  
4           prove or disapprove each plan or amendment within  
5           90 days of its submission.

6           “(4) AMENDMENT.—Any amendment to the  
7           plan shall be prepared in accordance with the re-  
8           quirements of this subsection and shall be submitted  
9           to the Secretary for approval or disapproval.

10          “(f) AUTHORIZED USES.—Producing Coastal States  
11          and coastal political subdivisions shall use amounts pro-  
12          vided under this section, including any such amounts de-  
13          posited in a State or coastal political subdivision adminis-  
14          tered trust fund dedicated to uses consistent with this sub-  
15          section, in compliance with Federal and State law and only  
16          for one or more of the following purposes:

17               “(1) uses set forth in new section 32(e)(4) of  
18               the Outer Continental Shelf Lands Act (43 U.S.C.  
19               1331 et seq.) proposed by the amendment to H.R.  
20               701 of the 106th Congress as reported by the Sen-  
21               ate Committee on Energy and Natural Resources;

22               “(2) projects and activities for the conservation,  
23               protection or restoration of wetlands;

24               “(3) mitigating damage to fish, wildlife or nat-  
25               ural resources, including such activities authorized

1 under subtitle B of title IV of the Oil Pollution Act  
2 of 1990 (33 U.S.C. 1321(c), (d));

3 “(4) planning assistance and administrative  
4 costs of complying with the provisions of this sec-  
5 tion;

6 “(5) implementation of Federally approved ma-  
7 rine, coastal, or comprehensive conservation manage-  
8 ment plans; and

9 “(6) mitigating impacts of Outer Continental  
10 Shelf activities through funding of: (A) onshore in-  
11 frastructure projects; and (B) other public service  
12 needs intended to mitigate the environmental effects  
13 of Outer Continental Shelf activities: *Provided*, That  
14 funds made available under this paragraph shall not  
15 exceed 23 percent of the funds provided under this  
16 section.

17 “(g) COMPLIANCE WITH AUTHORIZED USES.—If the  
18 Secretary determines that any expenditure made by a Pro-  
19 ducing Coastal State or coastal political subdivision is not  
20 consistent with the uses authorized in subsection (f), the  
21 Secretary shall not disburse any further amounts under  
22 this section to that Producing Coastal State or coastal po-  
23 litical subdivision until the amounts used for the incon-  
24 sistent expenditure have been repaid or obligated for au-  
25 thorized uses.”.

## 1 TITLE X—LOCAL TV ACT

2 **SEC. 1001. SHORT TITLE.**

3 This title may be cited as the “Launching Our Com-  
4 munities’ Access to Local Television Act of 2000”.

5 **SEC. 1002. PURPOSE.**

6 The purpose of this Act is to facilitate access, on a  
7 technologically neutral basis and by December 31, 2006,  
8 to signals of local television stations for households located  
9 in nonserved areas and underserved areas.

10 **SEC. 1003. LOCAL TELEVISION LOAN GUARANTEE BOARD.**

11 (a) ESTABLISHMENT.—There is established the  
12 LOCAL Television Loan Guarantee Board (in this Act re-  
13 ferred to as the “Board”).

## 14 (b) MEMBERS.—

15 (1) IN GENERAL.—Subject to paragraph (2),  
16 the Board shall consist of the following members:

17 (A) The Secretary of the Treasury, or the  
18 designee of the Secretary.

19 (B) The Chairman of the Board of Gov-  
20 ernors of the Federal Reserve System, or the  
21 designee of the Chairman.

22 (C) The Secretary of Agriculture, or the  
23 designee of the Secretary.

24 (D) The Secretary of Commerce, or the  
25 designee of the Secretary.

1           (2) REQUIREMENT AS TO DESIGNEES.—An in-  
2           dividual may not be designated a member of the  
3           Board under paragraph (1) unless the individual is  
4           an officer of the United States pursuant to an ap-  
5           pointment by the President, by and with the advice  
6           and consent of the Senate.

7           (c) FUNCTIONS OF THE BOARD.—

8           (1) IN GENERAL.—The Board shall determine  
9           whether or not to approve loan guarantees under  
10          this Act. The Board shall make such determinations  
11          consistent with the purpose of this Act and in ac-  
12          cordance with this subsection and section 4.

13          (2) CONSULTATION AUTHORIZED.—

14               (A) IN GENERAL.—In carrying out its  
15               functions under this Act, the Board shall con-  
16               sult with such departments and agencies of the  
17               Federal Government as the Board considers ap-  
18               propriate, including the Department of Com-  
19               merce, the Department of Agriculture, the De-  
20               partment of the Treasury, the Department of  
21               Justice, the Department of the Interior, the  
22               Board of Governors of the Federal Reserve Sys-  
23               tem, the Federal Communications Commission,  
24               the Federal Trade Commission, and the Na-  
25               tional Aeronautics and Space Administration.

1 (B) RESPONSE.—A department or agency  
2 consulted by the Board under subparagraph (A)  
3 shall provide the Board such expertise and as-  
4 sistance as the Board requires to carry out its  
5 functions under this Act.

6 (3) APPROVAL BY MAJORITY VOTE.—The deter-  
7 mination of the Board to approve a loan guarantee  
8 under this Act shall be by an affirmative vote of not  
9 less than 3 members of the Board.

10 **SEC. 1004. APPROVAL OF LOAN GUARANTEES.**

11 (a) AUTHORITY TO APPROVE LOAN GUARANTEES.—  
12 Subject to the provisions of this section and consistent  
13 with the purpose of this Act, the Board may approve loan  
14 guarantees under this Act.

15 (b) REGULATIONS.—

16 (1) REQUIREMENTS.—The Administrator (as  
17 defined in section 5), under the direction of and for  
18 approval by the Board, shall prescribe regulations to  
19 implement the provisions of this Act and shall do so  
20 not later than 120 days after funds authorized to be  
21 appropriated under section 11 have been appro-  
22 priated in a bill signed into law.

23 (2) ELEMENTS.—The regulations prescribed  
24 under paragraph (1) shall—

1 (A) set forth the form of any application to  
2 be submitted to the Board under this Act;

3 (B) set forth time periods for the review  
4 and consideration by the Board of applications  
5 to be submitted to the Board under this Act,  
6 and for any other action to be taken by the  
7 Board with respect to such applications;

8 (C) provide appropriate safeguards against  
9 the evasion of the provisions of this Act;

10 (D) set forth the circumstances in which  
11 an applicant, together with any affiliate of an  
12 applicant, shall be treated as an applicant for  
13 a loan guarantee under this Act;

14 (E) include requirements that appropriate  
15 parties submit to the Board any documents and  
16 assurances that are required for the administra-  
17 tion of the provisions of this Act; and

18 (F) include such other provisions con-  
19 sistent with the purpose of this Act as the  
20 Board considers appropriate.

21 (3) CONSTRUCTION.—(A) Nothing in this Act  
22 shall be construed to prohibit the Board from requir-  
23 ing, to the extent and under circumstances consid-  
24 ered appropriate by the Board, that affiliates of an  
25 applicant be subject to certain obligations of the ap-

1       plicant as a condition to the approval or mainte-  
2       nance of a loan guarantee under this Act.

3               (B) If any provision of this Act or the applica-  
4       tion of such provision to any person or entity or cir-  
5       cumstance is held to be invalid by a court of com-  
6       petent jurisdiction, the remainder of this Act, or the  
7       application of such provision to such person or entity  
8       or circumstance other than those as to which it is  
9       held invalid, shall not be affected thereby.

10       (c) AUTHORITY LIMITED BY APPROPRIATIONS  
11 ACTS.—The Board may approve loan guarantees under  
12 this Act only to the extent provided for in advance in ap-  
13 propriations Acts, and the Board may accept credit risk  
14 premiums from a non-Federal source in order to cover the  
15 cost of a loan guarantee under this Act, to the extent that  
16 appropriations of budget authority are insufficient to cover  
17 such costs.

18       (d) REQUIREMENTS AND CRITERIA APPLICABLE TO  
19 APPROVAL.—

20               (1) IN GENERAL.—The Board shall utilize the  
21       underwriting criteria developed under subsection (g),  
22       and any relevant information provided by the de-  
23       partments and agencies with which the Board  
24       consults under section 3, to determine which loans  
25       may be eligible for a loan guarantee under this Act.



