

UNITED STATES DEPARTMENT OF THE INTERIOR  
GALE A. NORTON, *Secretary*

NATIONAL PARK SERVICE  
FRAN P. MAINELLA, *Director*

**COMPILATION OF  
NATIONAL PARK SERVICE LAWS  
107<sup>TH</sup> CONGRESS**

January 2001 to December 2002



WASHINGTON: 2003

## FOREWORD

This compilation includes all laws enacted by the 107<sup>th</sup> Congress in 2001 and 2002 that affect the National Park Service. As with past Congresses, legislation that concerned national parks was included in appropriation bills. In these cases, we have noted in the index the specific section of the act where the language can be found.

The text used for each public law is the same version as is found in the *United States Statutes at Large*. A line of stars in the text denotes omitted, extraneous material.

In addition to the public laws, we have decided to begin including in these biennial compilations copies of any presidential proclamations and executive orders that affect the National Park Service. While there were no presidential proclamations involving Park Service lands during 2001 and 2002, we have included some executive orders that are relevant to our work.

We thank the National Park Foundation for providing funding to complete this publication. We also appreciate the assistance of LaTonya Wesley and Beverly Davenport in compiling these laws. If you have any questions, please feel free to contact us.

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May, 2003

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Public Law 107-11  
107th Congress

An Act

To expedite the construction of the World War II memorial in the District of Columbia.

May 28, 2001  
[H.R. 1696]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

40 USC 1003  
note.

**SECTION 1. APPROVAL OF WORLD WAR II MEMORIAL SITE AND DESIGN.**

Notwithstanding any other provision of law, the World War II memorial described in plans approved by the Commission of Fine Arts on July 20, 2000 and November 16, 2000, and selected by the National Capital Planning Commission on September 21, 2000 and December 14, 2000, and in accordance with the special use permit issued by the Secretary of the Interior on January 23, 2001, and numbered NCR-NACC-5700-0103, shall be constructed expeditiously at the dedicated Rainbow Pool site in the District of Columbia in a manner consistent with such plans and permits, subject to design modifications, if any, approved in accordance with applicable laws and regulations.

**SEC. 2. APPLICATION OF COMMEMORATIVE WORKS ACT.**

Elements of the memorial design and construction not approved as of the date of enactment of this Act shall be considered and approved in accordance with the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

**SEC. 3. JUDICIAL REVIEW.**

The decision to locate the memorial at the Rainbow Pool site in the District of Columbia and the actions by the Commission of Fine Arts on July 20, 2000 and November 16, 2000, the actions by the National Capital Planning Commission on September 21, 2000 and December 14, 2000, and the issuance of the special use permit identified in section 1 shall not be subject to judicial review.

Approved May 28, 2001.

**LEGISLATIVE HISTORY—H.R. 1696:**

**CONGRESSIONAL RECORD**, Vol. 147 (2001):

May 15, considered and passed House.

May 21, considered and passed Senate, amended.

May 22, House concurred in Senate amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 37 (2001):

May 28, Presidential statement.



[CORRECTED PRINT\*]

PUBLIC LAW 107-20—JULY 24, 2001

115 STAT. 155

Public Law 107-20  
107th Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 2001,  
and for other purposes.

July 24, 2001  
[H.R. 2216]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:*

Supplemental  
Appropriations  
Act, 2001.

TITLE I—NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF JUSTICE

RADIATION EXPOSURE COMPENSATION

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payment to the Radiation Exposure Compensation Trust Fund for approved claims, for fiscal year 2001, such sums as may be necessary.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$164,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$84,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$69,000,000.

\*See note at the bottom of page 115 Stat. 164.

\* \* \* \* \*

Deadline. and the changes in project costs compared to estimates made in October, 2000. Not later than August 1, 2001, the Secretary of the Army shall submit a report to the congressional defense committees explaining the plan of the Department of the Army to expend privately donated funds for capital improvements at the United States Military Academy between fiscal years 2001 and 2011.

SEC. 1402. Except as otherwise specifically provided in this chapter, amounts provided to the Department of Defense under each of the headings in this chapter shall be made available for the same time period as the amounts appropriated under each such heading in Public Law 106-246.

## (RESCISSIONS)

SEC. 1403. Of the funds provided in the Military Construction Appropriations Act, 2001 (Public Law 106-246), the following amounts are hereby rescinded as of the date of the enactment of this Act:

“Military Construction, Army”, \$12,856,000;  
 “Military Construction, Navy”, \$6,213,000;  
 “Military Construction, Air Force”, \$4,935,000;  
 “Military Construction, Defense-Wide”, \$14,376,000;  
 “Family Housing, Army”, \$4,000,000; and  
 “Family Housing, Air Force”, \$4,375,000.

SEC. 1404. Notwithstanding any other provision of law, the amount authorized, and authorized to be appropriated, for the Defense Agencies for the TRICARE Management Agency for a military construction project for Bassett Army Hospital at Fort Wainwright, Alaska, shall be \$215,000,000.

Federal buildings  
and facilities.

SEC. 1405. DESIGNATION OF ENGINEERING AND MANAGEMENT BUILDING AT NORFOLK NAVAL SHIPYARD, VIRGINIA, AFTER NORMAN SISISKY. The engineering and management building (also known as Building 1500) at Norfolk Naval Shipyard, Portsmouth, Virginia, shall be known as the Norman Sisisky Engineering and Management Building. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Norman Sisisky Engineering and Management Building.

## TITLE II—OTHER SUPPLEMENTAL APPROPRIATIONS

## CHAPTER 1

## DEPARTMENT OF AGRICULTURE

## OFFICE OF THE SECRETARY

For an additional amount for “Office of the Secretary”, \$3,000,000, to remain available until September 30, 2002: *Provided*, That of these funds, no less than \$1,000,000 shall be used for enforcement of the Animal Welfare Act: *Provided further*, That of these funds, no less than \$1,000,000 shall be used to enhance humane slaughter practices under the Federal Meat Inspection Act: *Provided further*, That no more than \$500,000 of these funds shall be made available to the Under Secretary for Research, Education and Economics for development and demonstration of technologies to promote the humane treatment of animals: *Provided*

\*Note: In line 8 of section 1403, the correct amount “\$14,376,000” has been added in lieu of the amount “\$4,376,000”.

\* \* \* \* \*

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", \$3,000,000, to remain available until expended, to address increased permitting responsibilities related to energy needs.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", \$17,700,000, to remain available until expended, to repair damages caused by floods, ice storms, and earthquakes in the States of Washington, Illinois, Iowa, Minnesota, Missouri, Wisconsin, New Mexico, Oklahoma, and Texas.

NATIONAL PARK SERVICE

UNITED STATES PARK POLICE

For an additional amount for "United States Park Police", \$1,700,000, to remain available until September 30, 2002, for unbudgeted increases in pension costs for retired United States Park Police officers.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation of Indian Programs", \$50,000,000, to remain available until expended, for electric power operations and related activities at the San Carlos Irrigation Project, of which such amounts as necessary may be transferred to other appropriations accounts for repayment of advances previously made for such power operations.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for "Forest and Rangeland Research", \$1,400,000, to remain available until expended, to carry out research and development activities to arrest, control, eradicate, and prevent the spread of sudden oak death syndrome.

## STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry”, \$22,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas, Oklahoma, and Texas, and for emergency pest suppression and prevention on Federal, State and private lands.

For an additional amount for “State and Private Forestry”, \$750,000 to be provided to the Kenai Peninsula Borough Spruce Bark Beetle Task Force for emergency response and \$1,750,000 to be provided to the Municipality of Anchorage for emergency fire fighting response and preparedness to respond to wildfires in spruce bark beetle infested forests, to remain available until expended: *Provided*, That such amounts shall be provided as direct lump sum payments within 30 days of enactment of this Act.

## NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, \$12,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma and to address illegal cultivation of marijuana in California and Kentucky.

## CAPITAL IMPROVEMENT AND MAINTENANCE

## (INCLUDING RESCISSION)

Of the funds appropriated in title V of Public Law 105-83 for the purposes of section 502(e) of that Act, the following amounts are rescinded: \$1,000,000 for snow removal and pavement preservation and \$4,000,000 for pavement rehabilitation.

For an additional amount for “Capital Improvement and Maintenance”, \$5,000,000, to remain available until expended, for the purposes of section 502(e) of Public Law 105-83.

For an additional amount for “Capital Improvement and Maintenance” to repair damage caused by ice storms in the States of Arkansas and Oklahoma, \$4,000,000, to remain available until expended.

## GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. Of the funds appropriated to “Operation of the National Park System” in Public Law 106-291, \$200,000 for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin, shall remain available until expended.

SEC. 2602. (a) The unobligated balances as of September 30, 2001, of the funds transferred to the Secretary of the Interior pursuant to section 311 of chapter 3 of division A of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106-554) for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106-115), are rescinded.

(b) Subsection (a) shall be effective on September 30, 2001.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the Secretary of the Interior for the purposes specified in such subsection, to remain available until expended.

Effective date.

\* \* \* \* \*

Treasury not otherwise appropriated, \$1,700,000, to remain available until expended, to the United States-China Security Review Commission.

This Act may be cited as the “Supplemental Appropriations Act, 2001”.

Approved July 24, 2001.

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LEGISLATIVE HISTORY—H.R. 2216 (S. 1077):

HOUSE REPORTS: Nos. 107-102 (Comm. on Appropriations) and 107-148 (Comm. of Conference).

SENATE REPORTS: No. 107-33 accompanying S. 1077 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 20, considered and passed House.

July 10, considered and passed Senate, amended, in lieu of S. 1077.

July 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

July 24, Presidential statement.



Public Law 107-41  
107th Congress

An Act

Sept. 18, 2001  
[H.R. 2133]

To establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

36 USC note  
prec. 101.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds that as the Nation approaches May 17, 2004, marking the 50th anniversary of the Supreme Court decision in *Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al.*, it is appropriate to establish a national commission to plan and coordinate the commemoration of that anniversary.

**SEC. 2. ESTABLISHMENT.**

There is established a commission to be known as the “*Brown v. Board of Education 50th Anniversary Commission*” (referred to in this Act as the “*Commission*”).

**SEC. 3. DUTIES.**

In order to commemorate the 50th anniversary of the *Brown* decision, the Commission shall—

(1) in conjunction with the Department of Education, plan and coordinate public education activities and initiatives, including public lectures, writing contests, and public awareness campaigns, through the Department of Education’s ten regional offices; and

(2) in cooperation with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas (referred to in this Act as the “*Brown Foundation*”), and such other public or private entities as the Commission considers appropriate, encourage, plan, develop, and coordinate observances of the anniversary of the *Brown* decision.

**SEC. 4. MEMBERSHIP.**

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed as follows:

(1) Two representatives of the Department of Education appointed by the Secretary of Education, one of whom shall serve as one of two Co-chairpersons of the Commission.

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

(3) Eleven individuals appointed by the President after receiving recommendations as follows:

President.

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of one individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President five individuals, one from each of the States described in clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of one individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President five individuals, one from each of the States described in subparagraph (A)(iii).

(C) The Delegate to the House of Representatives from the District of Columbia shall recommend to the President one individual from the District of Columbia.

(4) Two representatives of the judicial branch of the Federal Government appointed by the Chief Justice of the United States Supreme Court.

(5) Two representatives of the Brown Foundation.

(6) Two representatives of the NAACP Legal Defense and Education Fund.

(7) One representative of the Brown v. Board of Education National Historic Site.

(b) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—A majority of members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall hold its first meeting not later than 6 months after the date of the enactment of this Act. The Commission shall subsequently meet at the call of a Co-chairperson or a majority of its members.

(g) EXECUTIVE DIRECTOR AND STAFF.—The Commission may secure the services of an executive director and staff personnel as it considers appropriate.

**SEC. 5. POWERS.**

(a) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take under this Act.

(b) **GIFTS AND DONATIONS.**—

(1) **AUTHORITY TO ACCEPT.**—The Commission may accept and use gifts or donations of money, property, or personal services.

(2) **DISPOSITION OF PROPERTY.**—Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, or other materials donated to the Commission which relate to the Brown decision, shall, upon termination of the Commission—

(A) be deposited for preservation in the Brown Foundation Collection at the Spencer Research Library at the University of Kansas in Lawrence, Kansas; or

(B) be disposed of by the Commission in consultation with the Librarian of Congress, and with the express consent of the Brown Foundation and the Brown v. Board of Education National Historic Site.

(c) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

Deadline.

**SEC. 6. REPORTS.**

(a) **INTERIM REPORTS.**—The Commission shall transmit interim reports to the President and the Congress not later than December 31 of each year. Each such report shall include a description of the activities of the Commission during the year covered by the report, an accounting of any funds received or expended by the Commission during such year, and recommendations for any legislation or administrative action which the Commission considers appropriate.

(b) **FINAL REPORT.**—The Commission shall transmit a final report to the President and the Congress not later than December 31, 2004. Such report shall include an accounting of any funds received or expended, and the disposition of any other properties, not previously reported.

**SEC. 7. TERMINATION.**

(a) **DATE.**—The Commission shall terminate on such date as the Commission may determine, but not later than February 1, 2005.

(b) **DISPOSITION OF FUNDS.**—Any funds held by the Commission on the date the Commission terminates shall be deposited in the general fund of the Treasury.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$250,000 for the period encompassing fiscal years 2003 and 2004 to carry out this Act, to remain available until expended.

Approved September 18, 2001.

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**LEGISLATIVE HISTORY—H.R. 2133 (S. 1046):**

**CONGRESSIONAL RECORD**, Vol. 147 (2001):

June 27, considered and passed House.

Aug. 3, considered and passed Senate, amended.

Sept. 10, House concurred in Senate amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 37 (2001):

Sept. 19, Presidential statement.



Public Law 107-59  
107th Congress

An Act

To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System, and for other purposes.

Nov. 5, 2001  
[H.R. 146]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Great Falls  
Historic District  
Study Act of  
2001.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Great Falls Historic District Study Act of 2001".

**SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING GREAT FALLS HISTORIC DISTRICT, PATERSON, NEW JERSEY.**

(a) **DEFINITIONS.**—In this section:

(1) **GREAT FALLS HISTORIC DISTRICT.**—The term "Great Falls Historic District" means the Great Falls Historic District in the city of Paterson, New Jersey, established as an historic district by section 510 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4158; 16 U.S.C. 461 note).