1           (2) PREREQUISITES.—In addition to meeting  
2           the underwriting criteria under paragraph (1), a  
3           loan may not be guaranteed under this Act unless—

4                   (A) the loan is made to finance the acqui-  
5                   sition, improvement, enhancement, construction,  
6                   deployment, launch, or rehabilitation of the  
7                   means by which local television broadcast sig-  
8                   nals will be delivered to a nonserved area or un-  
9                   derserved area;

10                   (B) the proceeds of the loan will not be  
11                   used for operating, advertising, or promotion  
12                   expenses, or for the acquisition of licenses for  
13                   the use of spectrum in any competitive bidding  
14                   under section 309(j) of the Communications  
15                   Act of 1934 (47 U.S.C. 309(j));

16                   (C) the proposed project, as determined by  
17                   the Board in consultation with the National  
18                   Telecommunications and Information Adminis-  
19                   tration, is not likely to have a substantial ad-  
20                   verse impact on competition that outweighs the  
21                   benefits of improving access to the signals of a  
22                   local television station in a nonserved area or  
23                   underserved area and is commercially viable;

24                   (D)(i) the loan—

1 (I) is provided by any entity engaged  
2 in the business of commercial lending—

3 (aa) if the loan is made in ac-  
4 cordance with loan-to-one-borrower  
5 and affiliate transaction restrictions to  
6 which the entity is subject under ap-  
7 plicable law; or

8 (bb) if item (aa) does not apply,  
9 the loan is made only to a borrower  
10 that is not an affiliate of the entity  
11 and only if the amount of the loan  
12 and all outstanding loans by that enti-  
13 ty to that borrower and any of its af-  
14 filiates does not exceed 10 percent of  
15 the net equity of the entity; or

16 (II) is provided by a nonprofit cor-  
17 poration, including the National Rural  
18 Utilities Cooperative Finance Corporation,  
19 engaged primarily in commercial lending, if  
20 the Board determines that such nonprofit  
21 corporation has one or more issues of out-  
22 standing long-term debt that is rated with-  
23 in the highest 3 rating categories of a na-  
24 tionally recognized statistical rating orga-  
25 nization;

1           (ii) if the loan is provided by a lender de-  
2           scribed in clause (i)(II) and the Board deter-  
3           mines that the making of the loan by such lend-  
4           er will cause a decline in such lender's debt rat-  
5           ing as described in that clause, the Board at its  
6           discretion may disapprove the loan guarantee  
7           on this basis;

8           (iii) no loan may be made for purposes of  
9           this Act by a governmental entity or affiliate  
10          thereof, or by the Federal Agricultural Mort-  
11          gage Corporation, or any institution supervised  
12          by the Office of Federal Housing Enterprise  
13          Oversight, the Federal Housing Finance Board,  
14          or any affiliate of such entities;

15          (iv) any loan must have terms, in the judg-  
16          ment of the Board, that are consistent in mate-  
17          rial respects with the terms of similar obliga-  
18          tions in the private capital market;

19          (v) for purposes of clause (i)(I)(bb), the  
20          term "net equity" means the value of the total  
21          assets of the entity, less the total liabilities of  
22          the entity, as recorded under generally accepted  
23          accounting principles for the fiscal quarter  
24          ended immediately prior to the date on which  
25          the subject loan is approved;

1 (E) repayment of the loan is required to be  
2 made within a term of the lesser of—

3 (i) 25 years from the date of the exe-  
4 cution of the loan; or

5 (ii) the economically useful life, as de-  
6 termined by the Board or in consultation  
7 with persons or entities deemed appro-  
8 priate by the Board, of the primary assets  
9 to be used in the delivery of the signals  
10 concerned; and

11 (F) the loan meets any additional criteria  
12 developed under subsection (g).

13 (3) PROTECTION OF UNITED STATES FINAN-  
14 CIAL INTERESTS.—The Board may not approve the  
15 guarantee of a loan under this Act unless—

16 (A) the Board has been given documenta-  
17 tion, assurances, and access to information,  
18 persons, and entities necessary, as determined  
19 by the Board, to address issues relevant to the  
20 review of the loan by the Board for purposes of  
21 this Act; and

22 (B) the Board makes a determination in  
23 writing that—

24 (i) to the best of its knowledge upon  
25 due inquiry, the assets, facilities, or equip-

1           ment covered by the loan will be utilized  
2           economically and efficiently;

3           (ii) the terms, conditions, security,  
4           and schedule and amount of repayments of  
5           principal and the payment of interest with  
6           respect to the loan protect the financial in-  
7           terests of the United States and are rea-  
8           sonable;

9           (iii) the value of collateral provided by  
10          an applicant is at least equal to the unpaid  
11          balance of the loan amount covered by the  
12          loan guarantee (the “Amount” for pur-  
13          poses of this clause); and if the value of  
14          collateral provided by an applicant is less  
15          than the Amount, the additional required  
16          collateral is provided by any affiliate of the  
17          applicant;

18          (iv) all necessary and required regu-  
19          latory and other approvals, spectrum li-  
20          censes, and delivery permissions have been  
21          received for the loan and the project under  
22          the loan;

23          (v) the loan would not be available on  
24          reasonable terms and conditions without a  
25          loan guarantee under this Act; and

1 (vi) repayment of the loan can reason-  
2 ably be expected.

3 (e) CONSIDERATIONS.—

4 (1) TYPE OF MARKET.—

5 (A) PRIORITY CONSIDERATIONS.—To the  
6 maximum extent practicable, the Board shall  
7 give priority in the approval of loan guarantees  
8 under this Act in the following order:

9 (i) First, to projects that will serve  
10 households in nonserved areas. In consid-  
11 ering such projects, the Board shall bal-  
12 ance projects that will serve the largest  
13 number of households with projects that  
14 will serve remote, isolated communities (in-  
15 cluding noncontiguous States) in areas  
16 that are unlikely to be served through mar-  
17 ket mechanisms.

18 (ii) Second, to projects that will serve  
19 households in underserved areas. In con-  
20 sidering such projects, the Board shall bal-  
21 ance projects that will serve the largest  
22 number of households with projects that  
23 will serve remote, isolated communities (in-  
24 cluding noncontiguous States) in areas

1           that are unlikely to be served through mar-  
2           ket mechanisms.

3           Within each category, the Board shall consider  
4           the project's estimated cost per household and  
5           shall give priority to those projects that provide  
6           the highest quality service at the lowest cost per  
7           household.

8           (B) ADDITIONAL CONSIDERATION.—The  
9           Board should give additional consideration to  
10          projects that also provide high-speed Internet  
11          service.

12          (C) PROHIBITIONS.—The Board may not  
13          approve a loan guarantee under this Act for a  
14          project that—

15                 (i) is designed primarily to serve 1 or  
16                 more of the top 40 designated market  
17                 areas (as that term is defined in section  
18                 122(j) of title 17, United States Code); or

19                 (ii) would alter or remove National  
20                 Weather Service warnings from local  
21                 broadcast signals.

22          (2) OTHER CONSIDERATIONS.—The Board shall  
23          consider other factors, which shall include projects  
24          that would—

1           (A) offer a separate tier of local broadcast  
2 signals, but for applicable Federal, State, or  
3 local laws or regulations;

4           (B) provide lower projected costs to con-  
5 sumers of such separate tier; and

6           (C) enable the delivery of local broadcast  
7 signals consistent with the purpose of this Act  
8 by a means reasonably compatible with existing  
9 systems or devices predominantly in use.

10          (3) FURTHER CONSIDERATION.—In imple-  
11 menting this Act, the Board shall support the use of  
12 loan guarantees for projects that would serve house-  
13 holds not likely to be served in the absence of loan  
14 guarantees under this Act.

15          (f) GUARANTEE LIMITS.—

16           (1) LIMITATION ON AGGREGATE VALUE OF  
17 LOANS.—The aggregate value of all loans for which  
18 loan guarantees are issued under this Act (including  
19 the unguaranteed portion of such loans) may not ex-  
20 ceed \$1,250,000,000.

21           (2) GUARANTEE LEVEL.—A loan guarantee  
22 issued under this Act may not exceed an amount  
23 equal to 80 percent of a loan meeting in its entirety  
24 the requirements of subsection (d)(2)(A). If only a  
25 portion of a loan meets the requirements of that



1 subsection, the Board shall determine that percent-  
2 age of the loan meeting such requirements (the “ap-  
3 plicable portion”) and may issue a loan guarantee in  
4 an amount not exceeding 80 percent of the applica-  
5 ble portion.

6 (g) UNDERWRITING CRITERIA.—Within the period  
7 provided for under subsection (b)(1), the Board shall, in  
8 consultation with the Director of the Office of Manage-  
9 ment and Budget and an independent public accounting  
10 firm, develop underwriting criteria relating to the guar-  
11 antee of loans that are consistent with the purpose of this  
12 Act, including appropriate collateral and cash flow levels  
13 for loans guaranteed under this Act, and such other mat-  
14 ters as the Board considers appropriate.

15 (h) CREDIT RISK PREMIUMS.—

16 (1) ESTABLISHMENT AND ACCEPTANCE.—

17 (A) IN GENERAL.—The Board may estab-  
18 lish and approve the acceptance of credit risk  
19 premiums with respect to a loan guarantee  
20 under this Act in order to cover the cost, as de-  
21 fined in section 502(5) of the Federal Credit  
22 Reform Act of 1990, of the loan guarantee. To  
23 the extent that appropriations of budget author-  
24 ity are insufficient to cover the cost, as so de-  
25 termined, of a loan guarantee under this Act,

1 credit risk premiums shall be accepted from a  
2 non-Federal source under this subsection on be-  
3 half of the applicant for the loan guarantee.

4 (B) AUTHORITY LIMITED BY APPROPRIA-  
5 TIONS ACTS.—Credit risk premiums under this  
6 subsection shall be imposed only to the extent  
7 provided for in advance in appropriations Acts.

8 (2) CREDIT RISK PREMIUM AMOUNT.—

9 (A) IN GENERAL.—The Board shall deter-  
10 mine the amount of any credit risk premium to  
11 be accepted with respect to a loan guarantee  
12 under this Act on the basis of—

13 (i) the financial and economic cir-  
14 cumstances of the applicant for the loan  
15 guarantee, including the amount of collat-  
16 eral offered;

17 (ii) the proposed schedule of loan dis-  
18 bursements;

19 (iii) the business plans of the appli-  
20 cant for providing service;

21 (iv) any financial commitment from a  
22 broadcast signal provider; and

23 (v) the concurrence of the Director of  
24 the Office of Management and Budget as  
25 to the amount of the credit risk premium.

1           (B) PROPORTIONALITY.—To the extent  
2           that appropriations of budget authority are suf-  
3           ficient to cover the cost, as determined under  
4           section 502(5) of the Federal Credit Reform  
5           Act of 1990, of loan guarantees under this Act,  
6           the credit risk premium with respect to each  
7           loan guarantee shall be reduced proportionately.

8           (C) PAYMENT OF PREMIUMS.—Credit risk  
9           premiums under this subsection shall be paid to  
10          an account (the “Escrow Account”) established  
11          in the Treasury which shall accrue interest and  
12          such interest shall be retained by the account,  
13          subject to subparagraph (D).

14          (D) DEDUCTIONS FROM ESCROW AC-  
15          COUNT.—If a default occurs with respect to any  
16          loan guaranteed under this Act and the default  
17          is not cured in accordance with the terms of the  
18          underlying loan or loan guarantee agreement,  
19          the Administrator, in accordance with sub-  
20          sections (i) and (j) of section 5, shall liquidate,  
21          or shall cause to be liquidated, all assets  
22          collateralizing such loan as to which it has a  
23          lien or security interest. Any shortfall between  
24          the proceeds of the liquidation net of costs and  
25          expenses relating to the liquidation, and the

1           guarantee amount paid pursuant to this Act  
2           shall be deducted from funds in the Escrow Ac-  
3           count and credited to the Administrator for  
4           payment of such shortfall. At such time as de-  
5           termined under subsection (d)(2)(E) of this sec-  
6           tion when all loans guaranteed under this Act  
7           have been repaid or otherwise satisfied in ac-  
8           cordance with this Act and the regulations pro-  
9           mulgated hereunder, remaining funds in the  
10          Escrow Account, if any, shall be refunded, on  
11          a pro rata basis, to applicants whose loans  
12          guaranteed under this Act were not in default,  
13          or where any default was cured in accordance  
14          with the terms of the underlying loan or loan  
15          guarantee agreement.

16          (i) LIMITATIONS ON GUARANTEES FOR CERTAIN  
17          CABLE OPERATORS.—Notwithstanding any other provi-  
18          sion of this Act, no loan guarantee under this Act may  
19          be granted or used to provide funds for a project that ex-  
20          tends, upgrades, or enhances the services provided over  
21          any cable system to an area that, as of the date of the  
22          enactment of this Act, is covered by a cable franchise  
23          agreement that expressly obligates a cable system operator  
24          to serve such area.

1           (j) JUDICIAL REVIEW.—The decision of the Board to  
2 approve or disapprove the making of a loan guarantee  
3 under this Act shall not be subject to judicial review.

4           (k) APPLICABILITY OF APA.—Except as otherwise  
5 provided in subsection (j), the provisions of subchapter II  
6 of chapter 5 and chapter 7 of title 5, United States Code  
7 (commonly referred to as the Administrative Procedure  
8 Act), shall apply to actions taken under this Act.

9 **SEC. 1005. ADMINISTRATION OF LOAN GUARANTEES.**

10           (a) IN GENERAL.—The Administrator of the Rural  
11 Utilities Service (in this Act referred to as the “Adminis-  
12 trator”) shall issue and otherwise administer loan guaran-  
13 tees that have been approved by the Board in accordance  
14 with sections 3 and 4.

15           (b) SECURITY FOR PROTECTION OF UNITED STATES  
16 FINANCIAL INTERESTS.—

17                   (1) TERMS AND CONDITIONS.—An applicant  
18 shall agree to such terms and conditions as are sat-  
19 isfactory, in the judgment of the Board, to ensure  
20 that, as long as any principal or interest is due and  
21 payable on a loan guaranteed under this Act, the  
22 applicant—

23                           (A) shall maintain assets, equipment, fa-  
24 cilities, and operations on a continuing basis;

1 (B) shall not make any discretionary divi-  
2 dend payments that impair its ability to repay  
3 obligations guaranteed under this Act;

4 (C) shall remain sufficiently capitalized;  
5 and

6 (D) shall submit to, and cooperate fully  
7 with, any audit of the applicant under section  
8 6(a)(2).

9 (2) COLLATERAL.—

10 (A) EXISTENCE OF ADEQUATE COLLAT-  
11 ERAL.—An applicant shall provide the Board  
12 such documentation as is necessary, in the  
13 judgment of the Board, to provide satisfactory  
14 evidence that appropriate and adequate collat-  
15 eral secures a loan guaranteed under this Act.

16 (B) FORM OF COLLATERAL.—Collateral re-  
17 quired by subparagraph (A) shall consist solely  
18 of assets of the applicant, any affiliate of the  
19 applicant, or both (whichever the Board con-  
20 sidered appropriate), including primary assets to  
21 be used in the delivery of signals for which the  
22 loan is guaranteed.

23 (C) REVIEW OF VALUATION.—The value of  
24 collateral securing a loan guaranteed under this  
25 Act may be reviewed by the Board, and may be

1           adjusted downward by the Board if the Board  
2           reasonably believes such adjustment is appro-  
3           priate.

4           (3) LIEN ON INTERESTS IN ASSETS.—Upon the  
5           Board’s approval of a loan guarantee under this Act,  
6           the Administrator shall have liens on assets securing  
7           the loan, which shall be superior to all other liens on  
8           such assets, and the value of the assets (based on  
9           a determination satisfactory to the Board) subject to  
10          the liens shall be at least equal to the unpaid bal-  
11          ance of the loan amount covered by the loan guar-  
12          antee, or that value approved by the Board under  
13          section 4(d)(3)(B)(iii).

14          (4) PERFECTED SECURITY INTEREST.—With  
15          respect to a loan guaranteed under this Act, the Ad-  
16          ministrator and the lender shall have a perfected se-  
17          curity interest in assets securing the loan that are  
18          fully sufficient to protect the financial interests of  
19          the United States and the lender.

20          (5) INSURANCE.—In accordance with practices  
21          in the private capital market, as determined by the  
22          Board, the applicant for a loan guarantee under this  
23          Act shall obtain, at its expense, insurance sufficient  
24          to protect the financial interests of the United  
25          States, as determined by the Board.

1           (c) ASSIGNMENT OF LOAN GUARANTEES.—The hold-  
2 er of a loan guarantee under this Act may assign the loan  
3 guaranteed under this Act in whole or in part, subject to  
4 such requirements as the Board may prescribe.

5           (d) EXPIRATION OF LOAN GUARANTEE UPON STRIP-  
6 PING.—Notwithstanding subsections (c), (e), and (h), a  
7 loan guarantee under this Act shall have no force or effect  
8 if any part of the guaranteed portion of the loan is trans-  
9 ferred separate and apart from the unguaranteed portion  
10 of the loan.

11          (e) ADJUSTMENT.—The Board may approve the ad-  
12 justment of any term or condition of a loan guarantee or  
13 a loan guaranteed under this Act, including the rate of  
14 interest, time of payment of principal or interest, or secu-  
15 rity requirements only if—

16           (1) the adjustment is consistent with the finan-  
17 cial interests of the United States;

18           (2) consent has been obtained from the parties  
19 to the loan agreement;

20           (3) the adjustment is consistent with the under-  
21 writing criteria developed under section 4(g);

22           (4) the adjustment does not adversely affect the  
23 interest of the Federal Government in the assets or  
24 collateral of the applicant;



1           (5) the adjustment does not adversely affect the  
2           ability of the applicant to repay the loan; and

3           (6) the National Telecommunications and Infor-  
4           mation Administration has been consulted by the  
5           Board regarding the adjustment.

6           (f) PERFORMANCE SCHEDULES.—

7           (1) PERFORMANCE SCHEDULES.—An applicant  
8           for a loan guarantee under this Act for a project  
9           covered by section 4(e)(1) shall enter into stipulated  
10          performance schedules with the Administrator with  
11          respect to the signals to be provided through the  
12          project.