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) **STUDY.**—As soon as practicable after funds are made available to carry out this section, the Secretary shall commence a study regarding the suitability and feasibility of further recognizing the historic and cultural significance of the lands and structures of the Great Falls Historic District through the designation of the Great Falls Historic District as a unit of the National Park System.

(c) **STUDY PROCESS AND COMPLETION.**—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the study required by this section.

Applicability.

(d) **SUBMISSION.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

Reports.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

Approved November 5, 2001.

**LEGISLATIVE HISTORY—H.R. 146:**

HOUSE REPORTS: No. 107-47 (Comm. on Resources).

SENATE REPORTS: No. 107-74 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 147 (2001):

May 9, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 107-60  
107th Congress

An Act

Nov. 5, 2001  
[H.R. 1000]

To adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes.

William Howard  
Taft National  
Historic Site  
Boundary  
Adjustment Act  
of 2001.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “William Howard Taft National Historic Site Boundary Adjustment Act of 2001”.

**SEC. 2. EXCHANGE OF LANDS AND BOUNDARY ADJUSTMENT, WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE, OHIO.**

(a) **DEFINITIONS.**—In this section:

(1) **HISTORIC SITE.**—The term “historic site” means the William Howard Taft National Historic Site in Cincinnati, Ohio, established pursuant to Public Law 91-132 (83 Stat. 273; 16 U.S.C. 461 note).

(2) **MAP.**—The term “map” means the map entitled “Proposed Boundary Map, William Howard Taft National Historic Site, Hamilton County, Cincinnati, Ohio,” numbered 448/80,025, and dated November 2000.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) **AUTHORIZATION OF LAND EXCHANGE.**—

(1) **EXCHANGE.**—The Secretary may acquire a parcel of real property consisting of less than one acre, which is depicted on the map as the “Proposed Exchange Parcel (Outside Boundary)”, in exchange for a parcel of real property, also consisting of less than one acre, which is depicted on the map as the “Current USA Ownership (Inside Boundary)”.

(2) **EQUALIZATION OF VALUES.**—If the values of the parcels to be exchanged under paragraph (1) are not equal, the difference may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional land.

(3) **ADJUSTMENT OF BOUNDARY.**—The Secretary shall revise the boundary of the historic site to reflect the exchange upon its completion.

(c) **ADDITIONAL BOUNDARY REVISION AND ACQUISITION AUTHORITY.**—

(1) **INCLUSION OF PARCEL IN BOUNDARY.**—Effective on the date of the enactment of this Act, the boundary of the historic site is revised to include an additional parcel of real property, which is depicted on the map as the “Proposed Acquisition”.

Effective date.

(2) **ACQUISITION AUTHORITY.**—The Secretary may acquire the parcel referred to in paragraph (1) by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

(d) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) **ADMINISTRATION OF ACQUIRED LANDS.**—Any lands acquired under this section shall be administered by the Secretary as part of the historic site in accordance with applicable laws and regulations.

Approved November 5, 2001.

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**LEGISLATIVE HISTORY—H.R. 1000:**

HOUSE REPORTS: No. 107-88 (Comm. on Resources).

SENATE REPORTS: No. 107-76 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 6, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 107-61  
107th Congress

An Act

Nov. 5, 2001  
[H.R. 1161]

To authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

40 USC 1003  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.**

(a) **IN GENERAL.**—The Government of the Czech Republic is authorized to establish a memorial to honor Tomas G. Masaryk on the Federal land in the District of Columbia.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c), 6(b), 8(b), and 10(c) of that Act shall not apply with respect to the memorial.

**SEC. 2. LIMITATION ON PAYMENT OF EXPENSES.**

The United States Government shall not pay any expense for the establishment of the memorial or its maintenance.

Approved November 5, 2001.

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**LEGISLATIVE HISTORY—H.R. 1161:**

HOUSE REPORTS: No. 107-221 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 147 (2001):

Oct. 2, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 107-62  
107th Congress

An Act

To authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy.

Nov. 5, 2001  
[H.R. 1668]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

40 USC 1003  
note.

**SECTION 1. COMMEMORATIVE WORK TO HONOR JOHN ADAMS AND HIS LEGACY.**

(a) **FINDINGS.**—The Congress finds the following:

(1) Few families have contributed as profoundly to the United States as the family that gave the Nation its second president, John Adams; its sixth president, John Quincy Adams; first ladies Abigail Smith Adams and Louisa Catherine Johnson Adams; and succeeding generations of statesmen, diplomats, advocates, and authors.

(2) John Adams (1735–1826), a lawyer, a statesman, and a patriot, was the author of the Constitution of the Commonwealth of Massachusetts (the oldest written constitution still in force), the leader of the Second Continental Congress, a driving force for independence, a negotiator of the Treaty of Paris (which brought the Revolutionary War to an end), the first Vice President, the second President, and an unwavering exponent of freedom of conscience and the rule of law.

(3) Abigail Smith Adams (1744–1818) was one of the most remarkable women of her time. Wife of former President John Adams and mother of former President John Quincy Adams, she was an early advocate for the rights of women and served the cause of liberty as a prolific writer, fierce patriot, and staunch abolitionist.

(4) John Quincy Adams (1767–1848), the son of John and Abigail Adams, was a distinguished lawyer, legislator, and diplomat and a master of 7 languages, who served as Senator, Minister to the Netherlands under President George Washington, Minister to Prussia under the first President Adams, Minister to Great Britain under President James Madison, chief negotiator of the Treaty of Ghent (which ended the War of 1812), Secretary of State under President James Monroe, author of the Monroe Doctrine (which declared the Western Hemisphere off limits to European imperial expansion), sixth President, and the only former President to be elected to the House of Representatives, where he was known as “Old Man Eloquent” and served with great distinction as a leader in the fight against slavery and a champion of unpopular causes.

(5) Louisa Catherine Johnson Adams (1775–1852), the wife of former President John Quincy Adams, was an educated, accomplished woman and the only first lady born outside the United States. Like Abigail Adams, she wrote eloquently on behalf of the rights of women and in opposition to slavery.

(6) Charles Francis Adams (1807–1886), the son of John Quincy and Louisa Adams, served 6 years in the Massachusetts legislature, was a steadfast abolitionist who received the Free Soil Party's vice-presidential nomination in 1848, was elected to his father's seat in the House of Representatives in 1856, and served as ambassador to Great Britain during the Civil War, where his efforts were decisive in preventing the British Government from recognizing the independence of the Confederacy.

(7) Henry Adams (1838–1918), the son of Charles Francis Adams, was an eminent writer, scholar, historian, and public intellectual, and was the author of many celebrated works, including "Democracy", "The Education of Henry Adams", and his 9-volume "History of the United States during the Administrations of Jefferson and Madison".

(8) Both individually and collectively, the members of this illustrious family have enriched the Nation through their profound civic consciousness, abiding belief in the perfectibility of the Nation's democracy, and commitment to service and sacrifice for the common good.

(9) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated former Presidents as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to former President John Adams.

(10) In recognition of the 200th anniversary of the end of the presidency of John Adams, the time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of his contributions and those of his family.

(b) **AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.**—The Adams Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams, along with his wife Abigail Adams and former President John Quincy Adams, and the family's legacy of public service.

(c) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the commemorative work shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001, et seq.).

(d) **USE OF FEDERAL FUNDS PROHIBITED.**—Federal funds may not be used to pay any expense of the establishment of the commemorative work. The Adams Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work.

(e) **DEPOSIT OF EXCESS FUNDS.**—If, upon payment of all expenses of the establishment of the commemorative work (including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1001, et seq.)), or upon expiration of the authority for the commemorative

work under section 10(b) of such Act, there remains a balance of funds received for the establishment of the commemorative work, the Adams Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

**SEC. 2. DEFINITIONS.**

For purposes of this Act, the terms “commemorative work” and “the District of Columbia and its environs” have the meanings given to such terms in section 2 of the Commemorative Works Act (40 U.S.C. 1002).

Approved November 5, 2001.

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**LEGISLATIVE HISTORY—H.R. 1668:**

SENATE REPORTS: No. 107-77 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 25, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 107-63  
107th Congress

An Act

Nov. 5, 2001  
[H.R. 2217]

Making appropriations for the Department of the Interior and related agencies  
for the fiscal year ending September 30, 2002, and for other purposes.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2002.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$775,632,000, to remain available until expended, of which \$1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which \$4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation

from annual mining claim fees so as to result in a final appropriation estimated at not more than \$775,632,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further*, That of the amount provided, \$28,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Bureau of Land Management shall be transferred to and merged with this appropriation, and shall remain available until expended.

#### WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$624,421,000, to remain available until expended, of which not to exceed \$19,774,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further*, That

funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for burned areas rehabilitation and fire suppression by the Department of the Interior, \$54,000,000, to remain available until expended, of which \$34,000,000 is for wildfire suppression and \$20,000,000 is for burned areas rehabilitation: *Provided*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$54,000,000 shall be available only to the extent an official budget request, that includes designation of the \$54,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

#### CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$13,076,000, to remain available until expended.

#### PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907), \$210,000,000, of which not to exceed \$400,000 shall be available for administrative expenses and of which \$50,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

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## ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105-56.

## NATIONAL PARK SERVICE

## OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,476,977,000, of which \$10,869,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which \$72,640,000, to remain available until September 30, 2003, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special

events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That none of the funds in this or any other Act may be used to fund a new Associate Director position for Partnerships.

#### UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$65,260,000.

#### CONTRIBUTION FOR ANNUITY BENEFITS

16 USC 14e.

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85-157, to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: *Provided*, That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$66,159,000, of which \$500,000 are for grants pursuant to the National Underground Railroad Network to Freedom Act of 1988 (16 U.S.C. 4691, as amended).

#### URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), \$30,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$74,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, of the amount provided herein, \$2,500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment

with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, \$30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$366,044,000, to remain available until expended, of which \$66,851,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That of the amount provided for Cuyahoga National Park, \$200,000 may be used for the Cuyahoga Valley Scenic Railroad platform and station in Canton, Ohio.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

The contract authority provided for fiscal year 2002 by 16 U.S.C. 4601-10a is rescinded.

16 USC 4601-10a  
note.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$274,117,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which \$144,000,000 is for the State assistance program including \$4,000,000 to administer the State assistance program, and of which \$11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites

Advisory Commission: *Provided*, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)); *Provided further*, That of the amounts provided under this heading, \$15,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and \$16,000,000 may be for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to exceed 237 for police-type use, 11 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

Reports.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, the National Park Service may convey a leasehold or freehold interest in Cuyahoga NP to allow for the development of utilities and parking needed to support the historic Everett Church in the village of Everett, Ohio.

\* \* \* \* \*

available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

#### DEPARTMENTAL OFFICES

##### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$78,950,000, of which: (1) \$74,422,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the funds provided herein for American Samoa government operations, the Secretary is directed to use up to \$20,000 to increase compensation of the American Samoa High Court Justices: *Provided further*, That of the amounts provided for technical assistance, not to exceed

48 USC 1469b.

Grants.  
Close Up  
Foundation.

\$2,000,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure (with territorial participation and cost sharing to be determined by the Secretary based on the grantees commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$23,245,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$67,741,000, of which not to exceed \$8,500 may be for official reception and representation expenses, and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$45,000,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$34,302,000, of which \$3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the

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## ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available

under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 114. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority: *Provided*, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990, (Lake Roosevelt Cooperative Management Agreement) that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under

such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 118. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 119. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106-291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 120. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 121. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further

appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 122. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking "2001" and inserting "2002".

SEC. 123. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 124. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term "construction", with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for construction of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

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- (1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and  
 (2) other applicable law.

SEC. 127. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 128. The Lytton Rancheria of California shall not conduct Class III gaming as defined in Public Law 100-497 on land taken into trust for the tribe pursuant to Public Law 106-568 except in compliance with all required compact provisions of section 2710(d) of Public Law 100-497 or any relevant Class III gaming procedures.

National Wildlife  
 Refuge.  
 South Carolina.  
 16 USC 668dd  
 note.  
 Deadline.  
 16 USC 410hh-2  
 note.

SEC. 129. Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina is hereby named for George Garris and shall hereafter be referred to in any law, document, or records of the United States as "Garris Landing".

SEC. 130. From within funds available to the National Park Service, such sums as may be necessary shall be used for expenses necessary to complete and issue, no later than January 1, 2004, an Environmental Impact Statement (EIS) to identify and analyze the possible effects of the 1996 increases in the number of vessel entries issued for Glacier Bay National Park and Preserve: *Provided*, That such EIS, upon its completion, shall be used by the Secretary to set the maximum level of vessel entries: *Provided further*, That until the Secretary sets the level of vessel entries based on the new EIS, the number of vessel entries into the Park shall be the same as that in effect during the 2000 calendar year and the National Park Service approval of modified Alternative 5 and promulgation of the final rule issued on May 30, 1996, relating to vessel entries, including the number of such entries, for Glacier Bay National Park and Preserve are hereby approved and shall be in effect notwithstanding any other provision of law until the Secretary sets the maximum level of vessel entries consistent with this section: *Provided further*, That nothing in this section shall preclude the Secretary from suspending or revoking any vessel entry if the Secretary determines that it is necessary to protect Park resources.

SEC. 131. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 132. Funds provided in this Act for Federal land acquisition by the National Park Service for Brandywine Battlefield, Mississippi National River and Recreation Area, Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

114 Stat. 2922.

SEC. 133. Section 902(b)(5) of Public Law 106-568 is hereby amended by inserting a comma after "N½".

SEC. 134. CLARIFICATION OF THE SECRETARY OF THE INTERIOR'S AUTHORITY UNDER SECTIONS 2701-2721 OF TITLE 25, UNITED

STATES CODE. The authority to determine whether a specific area of land is a “reservation” for purposes of sections 2701-2721 of title 25, United States Code, was delegated to the Secretary of the Interior on October 17, 1988: *Provided*, That nothing in this section shall be construed to permit gaming under the Indian Gaming Regulatory Act on the lands described in section 123 of Public Law 106-291 or any lands contiguous to such lands that have not been taken into trust by the Secretary of the Interior.

SEC. 135. BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA. (a) AREAS INCLUDED.—The Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 is amended in sections 4(b) (16 U.S.C. 460ppp-2(b)) and 8(a) (16 U.S.C. 460ppp-6(a)) by striking “July 19, 2000” each place it appears and inserting “October 3, 2001”.

16 USC 1132  
note.

(b) ROAD MAINTENANCE.—Section 5 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-3) is amended by adding at the end the following:

“(h) ROAD MAINTENANCE.—Within the conservation area the Secretary may permit the use of gravel pits for the maintenance of roads within the conservation area under the Materials Act of 1947 (30 U.S.C. 601 et seq.) to the extent consistent with this Act and subject to such regulations, policies, and practices as the Secretary considers necessary.”

(c) HUNTING, TRAPPING, AND FISHING.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-6) is amended by adding at the end the following:

“(e) HUNTING, TRAPPING, AND FISHING.—

“(1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing on public land in the areas designated as wilderness under subsection (a).

“(2) APPLICABLE LAW.—Any action in the areas designated as wilderness under subsection (a) shall be consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).”

(d) WILDLAND FIRE PROTECTION.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-6) (as amended by subsection (c)) is amended by adding at the end the following:

“(f) WILDLAND FIRE PROTECTION.—Nothing in this Act or the Wilderness Act (16 U.S.C. 1131 et seq.) precludes a Federal, State, or local agency from conducting wildland fire management operations (including prescribed burns) within the areas designated as wilderness under subsection (a), subject to any conditions that the Secretary considers appropriate.”

(e) WILDERNESS STUDY RELEASE.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp-6) (as amended by subsection (d)) is amended by adding at the end the following:

“(g) WILDERNESS STUDY RELEASE.—Congress—

“(1) finds that the parcels of land in the wilderness study areas referred to in subsection (a) that are not designated as wilderness by subsection (a) have been adequately studied for wilderness designation under section 603 of the Federal

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Report No. 105-163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is \$5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That:

(1) In expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

- (A) local private, nonprofit, or cooperative entities;
- (B) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;
- (C) small or micro-businesses; or
- (D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2)(A) The Secretary of Agriculture may transfer or reimburse funds to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered

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## REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$14,220,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

## JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

## OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$15,000,000.

## CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$19,000,000, to remain available until expended.

## WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

## SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$7,796,000.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## NATIONAL ENDOWMENT FOR THE ARTS

## GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$98,234,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

## NATIONAL ENDOWMENT FOR THE HUMANITIES

## GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$108,382,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant

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## NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$3,400,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

## NATIONAL CAPITAL PLANNING COMMISSION

## SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$7,253,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

## UNITED STATES HOLOCAUST MEMORIAL MUSEUM

## HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$36,028,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,125,000 shall be available to the Presidio Trust, to remain available until expended.

## TITLE III—GENERAL PROVISIONS

Contracts.  
Public  
information.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 309. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected

by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 310. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, and 106-291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 311. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Subsection (f) of section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

(1) by striking "commence on October 1, 1995, and end on September 30, 2002" and inserting "end on September 30, 2004"; and

(2) by striking "September 30, 2005" and inserting "September 30, 2007".

(b) EXPANSION OF PROGRAM.—Subsection (b) of such section is amended by striking "no fewer than 10, but as many as 100,".

(c) REVENUE SHARING.—Subsection (d)(1) of such section is amended by inserting "the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note)," before "and any other provision".

(d) DISCOUNTED FEES.—Subsection (b)(2) of such section is amended by inserting after "testing" the following: ", including the provision of discounted or free admission or use as the Secretary considers appropriate".

(e) CAPITAL PROJECTS.—Subsection (c)(2) of such section is amended by adding at the end the following new subparagraph:

"(D) None of the funds collected under this section may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the Committee on

16 USC 4601-6a  
note.

16 USC 4601-6a  
note.

16 USC 4601-6a  
note.

\* \* \* \* \*

not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351-358.

16 USC 460l-6a  
note.

SEC. 325. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 326. For fiscal years 2002 and 2003, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

16 USC 1604  
note.

SEC. 327. REVISION OF FOREST PLANS. Prior to October 1, 2002, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

16 USC 565a-1  
note.

SEC. 328. Until September 30, 2003, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94-148 (16 U.S.C. 565a-1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.

SEC. 329. (a) PILOT PROGRAM AUTHORIZING CONVEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—The Secretary of Agriculture may convey, by sale or exchange, any or all right, title, and interest of the United States in and to excess buildings and other structures located on National Forest System lands and under the jurisdiction of the Forest Service. The conveyance may include the land on which the building or other structure is located and such other land immediately adjacent to the building or structure as the Secretary considers necessary.

16 USC 580d  
note.

(b) LIMITATION.—Conveyances on not more than 10 sites may be made under the authority of this section, and the Secretary of Agriculture shall obtain the concurrence of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate in advance of each conveyance.

(c) USE OF PROCEEDS.—The proceeds derived from the sale of a building or other structure under this section shall be retained by the Secretary of Agriculture and shall be available to the Secretary, without further appropriation until expended, for maintenance and rehabilitation activities within the Forest Service Region in which the building or structure is located.

(d) DURATION OF AUTHORITY.—The authority provided by this section expires on September 30, 2005.

SEC. 330. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105-277, Div. A, section 101(e) is amended by inserting “and fiscal years 2002 through 2005,” before “to the extent funds are otherwise available”.

16 USC 1011  
note.

SEC. 331. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 332. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105-277, is amended by striking “2002” and inserting “2004”. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105-277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: *Provided*, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

16 USC 2104  
note.  
16 USC 2104  
note.

SEC. 333. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A-25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 334. The Chief of the Forest Service shall issue a special use permit for the Sioux Charlie Cabin within the boundary of

Permits.

\* \* \* \* \*

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

Approved November 5, 2001.

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LEGISLATIVE HISTORY—H.R. 2217:

HOUSE REPORTS: No. 107-103 (Comm. on Appropriations) and 107-234 (Comm. of Conference).

SENATE REPORTS: No. 107-36 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 21, considered and passed House.

July 11, 12, considered and passed Senate, amended.

Oct. 17, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Nov. 5, Presidential statement.



Public Law 107-65  
107th Congress

An Act

Nov. 6, 2001  
[H.R. 182]

Eightmile River  
Wild and Scenic  
River Study Act  
of 2001.  
16 USC 1271  
note.

To amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Eightmile River Wild and Scenic River Study Act of 2001".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the Eightmile River in the State of Connecticut possesses important resource values, including wildlife, ecological, and scenic values, and historic sites and a cultural past important to America's heritage;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

**SEC. 3. DESIGNATION FOR STUDY.**

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"(138) EIGHTMILE RIVER, CONNECTICUT.—The segment from its headwaters downstream to its confluence with the Connecticut River."

**SEC. 4. STUDY AND REPORT.**

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"(18) The study of the Eightmile River, Connecticut, named in paragraph (138) of subsection (a) shall be completed by the Secretary of the Interior and the report thereon submitted to Congress not later than 3 years after the date of the enactment of this paragraph."

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved November 6, 2001.

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**LEGISLATIVE HISTORY—H.R. 182:**

**HOUSE REPORTS:** No. 107-36 (Comm. on Resources).

**SENATE REPORTS:** No. 107-75 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD, Vol. 147 (2001):**

May 1, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 107-69  
107th Congress

An Act

To amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

Nov. 12, 2001  
[H.R. 2925]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES.** 43 USC 373b.

(a) **PUBLIC SAFETY REGULATIONS.**—The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) **VIOLATIONS; CRIMINAL PENALTIES.**—Any person who knowingly and willfully violates any regulation issued under subsection (a) shall be fined under chapter 227, subchapter C of title 18, United States Code, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

(c) **AUTHORIZATION OF LAW ENFORCEMENT OFFICERS.**—The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

(d) **POWERS OF LAW ENFORCEMENT OFFICERS.**—A law enforcement officer authorized by the Secretary of the Interior under subsection (c) may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) **LEGAL STATUS OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS.**—

(1) **STATE OR LOCAL OFFICERS NOT FEDERAL EMPLOYEES.**—Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) **APPLICATION OF FEDERAL TORT CLAIMS ACT.**—For purposes of chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

Applicability.

(3) **AVAILABILITY OF WORKERS COMPENSATION.**—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term employee as defined in section 8101 of title 5, and the provisions

of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) **CONCURRENT JURISDICTION.**—Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) **REGULATIONS.**—Except for the authority provided in section 2(c)(1), the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

**SEC. 2. DEFINITIONS.**

43 USC 373c.

In this Act:

(1) **LAW ENFORCEMENT PERSONNEL.**—The term “law enforcement personnel” means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) **RECLAMATION PROJECT; RECLAMATION LANDS.**—The terms “Reclamation project” and “Reclamation lands” have the meaning given such terms in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601-32).

Approved November 12, 2001.

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**LEGISLATIVE HISTORY—H.R. 2925:**

CONGRESSIONAL RECORD, Vol. 147 (2001):

Oct. 23, considered and passed House.

Oct. 30, considered and passed Senate.



Public Law 107-87  
107th Congress

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Dec. 18, 2001  
[H.R. 2299]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:*

Department of  
Transportation  
and Related  
Agencies  
Appropriations  
Act, 2002.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$67,778,000, of which not to exceed \$1,929,000 shall be available for the immediate Office of the Secretary; not to exceed \$619,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$13,355,000 shall be available for the Office of the General Counsel; not to exceed \$3,058,000 shall be for the Office of the Assistant Secretary for Policy; not to exceed \$7,421,000 shall be available for the Office of the Assistant Secretary for Aviation and International Affairs; not to exceed \$7,728,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,282,000 shall be available for the Office of the Assistant Secretary for Government Affairs; not to exceed \$19,250,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,723,000 shall be available for the Office of Public Affairs; not to exceed \$1,204,000 shall be available for the Office of the Executive Secretariat; not to exceed \$507,000 shall be available for the Board of Contract Appeals; not to exceed \$1,240,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$1,321,000 shall be available for the Office of Intelligence and Security; not to exceed \$6,141,000 shall be available for the Office of the Chief Information Officer: *Provided*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds

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## GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106-181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$1,800,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,300,000,000 in fiscal year 2002, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than \$57,050,000 of funds limited under this heading shall be obligated for administration and not less than \$20,000,000 shall be for the Small Community Air Service Development Pilot Program.

## GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, \$301,720,000 are rescinded.

## AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

## FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed \$311,000,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That of the funds available under section

104(a)(1)(A) of title 23, United States Code: \$7,500,000 shall be available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105-178, as amended; \$4,000,000 shall be available for motor carrier safety research; \$841,000 shall be available for the motor carrier crash data improvement program; \$6,000,000 shall be available for the nationwide differential global positioning system program; and \$1,500,000 for environmental streamlining activities.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$31,799,104,000 for Federal-aid highways and highway safety construction programs for fiscal year 2002: *Provided*, That within the \$31,799,104,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$447,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204-5209 of Public Law 105-178) for fiscal year 2002: *Provided further*, That this limitation on transportation research programs shall not apply to any funds authorized under section 110 of title 23, United States Code, and allocated to these programs, or to any authority previously made available for obligation: *Provided further*, That within the \$225,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105-178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

23 USC 104 note.

Alameda-Contra Costa, California, \$500,000;  
 Alaska statewide, \$2500,000;  
 Alexandria, Virginia, \$750,000;  
 Arizona statewide EMS, \$500,000;  
 Army trail road traffic signal coordination project, Illinois,  
 \$300,000;  
 Atlanta smart corridors, Georgia, \$1,000,000;  
 Austin, Texas, \$125,000;  
 Automated crash notification, UAB, Alabama, \$2,500,000;  
 Bay County Area wide traffic signal system, Florida,  
 \$500,000;  
 Beaver County transit mobility manager, Pennsylvania,  
 \$800,000;  
 Brownsville, Texas, \$250,000;  
 Carbondale technology transfer center, Pennsylvania,  
 \$1,000,000;  
 Cargo mate logistics and intermodal management, New  
 York, \$1,250,000;  
 Central Ohio, \$1,500,000;  
 Chattanooga, Tennessee, \$2,000,000;

Chinatown intermodal transportation center, California, \$1,750,000;  
 Clark County, Washington, \$1,000,000;  
 Commercial vehicle information systems and networks, New York, \$450,000;  
 Dayton, Ohio, \$1,250,000;  
 Detroit, Michigan (airport), \$1,500,000;  
 Durham, Wake Counties, North Carolina, \$500,000;  
 Eastern Kentucky rural highway information, \$2,000,000;  
 Fargo, North Dakota, \$1,000,000;  
 Forsyth, Guilford Counties, North Carolina, \$1,000,000;  
 Genesee County, Michigan, \$1,000,000;  
 Great Lakes, Michigan, \$1,500,000;  
 Guidestar, Minnesota, \$6,000,000;  
 Harrison County, Mississippi, \$500,000;  
 Hawaii statewide, \$1,000,000;  
 Hoosier SAFE-T, Indiana, \$2,000,000;  
 Houma, Louisiana, \$1,000,000;  
 I-90 connector testbed, New York, \$1,000,000;  
 Illinois statewide, \$2,000,000;  
 Inglewood, California, \$500,000;  
 Integrated transportation management system, Delaware statewide, \$2,000,000;  
 Iowa statewide, \$562,000;  
 Jackson Metropolitan, Mississippi, \$500,000;  
 James Madison University, Virginia, \$1,500,000;  
 Kansas City, Kansas, \$500,000;  
 Kittitas County workzone traffic safety system, Washington, \$450,000;  
 Lansing, Michigan, \$750,000;  
 Las Vegas, Nevada, \$1,450,000;  
 Lexington, Kentucky, \$750,000;  
 Libertyville traffic management center, Illinois, \$760,000;  
 Long Island rail road grade crossing deployment, New York, \$1,000,000;  
 Macomb, Michigan (border crossing), \$1,000,000;  
 Maine statewide (rural), \$500,000;  
 Maryland statewide, \$1,000,000;  
 Miami-Dade, Florida, \$1,000,000;  
 Monterey-Salinas, California, \$750,000;  
 Montgomery County ECC & TMC, Maryland, \$1,000,000;  
 Moscow, Idaho, \$1,000,000;  
 Nebraska statewide, \$4,000,000;  
 New York statewide information exchange systems, New York, \$500,000;  
 New York, New Jersey, Connecticut (TRANSCOM), \$2,500,000;  
 North Greenbush, New York, \$1,000,000;  
 Oklahoma statewide, \$3,000,000;  
 Oxford, Mississippi, \$500,000;  
 Pennsylvania statewide (turnpike), \$500,000;  
 Philadelphia, Pennsylvania, \$1,033,000;  
 Philadelphia, Pennsylvania (Drexel), \$1,500,000;  
 Pioneer Valley, Massachusetts, \$1,500,000;  
 Port of Long Beach, California, \$500,000;  
 Port of Tacoma trucker congestion notification system, Washington, \$200,000;