13          (2) PENALTY.—The Administrator may assess  
14          against and collect from an applicant described in  
15          paragraph (1) a penalty not to exceed 3 times the  
16          interest due on the guaranteed loan of the applicant  
17          under this Act if the applicant fails to meet its stip-  
18          ulated performance schedule under that paragraph.

19          (g) COMPLIANCE.—The Administrator, in coopera-  
20          tion with the Board and as the regulations of the Board  
21          may provide, shall enforce compliance by an applicant, and  
22          any other party to a loan guarantee for whose benefit as-  
23          sistance under this Act is intended, with the provisions  
24          of this Act, any regulations under this Act, and the terms  
25          and conditions of the loan guarantee, including through

1 the submittal of such reports and documents as the Board  
2 may require in regulations prescribed by the Board and  
3 through regular periodic inspections and audits.

4 (h) COMMERCIAL VALIDITY.—A loan guarantee  
5 under this Act shall be incontestable—

6 (1) in the hands of an applicant on whose be-  
7 half the loan guarantee is made, unless the applicant  
8 engaged in fraud or misrepresentation in securing  
9 the loan guarantee; and

10 (2) as to any person or entity (or their respec-  
11 tive successor in interest) who makes or contracts to  
12 make a loan to the applicant for the loan guarantee  
13 in reliance thereon, unless such person or entity (or  
14 respective successor in interest) engaged in fraud or  
15 misrepresentation in making or contracting to make  
16 such loan.

17 (i) DEFAULTS.—The Board shall prescribe regula-  
18 tions governing defaults on loans guaranteed under this  
19 Act, including the administration of the payment of guar-  
20 anteed amounts upon default.

21 (j) RECOVERY OF PAYMENTS.—

22 (1) IN GENERAL.—The Administrator shall be  
23 entitled to recover from an applicant for a loan  
24 guarantee under this Act the amount of any pay-

1       ment made to the holder of the guarantee with re-  
2       spect to the loan.

3           (2) SUBROGATION.—Upon making a payment  
4       described in paragraph (1), the Administrator shall  
5       be subrogated to all rights of the party to whom the  
6       payment is made with respect to the guarantee  
7       which was the basis for the payment.

8           (3) DISPOSITION OF PROPERTY.—

9           (A) SALE OR DISPOSAL.—The Adminis-  
10       trator shall, in an orderly and efficient manner,  
11       sell or otherwise dispose of any property or  
12       other interests obtained under this Act in a  
13       manner that maximizes taxpayer return and is  
14       consistent with the financial interests of the  
15       United States.

16          (B) MAINTENANCE.—The Administrator  
17       shall maintain in a cost-effective and reasonable  
18       manner any property or other interests pending  
19       sale or disposal of such property or other inter-  
20       ests under subparagraph (A).

21          (k) ACTION AGAINST OBLIGOR.—

22           (1) AUTHORITY TO BRING CIVIL ACTION.—The  
23       Administrator may bring a civil action in an appro-  
24       priate district court of the United States in the  
25       name of the United States or of the holder of the

1 obligation in the event of a default on a loan guar-  
2 anteed under this Act. The holder of a loan guar-  
3 antee shall make available to the Administrator all  
4 records and evidence necessary to prosecute the civil  
5 action.

6 (2) FULLY SATISFYING OBLIGATIONS OWED  
7 THE UNITED STATES.—The Administrator may ac-  
8 cept property in satisfaction of any sums owed the  
9 United States as a result of a default on a loan  
10 guaranteed under this Act, but only to the extent  
11 that any cash accepted by the Administrator is not  
12 sufficient to satisfy fully the sums owed as a result  
13 of the default.

14 (1) BREACH OF CONDITIONS.—The Administrator  
15 shall commence a civil action in a court of appropriate  
16 jurisdiction to enjoin any activity which the Board finds  
17 is in violation of this Act, the regulations under this Act,  
18 or any conditions which were duly agreed to, and to secure  
19 any other appropriate relief, including relief against any  
20 affiliate of the applicant.

21 (m) ATTACHMENT.—No attachment or execution  
22 may be issued against the Administrator or any property  
23 in the control of the Administrator pursuant to this Act  
24 before the entry of a final judgment (as to which all rights  
25 of appeal have expired) by a Federal, State, or other court

1 of competent jurisdiction against the Administrator in a  
2 proceeding for such action.

3 (n) FEES.—

4 (1) APPLICATION FEE.—The Board shall  
5 charge and collect from an applicant for a loan guar-  
6 antee under this Act a fee to cover the cost of the  
7 Board in making necessary determinations and find-  
8 ings with respect to the loan guarantee application  
9 under this Act. The amount of the fee shall be rea-  
10 sonable.

11 (2) LOAN GUARANTEE ORIGINATION FEE.—The  
12 Board shall charge, and the Administrator may col-  
13 lect, a loan guarantee origination fee with respect to  
14 the issuance of a loan guarantee under this Act.

15 (3) USE OF FEES COLLECTED.—

16 (A) IN GENERAL.—Any fee collected under  
17 this subsection shall be used, subject to sub-  
18 paragraph (B), to offset administrative costs  
19 under this Act, including costs of the Board  
20 and of the Administrator.

21 (B) SUBJECT TO APPROPRIATIONS.—The  
22 authority provided by this subsection shall be  
23 effective only to such extent or in such amounts  
24 as are provided in advance in appropriations  
25 Acts.

1           (C) LIMITATION ON FEES.—The aggregate  
2           amount of fees imposed by this subsection shall  
3           not exceed the actual amount of administrative  
4           costs under this Act.

5           (o) REQUIREMENTS RELATING TO AFFILIATES.—

6           (1) INDEMNIFICATION.—The United States  
7           shall be indemnified by any affiliate (acceptable to  
8           the Board) of an applicant for a loan guarantee  
9           under this Act for any losses that the United States  
10          incurs as a result of—

11           (A) a judgment against the applicant or  
12           any of its affiliates;

13           (B) any breach by the applicant or any of  
14           its affiliates of their obligations under the loan  
15           guarantee agreement;

16           (C) any violation of the provisions of this  
17           Act, and the regulations prescribed under this  
18           Act, by the applicant or any of its affiliates;

19           (D) any penalties incurred by the applicant  
20           or any of its affiliates for any reason, including  
21           violation of a stipulated performance schedule  
22           under subsection (f); and

23           (E) any other circumstances that the  
24           Board considers appropriate.

1           (2) LIMITATION ON TRANSFER OF LOAN PRO-  
2           CEEDS.—An applicant for a loan guarantee under  
3           this Act may not transfer any part of the proceeds  
4           of the loan to an affiliate.

5           (p) EFFECT OF BANKRUPTCY.—

6           (1) Notwithstanding any other provision of law,  
7           whenever any person or entity is indebted to the  
8           United States as a result of any loan guarantee  
9           issued under this Act and such person or entity is  
10          insolvent or is a debtor in a case under title 11,  
11          United States Code, the debts due to the United  
12          States shall be satisfied first.

13          (2) A discharge in bankruptcy under title 11,  
14          United States Code, shall not release a person or en-  
15          tity from an obligation to the United States in con-  
16          nection with a loan guarantee under this Act.

17 **SEC. 1006. ANNUAL AUDIT.**

18          (a) REQUIREMENT.—The Comptroller General of the  
19          United States shall conduct on an annual basis an audit  
20          of—

21                 (1) the administration of the provisions of this  
22                 Act; and

23                 (2) the financial position of each applicant who  
24                 receives a loan guarantee under this Act, including

1 the nature, amount, and purpose of investments  
2 made by the applicant.

3 (b) REPORT.—The Comptroller General shall submit  
4 to the Committee on Banking, Housing, and Urban Af-  
5 fairs of the Senate and the Committee on Banking and  
6 Financial Services of the House of Representatives a re-  
7 port on each audit conducted under subsection (a).

8 **SEC. 1007. IMPROVED CELLULAR SERVICE IN RURAL**  
9 **AREAS.**

10 (a) REINSTATEMENT OF APPLICANTS AS TENTATIVE  
11 SELECTEES.—

12 (1) IN GENERAL.—Notwithstanding the order  
13 of the Federal Communications Commission in the  
14 proceeding described in paragraph (3), the Commis-  
15 sion shall—

16 (A) reinstate each applicant as a tentative  
17 selectee under the covered rural service area li-  
18 censing proceeding; and

19 (B) permit each applicant to amend its ap-  
20 plication, to the extent necessary to update fac-  
21 tual information and to comply with the rules  
22 of the Commission, at any time before the Com-  
23 mission's final licensing action in the covered  
24 rural service area licensing proceeding.



1           (2) EXEMPTION FROM PETITIONS TO DENY.—

2           For purposes of the amended applications filed pur-  
3           suant to paragraph (1)(B), the provisions of section  
4           309(d)(1) of the Communications Act of 1934 (47  
5           U.S.C. 309(d)(1)) shall not apply.

6           (3) PROCEEDING.—The proceeding described in  
7           this paragraph is the proceeding of the Commission  
8           In re Applications of Cellwave Telephone Services  
9           L.P., Futurewave General Partners L.P., and Great  
10          Western Cellular Partners, 7 FCC Rcd No. 19  
11          (1992).

12          (b) CONTINUATION OF LICENSE PROCEEDING; FEE  
13          ASSESSMENT.—

14           (1) AWARD OF LICENSES.—The Commission  
15           shall award licenses under the covered rural service  
16           area licensing proceeding within 90 days after the  
17           date of the enactment of this Act.

18           (2) SERVICE REQUIREMENTS.—The Commis-  
19           sion shall provide that, as a condition of an appli-  
20           cant receiving a license pursuant to the covered  
21           rural service area licensing proceeding, the applicant  
22           shall provide cellular radiotelephone service to sub-  
23           scribers in accordance with sections 22.946 and  
24           22.947 of the Commission's rules (47 CFR 22.946,  
25           22.947); except that the time period applicable

1 under section 22.947 of the Commission's rules (or  
2 any successor rule) to the applicants identified in  
3 subparagraphs (A) and (B) of subsection (d)(1)  
4 shall be 3 years rather than 5 years and the waiver  
5 authority of the Commission shall apply to such 3-  
6 year period.

7 (3) CALCULATION OF LICENSE FEE.—

8 (A) FEE REQUIRED.—The Commission  
9 shall establish a fee for each of the licenses  
10 under the covered rural service area licensing  
11 proceeding. In determining the amount of the  
12 fee, the Commission shall consider—

13 (i) the average price paid per person  
14 served in the Commission's Cellular  
15 Unserved Auction (Auction No. 12); and

16 (ii) the settlement payments required  
17 to be paid by the permittees pursuant to  
18 the consent decree set forth in the Com-  
19 mission's order, In re the Tellesis Partners  
20 (7 FCC Red 3168 (1992)), multiplying  
21 such payments by two.

22 (B) NOTICE OF FEE.—Within 30 days  
23 after the date an applicant files the amended  
24 application permitted by subsection (a)(1)(B),  
25 the Commission shall notify each applicant of

1           the fee established for the license associated  
2           with its application.

3           (4) PAYMENT FOR LICENSES.—No later than  
4           18 months after the date that an applicant is grant-  
5           ed a license, each applicant shall pay to the Commis-  
6           sion the fee established pursuant to paragraph (3)  
7           for the license granted to the applicant under para-  
8           graph (1).

9           (5) AUCTION AUTHORITY.—If, after the amend-  
10          ment of an application pursuant to subsection  
11          (a)(1)(B), the Commission finds that the applicant  
12          is ineligible for grant of a license to provide cellular  
13          radiotelephone services for a rural service area or  
14          the applicant does not meet the requirements under  
15          paragraph (2) of this subsection, the Commission  
16          shall grant the license for which the applicant is the  
17          tentative selectee (pursuant to subsection (a)(1)(B)  
18          by competitive bidding pursuant to section 309(j) of  
19          the Communications Act of 1934 (47 U.S.C. 309(j)).

20          (c) PROHIBITION OF TRANSFER.—During the 5-year  
21          period that begins on the date that an applicant is granted  
22          any license pursuant to subsection (a), the Commission  
23          may not authorize the transfer or assignment of that li-  
24          cense under section 310 of the Communications Act of  
25          1934 (47 U.S.C. 310). Nothing in this Act may be con-

1 strued to prohibit any applicant granted a license pursu-  
2 ant to subsection (a) from contracting with other licensees  
3 to improve cellular telephone service.

4 (d) DEFINITIONS.—For the purposes of this section,  
5 the following definitions shall apply:

6 (1) APPLICANT.—The term “applicant”  
7 means—

8 (A) Great Western Cellular Partners, a  
9 California general partnership chosen by the  
10 Commission as tentative selectee for RSA #492  
11 on May 4, 1989;

12 (B) Monroe Telephone Services L.P., a  
13 Delaware limited partnership chosen by the  
14 Commission as tentative selectee for RSA #370  
15 on August 24, 1989 (formerly Cellwave Tele-  
16 phone Services L.P.); and

17 (C) FutureWave General Partners L.P., a  
18 Delaware limited partnership chosen by the  
19 Commission as tentative selectee for RSA #615  
20 on May 25, 1990.

21 (2) COMMISSION.—The term “Commission”  
22 means the Federal Communications Commission.

23 (3) COVERED RURAL SERVICE AREA LICENSING  
24 PROCEEDING.—The term “covered rural service area  
25 licensing proceeding” means the proceeding of the

1 Commission for the grant of cellular radiotelephone  
2 licenses for rural service areas #492 (Minnesota  
3 11), #370 (Florida 11), and #615 (Pennsylvania  
4 4).

5 (4) TENTATIVE SELECTEE.—The term “ten-  
6 tative selectee” means a party that has been selected  
7 by the Commission under a licensing proceeding for  
8 grant of a license, but has not yet been granted the  
9 license because the Commission has not yet deter-  
10 mined whether the party is qualified under the Com-  
11 mission’s rules for grant of the license.

12 **SEC. 1008. TECHNICAL AMENDMENT.**

13 Section 339(c) of the Communications Act of 1934  
14 (47 U.S.C. 339(c)) is amended by adding at the end the  
15 following new paragraph:

16 “(5) DEFINITION.—Notwithstanding subsection  
17 (d)(4), for purposes of paragraphs (2) and (4) of  
18 this subsection, the term ‘satellite carrier’ includes a  
19 distributor (as defined in section 119(d)(1) of title  
20 17, United States Code), but only if the satellite dis-  
21 tributor’s relationship with the subscriber includes  
22 billing, collection, service activation, and service de-  
23 activation.”.

1 **SEC. 1009. SUNSET.**

2 No loan guarantee may be approved under this Act  
3 after December 31, 2006.

4 **SEC. 1010. DEFINITIONS.**

5 In this Act:

6 (1) **AFFILIATE.**—The term “affiliate”—

7 (A) means any person or entity that con-  
8 trols, or is controlled by, or is under common  
9 control with, another person or entity; and

10 (B) may include any individual who is a di-  
11 rector or senior management officer of an affil-  
12 iate, a shareholder controlling more than 25  
13 percent of the voting securities of an affiliate,  
14 or more than 25 percent of the ownership inter-  
15 est in an affiliate not organized in stock form.

16 (2) **NONSERVED AREA.**—The term “nonserved  
17 area” means any area that—

18 (A) is outside the grade B contour (as de-  
19 termined using standards employed by the Fed-  
20 eral Communications Commission) of the local  
21 television broadcast signals serving a particular  
22 designated market area; and

23 (B) does not have access to such signals by  
24 any commercial, for profit, multichannel video  
25 provider.

1           (3) **UNDERSERVED AREA.**—The term “under-  
2           served area” means any area that—

3                   (A) is outside the grade A contour (as de-  
4                   termined using standards employed by the Fed-  
5                   eral Communications Commission) of the local  
6                   television broadcast signals serving a particular  
7                   designated market area; and

8                   (B) has access to local television broadcast  
9                   signals from not more than one commercial,  
10                  for-profit multichannel video provider.

11           (4) **COMMON TERMS.**—Except as provided in  
12           paragraphs (1) through (3), any term used in this  
13           Act that is defined in the Communications Act of  
14           1934 (47 U.S.C. 151 et seq.) has the meaning given  
15           that term in the Communications Act of 1934.

16 **SEC. 1011. AUTHORIZATIONS OF APPROPRIATIONS.**

17           (a) **COST OF LOAN GUARANTEES.**—For the cost of  
18           the loans guaranteed under this Act, including the cost  
19           of modifying the loans, as defined in section 502 of the  
20           Congressional Budget Act of 1974 (2 U.S.C. 661(a)),  
21           there are authorized to be appropriated for fiscal years  
22           2001 through 2006, such amounts as may be necessary.

23           (b) **COST OF ADMINISTRATION.**—There is hereby au-  
24           thorized to be appropriated such sums as may be nec-

1 essary to carry out the provisions of this Act, other than  
2 to cover costs under subsection (a).

3 (c) AVAILABILITY.—Any amounts appropriated pur-  
4 suant to the authorizations of appropriations in sub-  
5 sections (a) and (b) shall remain available until expended.

6 **SEC. 1012. PREVENTION OF INTERFERENCE TO DIRECT**  
7 **BROADCAST SATELLITE SERVICES.**

8 (a) TESTING FOR HARMFUL INTERFERENCE.—The  
9 Federal Communications Commission shall provide for an  
10 independent technical demonstration of any terrestrial  
11 service technology proposed by any entity that has filed  
12 an application to provide terrestrial service in the direct  
13 broadcast satellite frequency band to determine whether  
14 the terrestrial service technology proposed to be provided  
15 by that entity will cause harmful interference to any direct  
16 broadcast satellite service.