Roadside animal detection test-bed, Montana, \$500,000;  
 Rochester-Genesee, New York, \$800,000;  
 Rutland, Vermont, \$750,000;  
 Sacramento, California, \$3,000,000;  
 San Diego joint transportation operations center, California, \$1,500,000;  
 San Francisco central control communications, California, \$250,000;  
 Santa Anita, California, \$300,000;  
 Santa Teresa, New Mexico, \$750,000;  
 Shreveport, Louisiana, \$750,000;  
 Silicon Valley transportation management center, California, \$700,000;  
 South Carolina DOT, \$3,000,000;  
 Southeast Corridor, Colorado, \$7,000,000;  
 Southern Nevada (bus), \$1,100,000;  
 Spillway road incident management system, Mississippi, \$600,000;  
 St. Louis, Missouri, \$1,000,000;  
 Statewide transportation operations center, Kentucky, \$2,000,000;  
 Superior, I-39 corridor, Wisconsin, \$2,500,000;  
 Texas statewide, \$2,000,000;  
 Travel network, South Dakota, \$2,325,000;  
 University of Arizona ATLAS Center, Arizona, \$500,000;  
 Utah Statewide, \$560,000;  
 Vermont statewide (rural), \$1,500,000;  
 Washington statewide, \$4,500,000;  
 Washington, D.C. metropolitan region, \$2,000,000;  
 Wayne County road information management system, Michigan, \$1,500,000;  
 Wichita, Kansas, \$1,200,000;  
 Wisconsin communications network, \$310,000;  
 Wisconsin statewide, \$1,000,000; and  
 Yakima County adverse weather operations, Washington, \$475,000;

*Provided further*, That, notwithstanding any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2002 shall be apportioned to the States in accordance with the distribution set forth in section 110(b)(4)(A) and (B) of title 23, United States Code, except that before such apportionments are made, \$35,565,651 shall be set aside for the program authorized under section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; \$31,815,091 shall be set aside for the program authorized under section 1101(a)(8)(B) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; \$21,339,391 shall be set aside for the program authorized under section 1101(a)(8)(C) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; \$2,586,593 shall be set aside for the program authorized under section 1101(a)(8)(D) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; \$25,579,000 shall be set aside for the program authorized under section 129(c) of title 23, United States Code, and section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991, as amended; \$352,256,000 shall be

set aside for the programs authorized under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century, as amended; \$3,348,128 shall be set aside for the program authorized under section 1101(a)(11) of the Transportation Equity Act for the 21st Century, as amended and section 162 of title 23, United States Code; \$76,025,000 shall be set aside for the program authorized under section 118(c) of title 23, United States Code; \$62,450,000 shall be set aside for the program authorized under section 144(g) of title 23, United States Code; \$251,092,600 shall be set aside for the program authorized under section 1221 of the Transportation Equity Act for the 21st Century, as amended; \$10,000,000 shall be set aside for the program authorized under section 502(e) of title 23, United States Code; \$56,300,000 shall be available for border infrastructure improvements; \$45,122,600 shall be available for allocation by the Secretary for public lands highways; and \$23,896,000 shall be set aside and transferred to the Federal Motor Carrier Safety Administration as authorized by section 102 of Public Law 106-159: *Provided further*, That, of the funds to be apportioned to each State under section 110 for fiscal year 2002, the Secretary shall ensure that such funds are apportioned for the programs authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and 1101(a)(5) of the Transportation Equity Act for the 21st Century, as amended, in the same ratio that each State is apportioned funds for such programs in fiscal year 2002 but for this section.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$30,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102-240, as amended, \$200,000,000, to remain available until expended.

STATE INFRASTRUCTURE BANKS

(RESCISSION)

Of the funds made available for State Infrastructure Banks in Public Law 104-205, \$5,750,000 are rescinded.

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

Approved December 18, 2001.

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LEGISLATIVE HISTORY—H.R. 2299 (S. 1178):

HOUSE REPORTS: Nos. 107-108 (Comm. on Appropriations) and 107-308 (Comm. of Conference).

SENATE REPORTS: No. 107-38 accompanying S. 1178 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 147 (2001):

June 26, considered and passed House.

July 19, 20, 23-27, Aug. 1, considered and passed Senate, amended.

Nov. 30, House agreed to conference report.

Dec. 4, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Dec. 18, Presidential statement.



Public Law 107-96  
107th Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

Dec. 21, 2001  
[H.R. 2944]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:*

District of  
Columbia  
Appropriations  
Act, 2002.

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than seven percent of the total amount appropriated for this program may be used for administrative expenses.

Reports.

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## FEDERAL PAYMENT TO THE CITY ADMINISTRATOR

For a Federal payment to the City Administrator, \$300,000 for the Criminal Justice Coordinating Council for the District of Columbia.

## FEDERAL PAYMENT TO SOUTHEASTERN UNIVERSITY

For a Federal payment to Southeastern University, \$500,000 for a public/private partnership with the District of Columbia Public Schools at the McKinley Technology High School campus.

## FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, \$2,500,000, of which \$2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; \$250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; and \$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools.

## FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, \$1,400,000, of which \$400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, \$333,334 shall be for a payment to the United States Secret Service, \$333,333 shall be for a payment to the United States Capitol Police, and \$333,333 shall be for a payment to the United States Park Police: *Provided*, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

Reports.

## FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for emergency planning and security costs and to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, \$16,058,000: *Provided*, That \$12,652,000 shall be made available immediately to the District of Columbia Emergency Management Agency for planning, training, and personnel costs required for development and implementation of the emergency operations plan for the District of Columbia, to be submitted to the appropriate Federal agencies: *Provided further*, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002: *Provided further*, That \$3,406,000 of such amount shall be made available immediately for reimbursement of fiscal year 2001 expenses incurred by the District of Columbia

Reports.  
Deadline.

for equipment purchased for providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: *Provided further*, That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency, the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region and the respective State and local law enforcement entities in the region, an integrated emergency operations plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: *Provided further*, That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: *Provided further*, That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002:

Deadline. *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations on the use of the funds under this heading, beginning not later than April 2, 2002.

Reports.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE  
DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$8,300,000, of which \$2,250,000 shall be for payment for a pilot project to demonstrate the "Active Cap" river cleanup technology on the Anacostia River; \$500,000 shall be for payment to the Washington, D.C. Sports and Entertainment Commission which, in coordination with the U.S. Soccer Foundation, shall use the funds for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; \$600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; \$500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; \$1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; \$500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; \$200,000 for a payment to Teach for America DC, for teacher development; \$350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative; \$50,000 for payment for renovations at Eastern Market; \$1,000,000 shall be for payment to the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis; \$300,000 shall be for payment to the Woodlawn Cemetery for restoration of the Cemetery; \$250,000 shall be for payment to the Real World Schools concerning 21st Century reform models for secondary education and the use of technology to support

learning in the District of Columbia; \$300,000 shall be for payment to a mentoring program and for hotline services; \$250,000 shall be for payment to a youth development program with a character building curriculum; and \$250,000 shall be for payment to a basic values training program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS  
TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$30,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, \$500,000 to remain available until September 30, 2003 for building renovations or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and \$1,500,000 to remain available until September 30, 2003, to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$112,180,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,003,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$66,091,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$31,594,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$6,492,000 for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That funds made available for capital improvements may remain available until September 30, 2003.

Contracts.  
Reports.

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This Act may be cited as the “District of Columbia Appropriations Act, 2002”.

Approved December 21, 2001.

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**LEGISLATIVE HISTORY—H.R. 2944 (S. 1543):**

**HOUSE REPORTS:** Nos. 107-216 (Comm. on Appropriations) and 107-321 (Comm. of Conference).

**SENATE REPORTS:** No. 107-85 accompanying S. 1543 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 147 (2001):**

Sept. 25, considered and passed House.

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

Dec. 6, House agreed to conference report.

Dec. 7, Senate agreed to conference report.



Public Law 107-106  
107th Congress

An Act

To establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C., and for other purposes.

Dec. 28, 2001  
[H.R. 3442]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

National  
Museum of  
African American  
History and  
Culture Plan for  
Action  
Presidential  
Commission Act  
of 2001.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001".

**SEC. 2. ESTABLISHMENT OF COMMISSION.**

(a) **IN GENERAL.**—There is established the National Museum of African American History and Culture Plan for Action Presidential Commission (hereafter in this Act referred to as the "Commission").

(b) **MEMBERSHIP.**—The Commission shall consist of not more than 23 members appointed as follows:

(1) The President shall appoint seven voting members.

(2) The Speaker of the House of Representatives and the Senate Majority Leader shall each appoint six voting members.

(3) In addition to the members appointed under paragraph (2), the Speaker of the House of Representatives and the Senate Majority Leader shall each appoint two additional nonvoting members.

(c) **QUALIFICATIONS.**—Members of the Commission shall be chosen from the following professional groups:

(1) Professional museum associations, including the Association of African American Museums and African American Museum Cultural Complex, Inc.

(2) Academic institutions and groups committed to the research and study of African American life, art, history, and culture, including Historically Black Colleges and Universities and the Joint Center for Political and Economic Studies.

**SEC. 3. FUNCTIONS OF THE COMMISSION.**

(a) **PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.**—

(1) **IN GENERAL.**—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of the National Museum of African American

Reports.

History and Culture in Washington, D.C. (hereafter in this Act referred to as the "Museum").

(2) NATIONAL CONFERENCE.—In developing the recommendations, the Commission shall convene a national conference on the Museum, comprised of individuals committed to the advancement of African American life, art, history, and culture, not later than 3 months after the date of the enactment of this Act.

(b) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the African American community.

(c) REPORT ON ISSUES.—The Commission shall examine and submit a report to the President and the Congress on the following issues:

(1) The availability and cost of collections to be acquired and housed in the Museum.

(2) The impact of the Museum on regional African American museums.

(3) Possible locations for the Museum on or adjacent to the National Mall in Washington, D.C.

(4) The cost of converting the Smithsonian Institution's Arts and Industries Building into a modern museum with requisite temperature and humidity controls.

(5) Whether the Museum should be located within the Smithsonian Institution.

(6) The governance and organizational structure from which the Museum should operate.

(d) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under subsection (a) and the report submitted under subsection (c), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and Senate a legislative plan of action to create and construct the Museum.

#### SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) FACILITIES AND SUPPORT OF SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide the administrative services, facilities, and funds necessary for the performance of the Commission's functions.

(b) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(c) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

#### SEC. 5. DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.

(a) DEADLINE.—The Commission shall submit final versions of the reports and plans required under section 3 not later than 9 months after the date of the enactment of this Act.

(b) **TERMINATION.**—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to subsection (a).

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$3,000,000 for activities of the Commission during fiscal year 2002.

Approved December 28, 2001.

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**LEGISLATIVE HISTORY—H.R. 3442:**

CONGRESSIONAL RECORD, Vol. 147 (2001):

Dec. 11, considered and passed House.

Dec. 17, considered and passed Senate.



Public Law 107-107  
107th Congress

An Act

Dec. 28, 2001  
[S. 1438]

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

National Defense  
Authorization  
Act for Fiscal  
Year 2002.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2002".

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE  
AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. *Defense Inspector General*.
- Sec. 106. Chemical Agents and Munitions Destruction, Defense.
- Sec. 107. Defense Health Program.

**Subtitle B—Army Programs**

- Sec. 111. Repeal of limitations on bunker defeat munitions program.
- Sec. 112. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
- Sec. 113. Limitations on acquisition of interim armored vehicles and deployment of interim brigade combat teams.

**Subtitle C—Navy Programs**

- Sec. 121. Virginia class submarine program.

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- Sec. 1048. Technical and clerical amendments.  
 Sec. 1049. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.

**Subtitle F—Other Matters**

- Sec. 1061. Assistance for firefighters.  
 Sec. 1062. Extension of times for Commission on the Future of the United States Aerospace industry to report and to terminate.  
 Sec. 1063. Appropriations to Radiation Exposure Compensation Trust Fund.  
 Sec. 1064. Waiver of vehicle weight limits during periods of national emergency.  
 Sec. 1065. Repair, restoration, and preservation of Lafayette Escadrille Memorial, Marnes-la-Coquette, France.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

**Subtitle A—Department of Defense Civilian Personnel**

- Sec. 1101. Personnel pay and qualifications authority for Department of Defense Pentagon Reservation civilian law enforcement and security force.  
 Sec. 1102. Pilot program for payment of retraining expenses.  
 Sec. 1103. Authority of civilian employees to act as notaries.  
 Sec. 1104. Authority to appoint certain health care professionals in the excepted service.

**Subtitle B—Civilian Personnel Management Generally**

- Sec. 1111. Authority to provide hostile fire pay.  
 Sec. 1112. Payment of expenses to obtain professional credentials.  
 Sec. 1113. Parity in establishment of wage schedules and rates for prevailing rate employees.  
 Sec. 1114. Modification of limitation on premium pay.  
 Sec. 1115. Participation of personnel in technical standards development activities.  
 Sec. 1116. Retention of travel promotional items.  
 Sec. 1117. Applicability of certain laws to certain individuals assigned to work in the Federal Government.

**Subtitle C—Intelligence Civilian Personnel**

- Sec. 1121. Authority to increase maximum number of positions in the Defense Intelligence Senior Executive Service.

**Subtitle D—Matters Relating to Retirement**

- Sec. 1131. Improved portability of retirement coverage for employees moving between civil service employment and employment by nonappropriated fund instrumentalities.  
 Sec. 1132. Federal employment retirement credit for nonappropriated fund instrumentality service.  
 Sec. 1133. Modification of limitations on exercise of voluntary separation incentive pay authority and voluntary early retirement authority.