17 (b) TECHNICAL DEMONSTRATION.—In order to sat-  
18 isfy the requirement of subsection (a) for any pending ap-  
19 plication, the Commission shall select an engineering firm  
20 or other qualified entity independent of any interested  
21 party based on a recommendation made by the Institute  
22 of Electrical and Electronics Engineers (IEEE), or a simi-  
23 lar independent professional organization, to perform the  
24 technical demonstration or analysis. The demonstration  
25 shall be concluded within 60 days after the date of enact-



1 ment of this Act and shall be subject to public notice and  
2 comment for not more than 30 days thereafter.

3 (c) DEFINITIONS.—As used in this section:

4 (1) DIRECT BROADCAST SATELLITE FRE-  
5 QUENCY BAND.—The term “direct broadcast sat-  
6 ellite frequency band” means the band of frequencies  
7 at 12.2 to 12.7 gigahertz.

8 (2) DIRECT BROADCAST SATELLITE SERVICE.—  
9 The term “direct broadcast satellite service” means  
10 any direct broadcast satellite system operating in the  
11 direct broadcast satellite frequency band.

12 **TITLE XI—ENCOURAGING IMMI-**  
13 **GRANT FAMILY REUNIFICA-**  
14 **TION**

15 **SEC. 1101. SHORT TITLE.**

16 This title may be cited as—

17 (1) the “Legal Immigration Family Equity  
18 Act”; or

19 (2) the “LIFE Act”.

1 **SEC. 1102. NONIMMIGRANT STATUS FOR SPOUSES AND**  
2 **CHILDREN OF PERMANENT RESIDENTS**  
3 **AWAITING THE AVAILABILITY OF AN IMMI-**  
4 **GRANT VISA; PROVISIONS AFFECTING SUBSE-**  
5 **QUENT ADJUSTMENT OF STATUS FOR SUCH**  
6 **NONIMMIGRANTS.**

7 (a) IN GENERAL.—Section 101(a)(15) of the Immi-  
8 gration and Nationality Act (8 U.S.C. 1101(a)(15)) is  
9 amended—

10 (1) in subparagraph (T), by striking “or” at  
11 the end;

12 (2) in subparagraph (U), by striking the period  
13 at the end and inserting “; or”; and

14 (3) by adding at the end the following:

15 “(V) subject to section 214(o), an alien who is  
16 the beneficiary (including a child of the principal  
17 alien, if eligible to receive a visa under section  
18 203(d)) of a petition to accord a status under sec-  
19 tion 203(a)(2)(A) that was filed with the Attorney  
20 General under section 204 on or before the date of  
21 the enactment of the Legal Immigration Family Eq-  
22 uity Act, if—

23 “(i) such petition has been pending for 3  
24 years or more; or

1           “(ii) such petition has been approved, 3  
2           years or more have elapsed since such filing  
3           date, and—

4           “(I) an immigrant visa is not imme-  
5           diately available to the alien because of a  
6           waiting list of applicants for visas under  
7           section 203(a)(2)(A); or

8           “(II) the alien’s application for an im-  
9           migrant visa, or the alien’s application for  
10          adjustment of status under section 245,  
11          pursuant to the approval of such petition,  
12          remains pending.

13          (b) PROVISIONS AFFECTING NONIMMIGRANT STA-  
14          TUS.—Section 214 of the Immigration and Nationality  
15          Act (8 U.S.C. 1184) is amended by adding at the end the  
16          following:

17          “(o)(1) In the case of a nonimmigrant described in  
18          section 101(a)(15)(V)—

19                 “(A) the Attorney General shall authorize the  
20                 alien to engage in employment in the United States  
21                 during the period of authorized admission and shall  
22                 provide the alien with an ‘employment authorized’  
23                 endorsement or other appropriate document signi-  
24                 fying authorization of employment; and

1           “(B) the period of authorized admission as such  
2 a nonimmigrant shall terminate 30 days after the  
3 date on which any of the following is denied:

4           “(i) The petition filed under section 204 to  
5 accord the alien a status under section  
6 203(a)(2)(A) (or, in the case of a child granted  
7 nonimmigrant status based on eligibility to re-  
8 ceive a visa under section 203(d), the petition  
9 filed to accord the child’s parent a status under  
10 section 203(a)(2)(A)).

11           “(ii) The alien’s application for an immi-  
12 grant visa pursuant to the approval of such pe-  
13 tition.

14           “(iii) The alien’s application for adjust-  
15 ment of status under section 245 pursuant to  
16 the approval of such petition.

17           “(2) In determining whether an alien is eligible to  
18 be admitted to the United States as a nonimmigrant under  
19 section 101(a)(15)(V), the grounds for inadmissibility  
20 specified in section 212(a)(9)(B) shall not apply.

21           “(3) The status of an alien physically present in the  
22 United States may be adjusted by the Attorney General,  
23 in the discretion of the Attorney General and under such  
24 regulations as the Attorney General may prescribe, to that

1 of a nonimmigrant under section 101(a)(15)(V), if the  
2 alien—

3 “(A) applies for such adjustment;

4 “(B) satisfies the requirements of such section;

5 and

6 “(C) is eligible to be admitted to the United  
7 States, except in determining such admissibility, the  
8 grounds for inadmissibility specified in paragraphs  
9 (6)(A), (7), and (9)(B) of section 212(a) shall not  
10 apply.”.

11 (c) PROVISIONS AFFECTING PERMANENT RESIDENT  
12 STATUS.—Section 245 of the Immigration and Nation-  
13 ality Act (8 U.S.C. 1255) is amended by adding at the  
14 end the following:

15 “(m)(1) The status of a nonimmigrant described in  
16 section 101(a)(15)(V) who the Attorney General deter-  
17 mines was physically present in the United States at any  
18 time during the period beginning on July 1, 2000, and  
19 ending on October 1, 2000, may be adjusted by the Attor-  
20 ney General, in the discretion of the Attorney General and  
21 under such regulations as the Attorney General may pre-  
22 scribe, to that of an alien lawfully admitted for permanent  
23 residence, if—

24 “(A) the alien makes an application for such  
25 adjustment;

1           “(B) the alien is eligible to receive an immi-  
2           grant visa and is admissible to the United States for  
3           permanent residence, except in determining such ad-  
4           missibility, the grounds for inadmissibility specified  
5           in paragraphs (6)(A), (7), and (9)(B) of section  
6           212(a) shall not apply; and

7           “(C) an immigrant visa is immediately available  
8           to the alien at the time the alien’s application is  
9           filed.

10          “(2) Paragraph (1) shall not apply to an alien who  
11         has failed (other than through no fault of the alien or for  
12         technical reasons) to maintain continuously a lawful status  
13         since obtaining the status of a nonimmigrant described in  
14         section 101(a)(15)(V).

15          “(3) Upon the approval of an application for adjust-  
16         ment made under paragraph (1), the Attorney General  
17         shall record the alien’s lawful admission for permanent  
18         residence as of the date the order of the Attorney General  
19         approving the application for the adjustment of status is  
20         made, and the Secretary of State shall reduce by one the  
21         number of the preference visas authorized to be issued  
22         under sections 202 and 203 within the class to which the  
23         alien is chargeable for the fiscal year then current.

24          “(4) The Attorney General may accept an application  
25         for adjustment made under paragraph (1) only if the alien

1 remits with such application a sum equalling \$1,000, ex-  
2 cept that such sum shall not be required from an alien  
3 if it would not be required from the alien if the alien were  
4 applying under subsection (i).

5 “(5) The sum specified in paragraph (4) shall be in  
6 addition to the fee normally required for the processing  
7 of an application under this section.

8 “(6)(A) The portion of each application fee (not to  
9 exceed \$200) that the Attorney General determines is re-  
10 quired to process an application under this subsection  
11 shall be disposed of by the Attorney General as provided  
12 in subsections (m), (n), and (o) of section 286.

13 “(B) One-half of any remaining portion of such fee  
14 shall be deposited by the Attorney General into the Immi-  
15 gration Examination Fee Account established under sec-  
16 tion 286(m), and one-half of any remaining portion of  
17 such fees shall be deposited by the Attorney General into  
18 the Breached Bond/Detention Fund established under sec-  
19 tion 286(r).

20 “(7) Nothing in this subsection shall be construed as  
21 precluding a nonimmigrant described in section  
22 101(a)(15)(V) who is eligible for adjustment of status  
23 under subsection (a) from applying for and obtaining ad-  
24 justment under such subsection. In the case of such an  
25 application, the alien shall be required to remit only the

1 fee normally required for the processing of an application  
2 under subsection (a).”.

3 (d) CONFORMING AMENDMENTS.—

4 (1) ADMISSION OF NONIMMIGRANTS.—Section  
5 214 of the Immigration and Nationality Act (8  
6 U.S.C. 1184) is amended, in each of subsections (b)  
7 and (h), by striking “(H)(i) or (L)” and inserting  
8 “(H)(i), (L), or (V)”.