**TITLE XII—MATTERS RELATING TO OTHER NATIONS**

**Subtitle A—Matters Related to Arms Control and Monitoring**

- Sec. 1201. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.  
 Sec. 1202. Limitation on funding for Joint Data Exchange Center in Moscow.  
 Sec. 1203. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.  
 Sec. 1204. Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at Government-owned facilities.  
 Sec. 1205. Plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union.

**Subtitle B—Matters Relating to Allies and Friendly Foreign Nations**

- Sec. 1211. Acquisition of logistical support for security forces.  
 Sec. 1212. Extension of authority for international cooperative research and development projects.  
 Sec. 1213. Cooperative agreements with foreign countries and international organizations for reciprocal use of test facilities.  
 Sec. 1214. Sense of Congress on allied defense burdensharing.

**Subtitle C—Reports**

- Sec. 1221. Report on significant sales and transfers of military hardware, expertise, and technology to the People's Republic of China.

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**DIVISION B—MILITARY CONSTRUCTION  
AUTHORIZATIONS**

Sec. 2001. Short title; definition.

**TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.
- Sec. 2106. Modification of authority to carry out certain fiscal year 2000 projects.

**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2001 projects.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2000 project.

**TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2001 projects.

**TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Cancellation of authority to carry out certain fiscal year 2001 projects.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2000 projects.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
- Sec. 2407. Modification of authority to carry out certain fiscal year 1995 project.
- Sec. 2408. Prohibition on expenditures to develop forward operating location on Aruba.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY  
INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

**TITLE XXVI—GUARD AND RESERVE FACILITIES**

- Sec. 2601. Authorized guard and reserve construction and land acquisition projects.

**TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.
- Sec. 2704. Effective date.

**TITLE XXVIII—GENERAL PROVISIONS****Subtitle A—Military Construction Program and Military Family Housing  
Changes**

- Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.
- Sec. 2802. Exclusion of unforeseen environmental hazard remediation from limitation on authorized cost variations.
- Sec. 2803. Repeal of annual reporting requirement on military construction and military family housing activities.
- Sec. 2804. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.
- Sec. 2805. Extension of alternative authority for acquisition and improvement of military housing.

- Sec. 2806. Treatment of financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

**Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Use of military installations for certain recreational activities.  
 Sec. 2812. Availability of proceeds of sales of Department of Defense property from certain closed military installations.  
 Sec. 2813. Pilot program to provide additional tools for efficient operation of military installations.  
 Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.  
 Sec. 2815. Base efficiency project at Brooks Air Force Base, Texas.

**Subtitle C—Implementation of Prior Base Closure and Realignment Rounds**

- Sec. 2821. Lease back of base closure property.

**Subtitle D—Land Conveyances**

**PART I—ARMY CONVEYANCES**

- Sec. 2831. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.  
 Sec. 2832. Lease authority, Fort Derussy, Hawaii.  
 Sec. 2833. Modification of land exchange, Rock Island Arsenal, Illinois.  
 Sec. 2834. Land conveyance, Fort Des Moines, Iowa.  
 Sec. 2835. Modification of land conveyances, Fort Dix, New Jersey.  
 Sec. 2836. Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.  
 Sec. 2837. Land exchange and consolidation, Fort Lewis, Washington.  
 Sec. 2838. Land conveyance, Army Reserve Center, Kewaunee, Wisconsin.

**PART II—NAVY CONVEYANCES**

- Sec. 2841. Transfer of jurisdiction, Centerville Beach Naval Station, Humboldt County, California.  
 Sec. 2842. Land conveyance, Port of Long Beach, California.  
 Sec. 2843. Conveyance of pier, Naval Base, San Diego, California.  
 Sec. 2844. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.  
 Sec. 2845. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.  
 Sec. 2846. Land acquisition, Perquimans County, North Carolina.  
 Sec. 2847. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.  
 Sec. 2848. Modification of land conveyance, former United States Marine Corps Air Station, Eagle Mountain Lake, Texas.

**PART III—AIR FORCE CONVEYANCES**

- Sec. 2851. Conveyance of aviation easements, former Norton Air Force Base, California.  
 Sec. 2852. Reexamination of land conveyance, Lowry Air Force Base, Colorado.  
 Sec. 2853. Water rights conveyance, Andersen Air Force Base, Guam.  
 Sec. 2854. Conveyance of segment of Loring petroleum pipeline, Maine, and related easements.  
 Sec. 2855. Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine.  
 Sec. 2856. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.  
 Sec. 2857. Land conveyances, Charleston Air Force Base, South Carolina.  
 Sec. 2858. Transfer of jurisdiction, Mukilteo Tank Farm, Everett, Washington.

**Subtitle E—Other Matters**

- Sec. 2861. Management of the Presidio of San Francisco.  
 Sec. 2862. Transfer of jurisdiction for development of Air Force morale, welfare, and recreation facility, Park City, Utah.  
 Sec. 2863. Alternate site for United States Air Force Memorial, preservation of open space on Arlington Ridge tract, and related land transfer at Arlington National Cemetery, Virginia.  
 Sec. 2864. Establishment of memorial to victims of terrorist attack on Pentagon Reservation and authority to accept monetary contributions for memorial and repair of Pentagon.

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“(i) REINSTATEMENT.—In determining eligibility for reinstatement in the civil service of individuals appointed to positions in the Department of Defense under this section who at the time of appointment have a civil service status and whose employment in the Department of Defense is terminated, the period of service performed in the Department shall be included in computing the period of service under applicable civil service regulations.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599c. Appointment in excepted service of certain health care professionals.”

### **Subtitle B—Civilian Personnel Management Generally**

#### **SEC. 1111. AUTHORITY TO PROVIDE HOSTILE FIRE PAY.**

(a) IN GENERAL.—Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end the following new section:

##### **“§ 5949. Hostile fire pay**

“(a) The head of an Executive agency may pay an employee hostile fire pay at the rate of \$150 for any month in which the employee was—

- “(1) subject to hostile fire or explosion of hostile mines;
- “(2) on duty in an area in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period on duty in that area, other employees were subject to hostile fire or explosion of hostile mines; or
- “(3) killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action.

“(b) An employee covered by subsection (a)(3) who is hospitalized for the treatment of his or her injury or wound may be paid hostile fire pay under this section for not more than three additional months during which the employee is so hospitalized.

“(c) An employee may be paid hostile fire pay under this section in addition to other pay and allowances to which entitled, except that an employee may not be paid hostile fire pay under this section for periods of time during which the employee receives payment under section 5925 of this title because of exposure to political violence or payment under section 5928 of this title.”

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting at the end the following new item:

“5949. Hostile fire pay.”

10 USC 5949  
note.

(c) EFFECTIVE DATE.—This provision is effective as if enacted into law on September 11, 2001, and may be applied with respect to any hostile action that took place on or after that date.

#### **SEC. 1112. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.**

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

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**SEC. 1115. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.**

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (Pub. Law 104-113; 15 U.S.C. 272 note) is amended—

- (1) by redesignating paragraph (4) as paragraph (5); and
- (2) by inserting after paragraph (3) the following new paragraph (4):

“(4) EXPENSES OF GOVERNMENT PERSONNEL.—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.”.

**SEC. 1116. RETENTION OF TRAVEL PROMOTIONAL ITEMS.**

5 USC 5702 note.

(a) **DEFINITION.**—In this section, the term “agency” has the meaning given that term under section 5701 of title 5, United States Code.

(b) **RETENTION OF TRAVEL PROMOTIONAL ITEMS.**—To the extent provided under subsection (c), a Federal employee, member of the Foreign Service, member of a uniformed service, any family member or dependent of such an employee or member, or other individual who receives a promotional item (including frequent flyer miles, upgrade, or access to carrier clubs or facilities) as a result of using travel or transportation services obtained at Federal Government expense or accepted under section 1353 of title 31, United States Code, may retain the promotional item for personal use if the promotional item is obtained under the same terms as those offered to the general public and at no additional cost to the Federal Government.

(c) **LIMITATION.**—Subsection (b)—

- (1) applies only to travel that—
  - (A) is at the expense of an agency; or
  - (B) is accepted by an agency under section 1353 of title 31, United States Code; and
- (2) does not apply to travel by any officer, employee, or other official of the Government who is not in or under any agency.

(d) **REGULATORY AUTHORITY.**—Any agency with authority to prescribe regulations governing the acquisition, acceptance, use, or disposal of any travel or transportation services obtained at Government expense or accepted under section 1353 of title 31, United States Code, may prescribe regulations to carry out subsection (b) with respect to those travel or transportation services.

(e) **REPEAL OF SUPERSEDED LAW.**—Section 6008 of the Federal Acquisition Streamlining Act of 1994 (5 U.S.C. 5702 note; Public Law 103-355) is repealed.

(f) **APPLICABILITY.**—This section shall apply with respect to promotional items received before, on, or after the date of enactment of this Act.

**SEC. 1117. APPLICABILITY OF CERTAIN LAWS TO CERTAIN INDIVIDUALS ASSIGNED TO WORK IN THE FEDERAL GOVERNMENT.**

Section 3374(c)(2) of title 5, United States Code, is amended by inserting “the Ethics in Government Act of 1978, section 27

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**Navy: Extension of 1998 Project Authorizations**

| State            | Installation or location                | Project                                     | Amount       |
|------------------|---|---|--------------|
| California ..... | Naval Complex, San Diego .....          | Replace Family Housing (94 units) .....     | \$13,500,000 |
| California ..... | Marine Corps Air Station, Miramar ...   | Family Housing Construction (166 units) ... | \$28,881,000 |
| Louisiana .....  | Naval Complex, New Orleans .....        | Replace Family Housing (100 units) .....    | \$11,930,000 |
| Texas .....      | Naval Air Station, Corpus Christi ..... | Family Housing Construction (212 units) ... | \$22,250,000 |

**Air Force: Extension of 1998 Project Authorization**

| State            | Installation or location      | Project                                  | Amount       |
|------------------|-------------------------------|--|--------------|
| New Mexico ..... | Kirtland Air Force Base ..... | Replace Family Housing (180 units) ..... | \$20,900,000 |

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 2001; or
- (2) the date of the enactment of this Act.

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Increase in thresholds for certain unspecified minor military construction projects.
- Sec. 2802. Exclusion of unforeseen environmental hazard remediation from limitation on authorized cost variations.
- Sec. 2803. Repeal of annual reporting requirement on military construction and military family housing activities.
- Sec. 2804. Funds for housing allowances of members assigned to military family housing under alternative authority for acquisition and improvement of military housing.
- Sec. 2805. Extension of alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Treatment of financing costs as allowable expenses under contracts for utility services from utility systems conveyed under privatization initiative.

**Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Use of military installations for certain recreational activities.
- Sec. 2812. Availability of proceeds of sales of Department of Defense property from certain closed military installations.
- Sec. 2813. Pilot program to provide additional tools for efficient operation of military installations.
- Sec. 2814. Demonstration program on reduction in long-term facility maintenance costs.

Sec. 2815. Base efficiency project at Brooks Air Force Base, Texas.

**Subtitle C—Implementation of Prior Base Closure and Realignment Rounds**

Sec. 2821. Lease back of base closure property.

**Subtitle D—Land Conveyances**

**PART I—ARMY CONVEYANCES**

- Sec. 2831. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.
- Sec. 2832. Lease authority, Fort DeRussy, Hawaii.
- Sec. 2833. Modification of land exchange, Rock Island Arsenal, Illinois.
- Sec. 2834. Land conveyance, Fort Des Moines, Iowa.
- Sec. 2835. Modification of land conveyances, Fort Dix, New Jersey.
- Sec. 2836. Land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
- Sec. 2837. Land exchange and consolidation, Fort Lewis, Washington.
- Sec. 2838. Land conveyance, Army Reserve Center, Kewaunee, Wisconsin.

**PART II—NAVY CONVEYANCES**

- Sec. 2841. Transfer of jurisdiction, Centerville Beach Naval Station, Humboldt County, California.
- Sec. 2842. Land conveyance, Port of Long Beach, California.
- Sec. 2843. Conveyance of pier, Naval Base, San Diego, California.
- Sec. 2844. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.
- Sec. 2845. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.
- Sec. 2846. Land acquisition, Perquimans County, North Carolina.
- Sec. 2847. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.
- Sec. 2848. Modification of land conveyance, former United States Marine Corps Air Station, Eagle Mountain Lake, Texas.

**PART III—AIR FORCE CONVEYANCES**

- Sec. 2851. Conveyance of avigation easements, former Norton Air Force Base, California.
- Sec. 2852. Reexamination of land conveyance, Lowry Air Force Base, Colorado.
- Sec. 2853. Water rights conveyance, Andersen Air Force Base, Guam.
- Sec. 2854. Conveyance of segment of Loring petroleum pipeline, Maine, and related easements.
- Sec. 2855. Land conveyance, petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine.
- Sec. 2856. Land conveyances, certain former Minuteman III ICBM facilities in North Dakota.
- Sec. 2857. Land conveyances, Charleston Air Force Base, South Carolina.
- Sec. 2858. Transfer of jurisdiction, Mukilteo Tank Farm, Everett, Washington.

**Subtitle E—Other Matters**

- Sec. 2861. Management of the Presidio of San Francisco.
- Sec. 2862. Transfer of jurisdiction for development of Air Force morale, welfare, and recreation facility, Park City, Utah.
- Sec. 2863. Alternate site for United States Air Force Memorial, preservation of open space on Arlington Ridge tract, and related land transfer at Arlington National Cemetery, Virginia.
- Sec. 2864. Establishment of memorial to victims of terrorist attack on Pentagon Reservation and authority to accept monetary contributions for memorial and repair of Pentagon.
- Sec. 2865. Repeal of limitation on cost of renovation of Pentagon Reservation.
- Sec. 2866. Development of United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.
- Sec. 2867. Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
- Sec. 2868. Establishment of World War II memorial at additional location on Guam.
- Sec. 2869. Demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2870. Report on future land needs of United States Military Academy, New York, and adjacent community.
- Sec. 2871. Naming of Patricia C. Lamar Army National Guard Readiness Center, Oxford, Mississippi.