9 (2) ADJUSTMENT OF STATUS.—Section 245 of  
10 the Immigration and Nationality Act (8 U.S.C.  
11 1255) is amended—

12 (A) in each of subsections (d) and (f), by  
13 striking “under subsection (a),” each place such  
14 term appears and inserting “under subsection  
15 (a) or (m),”; and

16 (B) in subsection (e)(1), by striking “sub-  
17 section (a).” and inserting “subsection (a) or  
18 (m).”.

19 (e) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on the date of the enactment  
21 of this Act and shall apply to an alien who is the bene-  
22 ficiary of a classification petition filed under section 204  
23 of the Immigration and Nationality Act on or before the  
24 date of the enactment of this Act.



1 **SEC. 1103. NONIMMIGRANT STATUS FOR SPOUSES AND**  
2 **CHILDREN OF CITIZENS AWAITING THE**  
3 **AVAILABILITY OF AN IMMIGRANT VISA.**

4 (a) IN GENERAL.—Section 101(a)(15)(K) of the Im-  
5 migration and Nationality Act (8 U.S.C. 1101(a)(15)(K))  
6 is amended to read as follows:

7 “(K) subject to subsections (d) and (p) of sec-  
8 tion 214, an alien who—

9 “(i) is the fiancée or fiancé of a citizen of  
10 the United States and who seeks to enter the  
11 United States solely to conclude a valid mar-  
12 riage with the petitioner within ninety days  
13 after admission;

14 “(ii) has concluded a valid marriage with a  
15 citizen of the United States who is the peti-  
16 tioner, is the beneficiary of a petition to accord  
17 a status under section 201(b)(2)(A)(i) that was  
18 filed under section 204 by the petitioner, and  
19 seeks to enter the United States to await the  
20 approval of such petition and the availability to  
21 the alien of an immigrant visa; or

22 “(iii) is the minor child of an alien de-  
23 scribed in clause (i) or (ii) and is accom-  
24 panying, or following to join, the alien;”.

25 (b) PROVISIONS AFFECTING NONIMMIGRANT STA-  
26 TUS.—Section 214 of the Immigration and Nationality

1 Act (8 U.S.C. 1184), as amended by section 2 of this Act,  
2 is further amended by adding at the end the following:

3       “(p)(1) A visa shall not be issued under the provi-  
4 sions of section 101(a)(15)(K)(ii) until the consular officer  
5 has received a petition filed in the United States by the  
6 spouse of the applying alien and approved by the Attorney  
7 General. The petition shall be in such form and contain  
8 such information as the Attorney General shall, by regula-  
9 tion, prescribe.

10       “(2) In the case of an alien seeking admission under  
11 section 101(a)(15)(K)(ii) who concluded a marriage with  
12 a citizen of the United States outside the United States,  
13 the alien shall be considered inadmissible under section  
14 212(a)(7)(B) if the alien is not at the time of application  
15 for admission in possession of a valid nonimmigrant visa  
16 issued by a consular officer in the foreign state in which  
17 the marriage was concluded.

18       “(3) In the case of a nonimmigrant described in sec-  
19 tion 101(a)(15)(K)(ii), and any child of such a non-  
20 immigrant who was admitted as accompanying, or fol-  
21 lowing to join, such a nonimmigrant, the period of author-  
22 ized admission shall terminate 30 days after the date on  
23 which any of the following is denied:

1           “(A) The petition filed under section 204 to ac-  
2           cord the principal alien status under section  
3           201(b)(2)(A)(i).

4           “(B) The principal alien’s application for an  
5           immigrant visa pursuant to the approval of such pe-  
6           tition.

7           “(C) The principal alien’s application for ad-  
8           justment of status under section 245 pursuant to  
9           the approval of such petition.”.

10          (c) CONFORMING AMENDMENTS.—

11           (1) ADMISSION OF NONIMMIGRANTS.—Section  
12           214(d) of the Immigration and Nationality Act (8  
13           U.S.C. 1184(d)) is amended by striking  
14           “101(a)(15)(K)” and inserting “101(a)(15)(K)(i)”.

15           (2) CONDITIONAL PERMANENT RESIDENT STA-  
16           TUS.—Section 216 of the Immigration and Nation-  
17           ality Act (8 U.S.C. 1186a) is amended, in each of  
18           subsections (b)(1)(B) and (d)(1)(A)(ii), by striking  
19           “214(d)” and inserting “subsection (d) or (p) of sec-  
20           tion 214”.

21           (3) ADJUSTMENT OF STATUS.—Section 245 of  
22           the Immigration and Nationality Act (8 U.S.C.  
23           1255) is amended—

1 (A) in subsection (d), by striking “(relat-  
2 ing to an alien fiancée or fiancé or the minor  
3 child of such alien)”; and

4 (B) in subsection (e)(3), by striking  
5 “214(d)” and inserting “subsection (d) or (p)  
6 of section 214”.

7 (d) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect on the date of the enactment  
9 of this Act and shall apply to an alien who is the bene-  
10 ficiary of a classification petition filed under section 204  
11 of the Immigration and Nationality Act before, on, or  
12 after the date of the enactment of this Act.

13 **SEC. 1104. ADJUSTMENT OF STATUS OF CERTAIN CLASS AC-**  
14 **TION PARTICIPANTS WHO ENTERED BEFORE**  
15 **JANUARY 1, 1982, TO THAT OF PERSON AD-**  
16 **MITTED FOR LAWFUL RESIDENCE.**

17 (a) IN GENERAL.—In the case of an eligible alien de-  
18 scribed in subsection (b), the provisions of section 245A  
19 of the Immigration and Nationality Act (8 U.S.C. 1255a),  
20 as modified by subsection (c), shall apply to the alien.

21 (b) ELIGIBLE ALIENS DESCRIBED.—An alien is an  
22 eligible alien described in this subsection if, before October  
23 1, 2000, the alien filed with the Attorney General a writ-  
24 ten claim for class membership, with or without a filing  
25 fee, pursuant to a court order issued in the case of—

1           (1) Catholic Social Services, Inc. v. Meese, va-  
2 cated sub nom. Reno v. Catholic Social Services,  
3 Inc., 509 U.S. 43 (1993); or

4           (2) League of United Latin American Citizens  
5 v. INS, vacated sub nom. Reno v. Catholic Social  
6 Services, Inc., 509 U.S. 43 (1993).

7           (c) MODIFICATIONS TO PROVISIONS GOVERNING AD-  
8 JUSTMENT OF STATUS.—The modifications to section  
9 245A of the Immigration and Nationality Act that apply  
10 to an eligible alien described in subsection (b) of this sec-  
11 tion are the following:

12           (1) TEMPORARY RESIDENT STATUS.—Sub-  
13 section (a) of such section 245A shall not apply.

14           (2) ADJUSTMENT TO PERMANENT RESIDENT  
15 STATUS.—In lieu of paragraphs (1) and (2) of sub-  
16 section (b) of such section 245A, the Attorney Gen-  
17 eral shall be required to adjust the status of an eligi-  
18 ble alien described in subsection (b) of this section  
19 to that of an alien lawfully admitted for permanent  
20 residence if the alien meets the following require-  
21 ments:

22           (A) APPLICATION PERIOD.—The alien  
23 must file with the Attorney General an applica-  
24 tion for such adjustment during the 12-month  
25 period beginning on the date on which the At-

1           torney General issues final regulations to imple-  
2           ment this section.

3                   (B)   CONTINUOUS   UNLAWFUL   RESI-  
4           DENCE.—

5                   (i) IN GENERAL.—The alien must es-  
6           tablish that the alien entered the United  
7           States before January 1, 1982, and that  
8           he or she has resided continuously in the  
9           United States in an unlawful status since  
10          such date and through May 4, 1988. In  
11          determining whether an alien maintained  
12          continuous unlawful residence in the  
13          United States for purposes of this subpara-  
14          graph, the regulations prescribed by the  
15          Attorney General under section 245A(g) of  
16          the Immigration and Nationality Act that  
17          were most recently in effect before the date  
18          of the enactment of this Act shall apply.

19                  (ii) NONIMMIGRANTS.—In the case of  
20          an alien who entered the United States as  
21          a nonimmigrant before January 1, 1982,  
22          the alien must establish that the alien's pe-  
23          riod of authorized stay as a nonimmigrant  
24          expired before such date through the pas-  
25          sage of time or the alien's unlawful status

1 was known to the Government as of such  
2 date.

3 (iii) EXCHANGE VISITORS.—If the  
4 alien was at any time a nonimmigrant ex-  
5 change alien (as defined in section  
6 101(a)(15)(J) of the Immigration and Na-  
7 tionality Act (8 U.S.C. 1101(a)(15)(J)),  
8 the alien must establish that the alien was  
9 not subject to the two-year foreign resi-  
10 dence requirement of section 212(e) of  
11 such Act or has fulfilled that requirement  
12 or received a waiver thereof.