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(c) **ADDITIONAL LIMITATION ON USE.**—The property conveyed under subsection (a) shall not be used for commercial purposes.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

## PART II—NAVY CONVEYANCES

### SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE BEACH NAVAL STATION, HUMBOLDT COUNTY, CALIFORNIA.

(a) **TRANSFER AUTHORIZED.**—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior the real property, including any improvements thereon, consisting of the closed Centerville Beach Naval Station in Humboldt County, California, for the purpose of permitting the Secretary of the Interior to manage the real property as open space or for other public purposes.

(b) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary of the Navy considers appropriate to protect the interests of the United States.

### SEC. 2842. LAND CONVEYANCE, PORT OF LONG BEACH, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to the City of Long Beach, California, acting by and through its Board of Harbor Commissioners (in this section referred to as the “City”), all right, title, and interest of the United States in and to up to 11.08 acres of real property, including any improvements thereon, comprising a portion of the Navy Mole at the former Long Beach Naval Complex, Long Beach, California, for the purpose of permitting the City to use the property to support the reuse of other former Navy property conveyed to the City.

(b) **CONSIDERATION.**—(1) Subject to paragraph (2), as consideration for the conveyance under subsection (a), the City shall—

(A) convey to the Secretary all right, title, and interest of the City in and to a parcel of real property of equal size on the Mole that is acceptable to the Secretary; and

(B) construct on the property conveyed under subparagraph (A) suitable replacement fuel transfer and storage facilities for the Navy, similar or equivalent to the facilities on the property to be conveyed under subsection (a), as determined necessary by the Secretary.

(2) If the Secretary determines that replacement fuel transfer and storage facilities are not required by the Navy, the Secretary may make the conveyance under subsection (a) at no cost to the City.

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the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2844. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.**

Section 2853(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-430) is amended by inserting “any or” before “all right”.

**SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.**

(a) **TRANSFER OF JURISDICTION OF SCHOODIC POINT PROPERTY AUTHORIZED.**—(1) The Secretary of the Navy may transfer to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15-116 on the map entitled “Acadia National Park Schoodic Point Area”, numbered 123/80,418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15-115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80-260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) **CONVEYANCE OF COREA AND WINTER HARBOR PROPERTIES AUTHORIZED.**—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, less the real property described in subsection (a)(1), for the purpose of economic redevelopment.

(c) **TRANSFER OF PERSONAL PROPERTY.**—The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with the real property so transferred or conveyed, including any personal property required to continue the maintenance of the infrastructure of such real property (including the generators for an uninterrupted power supply in building 154 at the Corea site).

(d) **MAINTENANCE OF PROPERTY PENDING CONVEYANCE.**—(1) The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) in accordance with the protection and maintenance standards specified in section 101-47.4913 of title 41, Code of Federal Regulations, until the earlier of—

(A) the date of the conveyance of such real property under subsection (b); or

(B) September 30, 2003.

(2) The requirement in paragraph (1) shall not be construed as authority to improve the real property, improvements, and infrastructure referred to in that paragraph so as to bring such real property, improvements, or infrastructure into compliance with any zoning or property maintenance codes or to repair any damage to such improvements and infrastructure caused by natural accident or disaster.

(e) INTERIM LEASE.—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(f) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the excess costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary in connection with the conveyance of such property, if the excess costs were incurred as a result of a request by the recipient. In this paragraph, the term “excess costs” means costs in excess of those costs considered reasonable and necessary by the Secretary to comply with existing law to make the conveyance to the recipient.

(2) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2846. LAND ACQUISITION, PERQUIMANS COUNTY, NORTH CAROLINA.**

The Secretary of the Navy may, using funds previously appropriated for such purpose, acquire any and all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 240 acres, or any portion thereof, in Perquimans County, North Carolina, for purposes of including such parcel in the Harvey Point Defense Testing Activity, Hertford, North Carolina.

**SEC. 2847. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as the “Port Authority”), any or all right, title, and interest of the United States

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**(e) EFFECT OF FAILURE TO UTILIZE TRANSFERRED PROPERTY.—**

(1) If, after the 12-year period beginning on the date of the enactment of this Act, the Administrator is not using any portion of the property transferred under subsection (a) or received under subsection (c) for the purpose specified in subsection (d), the Administrator shall convey, without consideration, to the Port Authority for Everett, Washington, all right, title, and interest in and to such portion of the real property, including improvements thereon.

(2) The Port Authority shall use any real property conveyed to the Port Authority under this subsection for development and operation of a port facility and for other public purposes.

**(f) LEGAL DESCRIPTION.—**The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force. The cost of the survey shall be borne by the Secretary of Commerce.

**(g) ADDITIONAL TERMS AND CONDITIONS.—**The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

**(h) CONFORMING AMENDMENT.—**Section 2866(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-436) is amended by striking “22 acres” and inserting “20.9 acres”.

## **Subtitle E—Other Matters**

### **SEC. 2861. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.**

**(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—**Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

#### **“SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.**

**“(a) AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.—**Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

**“(b) LEASE AMOUNT.—**The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

**“(c) CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.—**Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the

Treasury purchases new obligations of at least \$80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional five years.”

(b) INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.—Paragraphs (2) and (3) of section 104(d) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as amended by section 334 of appendix C of Public Law 106-113 (113 Stat. 1501A-198) and amended and redesignated by section 101(13) of Public Law 106-176 (114 Stat. 25), are amended—

16 USC 460bb  
note.

(1) in paragraph (2), by striking “including a review of the creditworthiness of the loan and establishment of a repayment schedule,” the second place it appears; and

(2) in paragraph (3)—

(A) by striking “\$50,000,000” and inserting “\$150,000,000”; and

(B) by striking “paragraph (3) of”.

**SEC. 2862. TRANSFER OF JURISDICTION FOR DEVELOPMENT OF AIR FORCE MORALE, WELFARE, AND RECREATION FACILITY, PARK CITY, UTAH.**

(a) TRANSFER AUTHORIZED.—(1) The Secretary of the Interior may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of real property in Park City, Utah, including any improvements thereon, that consists of approximately 35 acres, is located on the north side of State highway 248 in township 2 south, range 4 east, Salt Lake meridian, and is designated as parcel 3 by the Bureau of Land Management. The real property to be transferred under this paragraph does not include any lands located on the south side of State highway 248.

(2) The transfer shall be subject to existing rights, except that the Secretary of the Interior shall terminate any lease with respect to the parcel issued under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 689 et seq.), and still in effect as of the date of the enactment of this Act.

(b) USE OF TRANSFERRED LAND.—(1) The Secretary of the Air Force may use the real property transferred under subsection (a) as the location for an Air Force morale, welfare, and recreation facility to be developed using nonappropriated funds.

(2) The Secretary of the Air Force may return the transferred property (or property acquired in exchange for the transferred property under subsection (c)) to the administrative jurisdiction of the Secretary of the Interior at any time upon certifying that development of the morale, welfare, and recreation facility would not be in the best interests of the Government.

(c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In lieu of developing the Air Force morale, welfare, and recreation facility on the real property transferred under subsection (a), the Secretary of the Air Force may convey or lease the property to the State of Utah, a local government, or a private entity in exchange for other property to be used as the site of the facility.

(2) The values of the properties exchanged by the Secretary under this subsection either shall be equal, or if they are not

equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The conveyance or lease shall be on such other terms as the Secretary of the Air Force considers to be advantageous to the development of the facility.

(d) **ALTERNATIVE DEVELOPMENT AUTHORITY.**—The Secretary of the Air Force may lease the real property transferred under subsection (a), or any property acquired pursuant to subsection (c), to another party and may enter into a contract with the party for the design, construction, and operation of the Air Force morale, welfare, and recreation facility. The Secretary of the Air Force may authorize the contractor to operate the facility as both a military and a commercial operation if the Secretary determines that such an authorization is a necessary incentive for the contractor to agree to design, construct, and operate the facility.

(e) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey. The cost of the survey shall be borne by the Secretary of the Air Force.

**SEC. 2863. ALTERNATE SITE FOR UNITED STATES AIR FORCE MEMORIAL, PRESERVATION OF OPEN SPACE ON ARLINGTON RIDGE TRACT, AND RELATED LAND TRANSFER AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.**

40 USC 1003  
note.

(a) **DEFINITIONS.**—In this section:

(1) The term “Arlington Naval Annex” means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879).

(2) The term “Foundation” means the Air Force Memorial Foundation, which was authorized in Public Law 103-163 (107 Stat. 1973; 40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(3) The term “Air Force Memorial” means the United States Air Force Memorial to be established by the Foundation.

(4) The term “Arlington Ridge tract” means the parcel of Federal land in Arlington County, Virginia, known as the Nevius Tract and transferred to the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(5) The term “Section 29” means a parcel of Federal land in Arlington County, Virginia, that is currently administered by the Secretary of the Interior within the boundaries of Arlington National Cemetery and is identified as “Section 29”.

40 USC 1003  
note.

(b) **USE OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.**—

(1) **AVAILABILITY OF SITE.**—The Secretary of Defense shall make available to the Foundation, without reimbursement, up

to three acres of the Arlington Naval Annex, which the Foundation shall use as the location for the Air Force Memorial in lieu of any previously approved location for the Air Force Memorial. The land made available shall include the promontory adjacent to, and the land underlying, Wing 8 of Federal Office Building #2 in the northeast quadrant of the Arlington Naval Annex.

(2) EXCEPTION.—The requirement to use the land made available under paragraph (1) as the location for the Air Force Memorial, and the prohibition on the use of any previously approved location, shall not apply if the Secretary of Defense determines that it is physically impracticable to construct the Air Force Memorial on such land on account of the geological nature of the land.

(3) RELATION TO OTHER TRANSFER AUTHORITY.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall transfer to the Secretary of the Army administrative jurisdiction over the Arlington Naval Annex site made available under this subsection for construction of the Air Force Memorial. Nothing in this subsection alters the deadline for transfer of the remainder of the Arlington Naval Annex to the Secretary of the Army and remediation of the transferred land for use as part of Arlington National Cemetery, as required by section 2881 of the Military Construction Authorization Act for Fiscal Year 2000.

(c) SITE PREPARATION.—

(1) PREPARATION FOR CONSTRUCTION.—Upon receipt of notification from the Foundation that the Foundation has sufficient funds to commence construction of the Air Force Memorial, the Secretary of Defense, in coordination with the Foundation, shall remove Wing 8 of Federal Office Building #2 at the Arlington Naval Annex, as well as its associated outbuilding and parking lot, and prepare the land made available under subsection (b) for construction of the Air Force Memorial. In addition to demolition and removal, such site preparation work may include environmental remediation, installation of water, sewer, telephone, electrical, and storm water management infrastructure necessary for the memorial, installation of sidewalks consistent with the design of the memorial compliant with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the placement of screening berms and mature evergreen trees between Federal Office Building #2 and the memorial.

40 USC 1003  
note.

(2) COMPLETION.—Not later than two years after the date on which the Foundation provides the notification referred to in paragraph (1), the Secretary of Defense shall complete the demolition and removal of the structures and such site preparation work as the Secretary agrees to undertake under this subsection.

Deadline.

(3) FUNDING SOURCE.—The Secretary of Defense shall use amounts appropriated for operation and maintenance to carry out the demolition and removal work and site preparation described in paragraph (1).

(4) ASSISTANCE FOR DISPLACED AGENCY.—The Secretary of the Army shall serve as the Executive Agent for the Ballistic Missile Defense Organization in securing suitable sites, including, if necessary, sites not currently owned by the United

States, to replace offices lost as a result of the demolition of Wing 8 of Federal Office Building #2 at the Arlington Naval Annex.

40 USC 1003  
note.

(d) CONSTRUCTION OF AIR FORCE MEMORIAL.—

(1) COMMENCEMENT.—Upon the demolition and removal of the structures required to be removed under subsection (c)(1), the Secretary of Defense shall permit the Foundation to commence construction of the Air Force Memorial on the Arlington Naval Annex site made available under subsection (b).

(2) OVERSIGHT.—The Secretary of Defense shall have exclusive authority in all matters relating to approval of the siting and design of the Air Force Memorial on the Arlington Naval Annex site, and the siting, design, and construction of the memorial on such site shall not be subject to the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(3) EFFECT OF FAILURE TO COMMENCE CONSTRUCTION.—If, within five years after the date of the enactment of this Act, the Foundation has not commenced construction of the Air Force Memorial on the Arlington Naval Annex site made available under subsection (b), the Secretary of Defense may revoke the authority of the Foundation to use the site as the location of the memorial.

40 USC 1003  
note.

(e) ACCESS AND MANAGEMENT OF AIR FORCE MEMORIAL.—The Secretary of the Army may enter into a cooperative agreement with the Foundation to provide for management, maintenance, and repair of the Air Force Memorial constructed on the Arlington Naval Annex site made available under subsection (b) and to guarantee public access to the memorial.

(f) LIMITATION ON USE OF ARLINGTON NAVAL ANNEX AS SITE FOR OTHER MEMORIALS OR MUSEUMS.—Section 2881(b) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879) is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) The Secretary of Defense shall reserve not more than four acres of the Navy Annex property south of the existing Columbia Pike as a site for—

“(A) a National Military Museum, if such site is recommended for such purpose by the Commission on the National Military Museum established under section 2901 and the Secretary of Defense considers such site compatible with Arlington National Cemetery and the Air Force Memorial; or

“(B) such other memorials or museums that the Secretary of Defense considers compatible with Arlington National Cemetery and the Air Force Memorial.”

(g) PRESERVATION OF ARLINGTON RIDGE TRACT.—

(1) GENERAL RULE.—After the date of the enactment of this Act, no additional structure or memorials shall be constructed on the Arlington Ridge tract.

(2) OPTION FOR FUTURE BURIALS.—Paragraph (1) does not prohibit the eventual use of a portion of the Arlington Ridge tract as a location for in-ground burial sites and columbarium for the burial of individuals eligible for burial in Arlington National Cemetery, if the development of such sites is specifically authorized in a law enacted after the date of the enactment of this Act.

(h) LAND TRANSFER, SECTION 29.—

(1) **TRANSFER REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over that portion of Section 29 designated as the interment zone and consisting of approximately 12 acres. The Secretary of the Interior shall modify the boundaries of the George Washington Memorial Parkway as may be necessary to reflect the land transfer required by this subsection. Deadline.

(2) **USE OF TRANSFERRED LAND.**—The Secretary of the Army shall use the transferred property for the development of in-ground burial sites and columbarium that are designed to meet the contours of Section 29.

(3) **MANAGEMENT OF REMAINDER.**—The Secretary of the Interior shall manage that portion of Section 29 not transferred under this subsection in perpetuity to provide a natural setting and visual buffer for Arlington House, the Robert E. Lee Memorial.

(4) **REPEAL OF OBSOLETE LAW.**—Section 2821(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2791) is repealed.

**SEC. 2864. ESTABLISHMENT OF MEMORIAL TO VICTIMS OF TERRORIST ATTACK ON PENTAGON RESERVATION AND AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR MEMORIAL AND REPAIR OF PENTAGON.**

10 USC 2674  
note.

(a) **MEMORIAL AUTHORIZED.**—The Secretary of Defense may establish a memorial at the Pentagon Reservation dedicated to the victims of the terrorist attack on the Pentagon that occurred on September 11, 2001. The Secretary shall use necessary amounts in the Pentagon Reservation Maintenance Revolving Fund established by section 2674(e) of title 10, United States Code, including amounts deposited in the Fund under subsection (c), to plan, design, construct, and maintain the memorial.

(b) **ACCEPTANCE OF CONTRIBUTIONS.**—The Secretary of Defense may accept monetary contributions made for the purpose of assisting in—

(1) the establishment of the memorial to the victims of the terrorist attack; and

(2) the repair of the damage caused to the Pentagon Reservation by the terrorist attack.

(c) **DEPOSIT OF CONTRIBUTIONS.**—The Secretary of Defense shall deposit contributions accepted under subsection (b) in the Pentagon Reservation Maintenance Revolving Fund. The contributions shall be available for expenditure only for the purposes specified in subsection (b).

**SEC. 2865. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.**

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806) is repealed.

**SEC. 2866. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT.**—(1) The Secretary of the Army may enter into an agreement with the Military Heritage

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**SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVIRONMENTAL RESPONSE REQUIREMENTS.**

(a) **AGREEMENTS CONCERNING THE ENVIRONMENT AND PUBLIC HEALTH.**—The Secretary of the Army and the Secretary of the Interior shall enter into such agreements as are necessary, appropriate, and in the public interest to carry out the purposes of this title.

(b) **RELATION TO OTHER ENVIRONMENTAL LAWS.**—Nothing in this title shall relieve, and no action taken under this title may relieve, the Secretary of the Army or the Secretary of the Interior, or any other person from any liability or other obligation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.) or any other Federal or State law.

**SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT PLAN.**

(a) **COMPLETION.**—The Secretary of the Interior shall make every effort to complete the West Mojave Coordinated Management Plan not later than two years after the date of the enactment of this Act.

(b) **CONSIDERATION OF WITHDRAWAL AND RESERVATION IMPACTS.**—The Secretary of the Interior shall ensure that the West Mojave Coordinated Management Plan considers the impacts of the availability or nonavailability of the lands withdrawn and reserved by this title on the plan as a whole.

(c) **CONSULTATION.**—The Secretary of the Interior shall consult with the Secretary of the Army and the Administrator of the National Aeronautics and Space Administration in the development of the West Mojave Coordinated Management Plan.

**SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.**

Congress hereby finds and directs that lands withdrawn and reserved by this title have been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), and are no longer subject to the requirement of such section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

**SEC. 2909. TRAINING ACTIVITY SEPARATION FROM UTILITY CORRIDORS.**

(a) **REQUIRED SEPARATION.**—All military ground activity training on the lands withdrawn and reserved by this title shall remain at least 500 meters from any utility system, in existence as of the date of the enactment of this Act, in Utility Planning Corridor D, as described in the California Desert Conservation Area Plan, dated 1980 and subsequently amended.

(b) **EXCEPTION.**—Subsection (a) does not modify the use of any lands used, as of the date of the enactment of this Act, by the National Training Center for training or alter any right of access granted by interagency agreement.

**SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.**

(a) **TERMINATION DATE.**—Unless extended pursuant to section 2911, unless relinquishment is postponed by the Secretary of the Interior pursuant to section 2912(b), and except as provided in section 2912(d), the withdrawal and reservation made by this title

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“(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

“(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

“(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary’s recovery against the obligor in case of a default by the obligor on an obligation.”

Approved December 28, 2001.

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**LEGISLATIVE HISTORY—S. 1438 (H.R. 2586):**

**HOUSE REPORTS:** Nos. 107-194 accompanying H.R. 2586 (Comm. on Armed Services) and 107-333 (Comm. of Conference).

**CONGRESSIONAL RECORD**, Vol. 147 (2001):

Sept. 21, 24-26, Oct. 1, 2, considered and passed Senate.

Oct. 17, considered and passed House, amended, in lieu of H.R. 2586.

Dec. 13, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 37 (2001):

Dec. 28, Presidential statement.



Public Law 107-110  
107th Congress

An Act

To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

Jan. 8, 2002

[H.R. 1]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This title may be cited as the "No Child Left Behind Act of 2001".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Transition.
- Sec. 5. Effective date.
- Sec. 6. Table of contents of Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

- Sec. 101. Improving the academic achievement of the disadvantaged.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

- Sec. 201. Teacher and principal training and recruiting fund.
- Sec. 202. Continuation of awards.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

- Sec. 301. Language instruction for limited English proficient children and immigrant children and youth.

TITLE IV—21ST CENTURY SCHOOLS

- Sec. 401. 21st Century schools.

TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS

- Sec. 501. Innovative programs and parental choice provisions.
- Sec. 502. Continuation of awards.

TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

- Sec. 601. Flexibility and accountability.
- Sec. 602. Amendment to the National Education Statistics Act of 1994.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

- Sec. 701. Indians, Native Hawaiians, and Alaska Natives.
- Sec. 702. Conforming amendments.
- Sec. 703. Savings provisions.

TITLE VIII—IMPACT AID PROGRAM

- Sec. 801. Payments relating to Federal acquisition of real property.

No Child Left Behind Act of 2001.  
Education.  
Inter-governmental relations.  
20 USC 6301 note.



- "Sec. 4112. Reservation of State funds for safe and drug-free schools.
- "Sec. 4113. State application.
- "Sec. 4114. Local educational agency program.
- "Sec. 4115. Authorized activities.
- "Sec. 4116. Reporting.
- "Sec. 4117. Programs for Native Hawaiians.
- "Sec. 4121. Federal activities.
- "Sec. 4122. Impact evaluation.
- "Sec. 4123. Hate crime prevention.
- "Sec. 4124. Safe and Drug-Free Schools and Communities Advisory Committee.
- "Sec. 4125. National coordinator program.
- "Sec. 4126. Community service grant program.
- "Sec. 4127. School Security Technology and Resource Center.
- "Sec. 4128. National Center for School and Youth Safety.
- "Sec. 4129. Grants to reduce alcohol abuse.
- "Sec. 4130. Mentoring programs.
- "Subpart 3—Gun Possession
- "Sec. 4141. Gun-free requirements.
- "Subpart 4—General Provisions
- "Sec. 4151. Definitions.
- "Sec. 4152. Message and materials.
- "Sec. 4153. Parental consent.
- "Sec. 4154. Prohibited uses of funds.
- "Sec. 4155. Transfer of school disciplinary records.
- "PART B—21ST CENTURY COMMUNITY LEARNING CENTERS
- "Sec. 4201. Purpose; definitions.
- "Sec. 4202. Allotments to States.
- "Sec. 4203. State application.
- "Sec. 4204. Local competitive grant program.
- "Sec. 4205. Local activities.
- "Sec. 4206. Authorization of appropriations.
- "PART C—ENVIRONMENTAL TOBACCO SMOKE
- "Sec. 4301. Short title.
- "Sec. 4302. Definitions.
- "Sec. 4303. Nonsmoking policy for children's services.
- "Sec. 4304. Preemption.
- "TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS
- "PART A—INNOVATIVE PROGRAMS
- "Sec. 5101. Purposes, State and local responsibility.
- "Subpart 1—State and Local Programs
- "Sec. 5111. Allotment to States.
- "Sec. 5112. Allocation to local educational agencies.
- "Subpart 2—State Programs
- "Sec. 5121. State uses of funds.
- "Sec. 5122. State applications.
- "Subpart 3—Local Innovative Education Programs
- "Sec. 5131. Local uses of funds.
- "Sec. 5132. Administrative authority.
- "Sec. 5133. Local applications.
- "Subpart 4—General Provisions
- "Sec. 5141. Maintenance of effort.
- "Sec. 5142. Participation of children enrolled in private schools.
- "Sec. 5143. Federal administration.
- "Sec. 5144. Supplement, not supplant.
- "Sec. 5145. Definitions.
- "Sec. 5146. Authorization of appropriations.

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“Subpart 5—Reading Is Fundamental—Inexpensive Book Distribution Program

“Sec. 5451. Inexpensive book distribution program for reading motivation.

“Subpart 6—Gifted and Talented Students

“Sec. 5461. Short title.

“Sec. 5462. Purpose.

“Sec. 5463. Rule of construction.

“Sec. 5464. Authorized programs.

“Sec. 5465. Program priorities.

“Sec. 5466. General provisions.

“Subpart 7—Star Schools Program

“Sec. 5471. Short title.

“Sec. 5472. Purposes.

“Sec. 5473. Grant program authorized.

“Sec. 5474. Applications.

“Sec. 5475. Other grant assistance.

“Sec. 5476. Administrative provisions.

“Sec. 5477. Definitions.

“Subpart 8—Ready to Teach

“Sec. 5481. Grants.

“Sec. 5482. Application required.

“Sec. 5483. Reports and evaluation.

“Sec. 5484. Digital educational programming grants.

“Sec. 5485. Administrative costs.

“Subpart 9—Foreign Language Assistance Program

“Sec. 5491. Short title.

“Sec. 5492. Program authorized.

“Sec. 5493. Applications.

“Sec. 5494. Elementary school foreign language incentive program.

“Subpart 10—Physical Education

“Sec. 5501. Short title.

“Sec. 5502. Purpose.

“Sec. 5503. Program authorized.

“Sec. 5504. Applications.

“Sec. 5505. Requirements.

“Sec. 5506. Administrative provisions.

“Sec. 5507. Supplement, not supplant.

“Subpart 11—Community Technology Centers

“Sec. 5511. Purpose and program authorization.

“Sec. 5512. Eligibility and application requirements.

“Sec. 5513. Uses of funds.

“Subpart 12—Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts

“Sec. 5521. Short title.

“Sec. 5522. Findings and purposes.

“Sec. 5523. Program authorization.

“Sec. 5524. Administrative provisions.

“Sec. 5525. Availability of funds.

“Sec. 5526. Definitions.

“Subpart 13—Excellence in Economic Education

“Sec. 5531. Short title.

“Sec. 5532. Purpose and goals.

“Sec. 5533. Grant program authorized.

“Sec. 5534. Applications.

“Sec. 5535. Requirements.

“Sec. 5536. Administrative provisions.

“Sec. 5537. Supplement, not supplant.

“Subpart 14—Grants to Improve the Mental Health of Children

“Sec. 5541. Grants for the integration of schools and mental health systems.

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from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

Records.

“(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary’s designee. The petition shall be filed within 30 days after the Secretary’s assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

“(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

20 USC 7184.

“SEC. 4304. PREEMPTION.

“Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.”.

**TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS**

**SEC. 501. INNOVATIVE PROGRAMS AND PARENTAL CHOICE PROVISIONS.**

Title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

**“TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS**

**“PART A—INNOVATIVE PROGRAMS**

20 USC 7201.

“SEC. 5101. PURPOSES, STATE AND LOCAL RESPONSIBILITY.

“(a) PURPOSES.—The purposes of this part are the following:  
“(1) To support local education reform efforts that are consistent with and support statewide education reform efforts.

\* \* \* \* \*

“(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

**“Subpart 12—Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts**

Alaska Native and Native Hawaiian Education Through Cultural and Historical Organizations Act.  
20 USC 7265.

**“SEC. 5521. SHORT TITLE.**

“This subpart may be cited as the ‘Alaska Native and Native Hawaiian Education Through Cultural and Historical Organizations Act’.

**“SEC. 5522. FINDINGS AND PURPOSES.**

20 USC 7265a.

“(a) FINDINGS.—Congress finds the following:

“(1) Alaska Natives and Native Hawaiians have been linked for over 200 years to the coastal towns of Salem, Massachusetts, and New Bedford, Massachusetts, through the China trade from Salem and whaling voyages from New Bedford.

“(2) Nineteenth-century trading ships sailed from Salem, Massachusetts, around Cape Horn of South America, and up the Northwest coast of the United States to Alaska, where their crews traded with Alaska Native people for furs, and then went on to Hawaii to trade for sandalwood with Native Hawaiians before going on to China.

“(3) During the 19th century, over 2,000 whaling voyages sailed out of New Bedford, Massachusetts to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities.

“(4) Many New Bedford whaling voyages continued on to Hawaii, where they joined Native Hawaiians from the neighboring islands.

“(5) From those commercial and whaling voyages, a rich cultural exchange and strong trading relationships developed among the three peoples involved.

“(6) In the past decades, awareness of the historical trading, cultural, and whaling links has faded among Alaska Natives, Native Hawaiians, and the people of the continental United States.

“(7) In 2000, the Alaska Native Heritage Center in Alaska, the Bishop Museum in Hawaii, and the Peabody-Essex Museum in Massachusetts initiated the New Trade Winds project to use 21st-century technology, including the Internet, to educate students and their parents about historic and contemporary cultural and trading ties that continue to link the diverse cultures of the peoples involved.

“(8) The New Bedford Whaling Museum, in partnership with the New Bedford Whaling National Historical Park, has developed a cultural exchange and educational program with the Inupiat Heritage Center in Barrow, Alaska to bring together the children, parents, and elders from the Arctic region of

Alaska with children and families of Massachusetts to learn about their historical ties and about each other's contemporary cultures.

"(9) Within the fast-growing cultural sector, meaningful educational and career opportunities based on traditional relationships exist for Alaska Natives, Native Hawaiians, and low-income youth in Massachusetts.

"(10) Cultural institutions can provide practical, culturally relevant, education-related internship and apprentice programs, such as the Museum Action Corps at the Peabody-Essex Museum and similar programs at the New Bedford Oceanarium and other institutions, to prepare youths and their families for careers in the cultural sector.