13 (iv) CUBAN AND HAITIAN EN-  
14 TRANTS.—For purposes of this section, an  
15 alien in the status of a Cuban and Haitian  
16 entrant described in paragraph (1) or  
17 (2)(A) of section 501(e) of Public Law 96-  
18 422 shall be considered to have entered the  
19 United States and to be in an unlawful  
20 status in the United States.

21 (C) CONTINUOUS PHYSICAL PRESENCE.—

22 (i) IN GENERAL.—The alien must es-  
23 tablish that the alien was continuously  
24 physically present in the United States  
25 during the period beginning on November

1                   6, 1986, and ending on May 4, 1988, ex-  
2                   cept that—

3                   (I) an alien shall not be consid-  
4                   ered to have failed to maintain contin-  
5                   uous physical presence in the United  
6                   States for purposes of this subpara-  
7                   graph by virtue of brief, casual, and  
8                   innocent absences from the United  
9                   States; and

10                  (II) brief, casual, and innocent  
11                  absences from the United States shall  
12                  not be limited to absences with ad-  
13                  vance parole.

14                  (ii) ADMISSIONS.—Nothing in this  
15                  section shall be construed as authorizing  
16                  an alien to apply for admission to, or to be  
17                  admitted to, the United States in order to  
18                  apply for adjustment of status under this  
19                  section or section 245A of the Immigration  
20                  and Nationality Act.

21                  (D) ADMISSIBLE AS IMMIGRANT.—The  
22                  alien must establish that the alien—

23                  (i) is admissible to the United States  
24                  as an immigrant, except as otherwise pro-



1           vided under section 245A(d)(2) of the Im-  
2           migration and Nationality Act;

3           (ii) has not been convicted of any fel-  
4           ony or of three or more misdemeanors  
5           committed in the United States;

6           (iii) has not assisted in the persecu-  
7           tion of any person or persons on account  
8           of race, religion, nationality, membership  
9           in a particular social group, or political  
10          opinion; and

11          (iv) is registered or registering under  
12          the Military Selective Service Act, if the  
13          alien is required to be so registered under  
14          that Act.

15          (E) BASIC CITIZENSHIP SKILLS.—

16          (i) IN GENERAL.—The alien must  
17          demonstrate that the alien either—

18                  (I) meets the requirements of  
19                  section 312(a) of the Immigration and  
20                  Nationality Act (8 U.S.C. 1423(a))  
21                  (relating to minimal understanding of  
22                  ordinary English and a knowledge and  
23                  understanding of the history and gov-  
24                  ernment of the United States); or

1 (II) is satisfactorily pursuing a  
2 course of study (recognized by the At-  
3 torney General) to achieve such an  
4 understanding of English and such a  
5 knowledge and understanding of the  
6 history and government of the United  
7 States.

8 (ii) EXCEPTION FOR ELDERLY OR DE-  
9 VELOPMENTALLY DISABLED INDIVID-  
10 UALS.—The Attorney General may, in the  
11 discretion of the Attorney General, waive  
12 all or part of the requirements of clause (i)  
13 in the case of an alien who is 65 years of  
14 age or older or who is developmentally dis-  
15 abled.

16 (iii) RELATION TO NATURALIZATION  
17 EXAMINATION.—In accordance with regu-  
18 lations of the Attorney General, an alien  
19 who has demonstrated under clause (i)(I)  
20 that the alien meets the requirements of  
21 section 312(a) of the Immigration and Na-  
22 tionality Act may be considered to have  
23 satisfied the requirements of that section  
24 for purposes of becoming naturalized as a

1 citizen of the United States under title III  
2 of such Act.

3 (3) TEMPORARY STAY OF REMOVAL, AUTHOR-  
4 IZED TRAVEL, AND EMPLOYMENT DURING PEND-  
5 ENCY OF APPLICATION.—In lieu of subsections  
6 (b)(3) and (e)(2) of such section 245A, the Attorney  
7 General shall provide that, in the case of an eligible  
8 alien described in subsection (b) of this section who  
9 presents a prima facie application for adjustment of  
10 status to that of an alien lawfully admitted for per-  
11 manent residence under such section 245A during  
12 the application period described in paragraph (2)(A),  
13 until a final determination on the application has  
14 been made—

15 (A) the alien may not be deported or re-  
16 moved from the United States;

17 (B) the Attorney General shall, in accord-  
18 ance with regulations, permit the alien to re-  
19 turn to the United States after such brief and  
20 casual trips abroad as reflect an intention on  
21 the part of the alien to adjust to lawful perma-  
22 nent resident status and after brief temporary  
23 trips abroad occasioned by a family obligation  
24 involving an occurrence such as the illness or

1 death of a close relative or other family need;  
2 and

3 (C) the Attorney General shall grant the  
4 alien authorization to engage in employment in  
5 the United States and provide to that alien an  
6 “employment authorized” endorsement or other  
7 appropriate work permit.

8 (4) APPLICATIONS.—Paragraphs (1) through  
9 (4) of subsection (c) of such section 245A shall not  
10 apply.

11 (5) CONFIDENTIALITY OF INFORMATION.—Sub-  
12 section (c)(5) of such section 245A shall apply to in-  
13 formation furnished by an eligible alien described in  
14 subsection (b) pursuant to any application filed  
15 under such section 245A or this section, except that  
16 the Attorney General (and other officials and em-  
17 ployees of the Department of Justice and any bu-  
18 reau or agency thereof) may use such information  
19 for purposes of rescinding, pursuant to section  
20 246(a) of the Immigration and Nationality Act (8  
21 U.S.C. 1256(a)), any adjustment of status obtained  
22 by the alien.

23 (6) USE OF FEES FOR IMMIGRATION-RELATED  
24 UNFAIR EMPLOYMENT PRACTICES.—Notwith-  
25 standing subsection (c)(7)(C) of such section 245A,

1 no application fee paid to the Attorney General pur-  
2 suant to this section by an eligible alien described in  
3 subsection (b) of this section shall be available in  
4 any fiscal year for the purpose described in such  
5 subsection (c)(7)(C).

6 (7) TEMPORARY STAY OF REMOVAL AND WORK  
7 AUTHORIZATION FOR CERTAIN APPLICANTS BEFORE  
8 APPLICATION PERIOD.—In lieu of subsection (e)(1)  
9 of such section 245A, the Attorney General shall  
10 provide that in the case of an eligible alien described  
11 in subsection (b) of this section who is apprehended  
12 before the beginning of the application period de-  
13 scribed in paragraph (2)(A) and who can establish  
14 a prima facie case of eligibility to have his status ad-  
15 justed under such section 245A pursuant to this sec-  
16 tion (but for the fact that he may not apply for such  
17 adjustment until the beginning of such period), until  
18 the alien has had the opportunity during the first 30  
19 days of the application period to complete the filing  
20 of an application for adjustment, the alien—

21 (A) may not be deported or removed from  
22 the United States; and

23 (B) shall be granted authorization to en-  
24 gage in employment in the United States and

1           be provided an “employment authorized” en-  
2           dorsement or other appropriate work permit.

3           (8) JURISDICTION OF COURTS.—Effective as of  
4           November 6, 1986, subsection (f)(4)(C) of such sec-  
5           tion 245A shall not apply to an eligible alien de-  
6           scribed in subsection (b) of this section.

7           (9) PUBLIC WELFARE ASSISTANCE.—Subsection  
8           (h) of such section 245A shall not apply.

9           (d) APPLICATIONS FROM ABROAD.—The Attorney  
10          General shall establish a process under which an alien who  
11          has become eligible to apply for adjustment of status to  
12          that of an alien lawfully admitted for permanent residence  
13          as a result of the enactment of this section and who is  
14          not physically present in the United States may apply for  
15          such adjustment from abroad.

16          (e) DEADLINE FOR REGULATIONS.—The Attorney  
17          General shall issue regulations to implement this section  
18          not later than 120 days after the date of the enactment  
19          of this Act.

20          (f) ADMINISTRATIVE AND JUDICIAL REVIEW.—The  
21          provisions of subparagraphs (A) and (B) of section  
22          245A(f)(4) of the Immigration and Nationality Act (8  
23          U.S.C. 1255a(f)(4)) shall apply to administrative or judi-  
24          cial review of a determination under this section or of a  
25          determination respecting an application for adjustment of

1 status under section 245A of the Immigration and Nation-  
2 ality Act filed pursuant to this section.

3 (g) DEFINITION.—For purposes of this section, the  
4 term “such section 245A” means section 245A of the Im-  
5 migration and Nationality Act (8 U.S.C. 1255a).

6 Titles I through VII of this Act may be cited as the  
7 “Departments of Commerce, Justice, and State, the Judi-  
8 ciary, and Related Agencies Appropriations Act, 2001”.

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