"(11) The resources of the institutions described in paragraphs (7) and (8) provide unique opportunities for illustrating and interpreting the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States, for educating students and their parents, and for providing opportunities for internships and apprenticeships leading to careers with cultural institutions.

"(b) PURPOSES.—The purposes of this subpart are the following:

"(1) To authorize and develop innovative culturally-based educational programs and cultural exchanges to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition to Alaska and Hawaii to learn about shared culture and traditions.

"(2) To authorize and develop internship and apprentice programs to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition with Alaska and Hawaii to prepare for careers with cultural institutions.

"(3) To supplement programs and authorities in the area of education to further the objectives of this subpart.

20 USC 7265b.

**"SEC. 5523. PROGRAM AUTHORIZATION.**

"(a) GRANTS AND CONTRACTS.—In order to carry out programs that fulfill the purposes of this subpart, the Secretary is authorized to make grants to, or enter into contracts with, the following:

"(1) The Alaska Native Heritage Center in Anchorage, Alaska.

"(2) The Inupiat Heritage Center in Barrow, Alaska.

"(3) The Bishop Museum in Hawaii.

"(4) The Peabody-Essex Museum in Salem, Massachusetts.

"(5) The New Bedford Whaling Museum and the New Bedford Oceanarium in New Bedford, Massachusetts.

"(6) Other Alaska Native and Native Hawaiian cultural and educational organizations.

"(7) Cultural and educational organizations with experience in developing or operating programs that illustrate and interpret the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States.

"(8) Consortia of the organizations and entities described in this subsection.

“(b) USES OF FUNDS.—Activities provided through programs carried out under this subpart may include one or more of the following:

“(1) Development and implementation of educational programs to increase understanding of cultural diversity and multicultural communication among Alaska Natives, Native Hawaiians, and the people of the continental United States, based on historic patterns of trading and commerce.

“(2) Development and implementation of programs using modern technology, including the Internet, to educate students, their parents, and teachers about historic and contemporary cultural and trading ties that continue to link the diverse cultures of Alaska Natives, Native Hawaiians, and the people of Massachusetts.

“(3) Cultural exchanges of elders, students, parents, and teachers among Alaska Natives, Native Hawaiians, and the people of Massachusetts to increase awareness of diverse cultures among each group.

“(4) Sharing of collections among cultural institutions designed to increase awareness of diverse cultures and links among them.

“(5) Development and implementation of internship and apprentice programs in cultural institutions to train Alaska Natives, Native Hawaiians, and low-income students in Massachusetts for careers with cultural institutions.

“(6) Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Natives, Native Hawaiians, and students and their parents in Massachusetts.

**“SEC. 5524. ADMINISTRATIVE PROVISIONS.**

20 USC 7265c.

“(a) APPLICATION REQUIRED.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart.

“(b) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this subpart shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

**“SEC. 5525. AVAILABILITY OF FUNDS.**

20 USC 7265d.

“If sufficient funds are made available under section 5401 to carry out this subpart for a fiscal year, the Secretary shall make available, to support activities described in section 5523(b), the following amounts:

“(1) Not less than \$2,000,000 each to—

“(A) the New Bedford Whaling Museum, in partnership with the New Bedford Oceanarium, in Massachusetts; and

“(B) the Inupiat Heritage Center in Alaska.

“(2) For the New Trade Winds project, not less than \$1,000,000 each to—

“(A) the Alaska Native Heritage Center in Alaska;

“(B) the Bishop Museum in Hawaii; and

“(C) the Peabody-Essex Museum in Massachusetts.

“(3) For internship and apprenticeship programs (including the Museum Action Corps of the Peabody-Essex Museum), not less than \$1,000,000 each to—

“(A) the Alaska Native Heritage Center in Alaska;

“(B) the Bishop Museum in Hawaii; and

“(C) the Peabody-Essex Museum in Massachusetts.

20 USC 7265e.

“SEC. 5526. DEFINITIONS.

“In this subpart:

“(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the meaning given that term in section 7306.

“(2) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given that term in section 7207.

Excellence in Economic Education Act of 2001. 20 USC 7267.

“Subpart 13—Excellence in Economic Education

“SEC. 5531. SHORT TITLE.

“This subpart may be cited as the ‘Excellence in Economic Education Act of 2001’.

20 USC 7267a.

“SEC. 5532. PURPOSE AND GOALS.

“(a) PURPOSE.—The purpose of this subpart is to promote economic and financial literacy among all students in kindergarten through grade 12 by awarding a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics.

“(b) OBJECTIVES.—The objectives of this subpart are the following:

“(1) To increase students’ knowledge of, and achievement in, economics to enable the students to become more productive and informed citizens.

“(2) To strengthen teachers’ understanding of, and competency in, economics to enable the teachers to increase student mastery of economic principles and the practical application of those principles.

“(3) To encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy.

“(4) To assist States in measuring the impact of education in economics.

“(5) To leverage and expand private and public support for economic education partnerships at national, State, and local levels.

20 USC 7267b.

“SEC. 5533. GRANT PROGRAM AUTHORIZED.

“(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching of economics in the Nation’s classrooms (referred to in this subpart as the ‘grantee’).

“(b) USES OF FUNDS.—

“(1) DIRECT ACTIVITIES.—The grantee shall use 25 percent of the funds made available through the grant for a fiscal year—

\* \* \* \* \*

(1) by striking “paragraphs (14) and (25), respectively, of section 14101” and inserting “section 9101”; and

(2) by striking “(20 U.S.C. 8801)”.

(hh) COMMUNICATIONS ACT OF 1934.—Section 254(h)(7)(A) of the Communications Act of 1934 (47 U.S.C. 254(h)(7)(A)) is amended—

(1) by striking “paragraphs (14) and (25), respectively, of section 14101” and inserting “section 9101”; and

(2) by striking “(20 U.S.C. 8801)”.

(ii) TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Section 4024 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31136 note) is amended by striking “14101” and inserting “9101”.

Approved January 8, 2002.

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**LEGISLATIVE HISTORY—H.R. 1 (S. 1):**

**HOUSE REPORTS:** Nos. 107-63, Pt. 1 (Comm. on Education and the Workforce) and 107-334 (Comm. of Conference).

**SENATE REPORTS:** No. 107-7 accompanying S. 1 (Comm. on Health, Education, Labor, and Pensions).

**CONGRESSIONAL RECORD, Vol. 147 (2001):**

May 17, 22, 23, considered and passed House.

June 14, considered and passed Senate, amended, in lieu of S. 1.

Dec. 13, House agreed to conference report.

Dec. 17, 18, Senate considered and agreed to conference report.

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

Jan. 8, Presidential remarks.

○

Public Law 107-117  
107th Congress

An Act

Jan. 10, 2002  
[H.R. 3338]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

Department of  
Defense and  
Emergency  
Supplemental  
Appropriations  
for Recovery from  
and Response to  
Terrorist Attacks  
on the United  
States Act, 2002.  
Department of  
Defense  
Appropriations  
Act, 2002.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for military functions administered by the Department of Defense, and for other purposes, namely:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS,  
2002

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,752,384,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$19,551,484,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel

(including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$7,345,340,000.

#### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$19,724,014,000.

#### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,670,197,000.

#### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,654,523,000.

#### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class,

and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$471,200,000.

#### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,061,160,000.

#### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,041,695,000.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,784,654,000.

### TITLE II

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$10,794,000 can be used for emergencies and

extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$22,335,074,000: *Provided*, That of the funds made available under this heading, \$1,000,000, to remain available until expended, shall be transferred to "National Park Service—Construction" within 30 days of the enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance.

#### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$6,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$26,876,636,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$2,931,934,000.

#### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,998,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$26,026,789,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, \$750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$12,773,270,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$33,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, \$750,000 shall be available for a grant for Outdoor Odyssey, Roaring

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NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

10 USC 1584  
note.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers

Notification.

\* \* \* \* \*

## (INCLUDING TRANSFER OF FUNDS)

SEC. 8114. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide", \$115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8115. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

Reports.  
Deadline.

SEC. 8116. In addition to amounts appropriated elsewhere in this Act, \$4,500,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of the Army shall make a grant in the amount of \$4,500,000 to the Fort Des Moines Memorial Park and Education Center.

SEC. 8117. In addition to amounts appropriated elsewhere in this Act, \$4,250,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$4,250,000 to the National D-Day Museum.

SEC. 8118. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

Applicability.  
10 USC 113 note.

SEC. 8119. In addition to amounts provided in this Act, \$1,700,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8120. (a) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106-79) is amended—

(1) by redesignating subsection (m) as subsection (o); and

(2) by adding after subsection (l) the following:

"(m) AUTHORITY TO ESTABLISH MEMORIAL.—

"(1) IN GENERAL.—The Commission may establish a permanent memorial to Dwight D. Eisenhower on land under the jurisdiction of the Secretary of the Interior in the District of Columbia or its environs.

"(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.)."

(b) Section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106-79) is amended—

(1) in subsection (j)(2), by striking “accept gifts” and inserting “solicit and accept contributions”; and

(2) by inserting after subsection (m) (as added by subsection (a)(2)) the following:

“(n) MEMORIAL FUND.—

“(1) ESTABLISHMENT.—There is created in the Treasury a fund for the memorial to Dwight D. Eisenhower that includes amounts contributed under subsection (j)(2).

“(2) USE OF FUND.—The fund shall be used for the expenses of establishing the memorial.

“(3) INTEREST.—The Secretary of the Treasury shall credit to the fund the interest on obligations held in the fund.”.

(c) In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, \$2,600,000, to remain available until expended is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$2,600,000 to the Dwight D. Eisenhower Memorial Commission for direct administrative support.

(INCLUDING TRANSFER OF FUNDS)

Deadline.

SEC. 8121. In addition to the amounts appropriated elsewhere in this Act, \$1,700,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall transfer these funds to the Department of Energy appropriation account “Fossil Energy Research and Development”, only for a proposed conceptual design study to examine the feasibility of a zero emissions, steam injection process with possible applications for increased power generation efficiency, enhanced oil recovery and carbon sequestration.

Contracts.  
Claims.

SEC. 8122. In addition to amounts appropriated elsewhere in this Act, \$8,000,000 shall be available only for the settlement of subcontractor claims for payment associated with the Air Force contract F19628-97-C-0105, Clear Radar Upgrade, at Clear AFS, Alaska: *Provided*, That all affected subcontractors shall mutually resolve the amounts claimed for payment by cooperative negotiation, third-party mediation or other form of alternative dispute resolution and shall present such claims to the Secretary of the Air Force: *Provided further*, That the Secretary of the Air Force shall evaluate claims as may be submitted by subcontractors, engaged under the contract, and, notwithstanding any other provision of law shall pay such amounts from the funds provided in this paragraph which the Secretary deems appropriate to settle completely any claims which the Secretary determines to have merit, with no right of appeal in any forum: *Provided further*, That subcontractors are to be paid interest, calculated in accordance with the Contract Disputes Act of 1978, 41 U.S.C. 601-613, on any claims which the Secretary determines to have merit: *Provided further*, That the Secretary of the Air Force may delegate evaluation and payment as above to the U.S. Army Corps of Engineers, Alaska District on a reimbursable basis.

SEC. 8123. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by \$1,650,000,000, to reflect savings to be achieved from business

\* \* \* \* \*

7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

42 USC 429 note.

SEC. 8134. Notwithstanding section 229(a) of the Social Security Act, no wages shall be deemed to have been paid to any individual pursuant to that section in any calendar year after 2001.

SEC. 8135. The total amount appropriated in this Act is hereby reduced by \$105,000,000 to reflect fact-of-life changes in utilities costs, to be derived as follows:

“Operation and Maintenance, Army”, \$34,700,000;  
 “Operation and Maintenance, Navy”, \$8,800,000;  
 “Operation and Maintenance, Marine Corps”, \$7,200,000;  
 “Operation and Maintenance, Air Force”, \$28,800,000;  
 “Operation and Maintenance, Defense-Wide”, \$4,500,000;  
 “Operation and Maintenance, Army Reserve”, \$2,700,000;  
 “Operation and Maintenance, Army National Guard”,  
 \$2,700,000;  
 “Operation and Maintenance, Air National Guard”,  
 \$3,400,000;  
 “Defense Working Capital Funds”, \$7,100,000; and  
 “Defense Health Program”, \$5,100,000.

SEC. 8136. (a) Of the total amount appropriated for “Operation and Maintenance, Air Force”, \$2,100,000, to remain available until expended, shall be available to the Secretary of the Air Force only for the purpose of making a grant in the amount of \$2,100,000 to the Lafayette Escadrille Memorial Foundation, Inc., to be used to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coguette, France.

(b) The Secretary shall require as a condition of the grant—

(1) that the funds provided through the grant be used only for costs associated with such repair, restoration, and preservation; and

(2) that none of those funds may be used for remuneration of any entity or individual associated with fund raising for the project to carry out such repair, restoration, and preservation.

California.  
 16 USC 431 note.

SEC. 8137. (a) DESIGNATION OF NATIONAL MEMORIAL.—The five-foot-tall white cross first erected by the Veterans of Foreign Wars of the United States in 1934 along Cima Road in San Bernardino County, California, and now located within the boundary of the Mojave National Preserve, as well as a limited amount of adjoining Preserve property to be designated by the Secretary of the Interior, is hereby designated as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war.

(b) LEGAL DESCRIPTION.—The memorial cross referred to in subsection (a) is located at latitude 35.316 North and longitude 115.548 West. The exact acreage and legal description of the property to be included by the Secretary of the Interior in the national World War I memorial shall be determined by a survey prepared by the Secretary.

(c) REINSTALLATION OF MEMORIAL PLAQUE.—The Secretary of the Interior shall use not more than \$10,000 of funds available

for the administration of the Mojave National Preserve to acquire a replica of the original memorial plaque and cross placed at the national World War I memorial designated by subsection (a) and to install the plaque in a suitable location on the grounds of the memorial.

SEC. 8138. In addition to the amounts provided elsewhere in this Act, the amount of \$4,200,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of \$4,200,000 to the U.S.S. Alabama Battleship Foundation, a nonprofit organization established under the laws of the State of Alabama, to be available only for the preservation of the former U.S.S. ALABAMA (ex BB-60) as a museum and memorial.

SEC. 8139. In addition to the amounts provided elsewhere in this Act, the amount of \$4,250,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of \$4,250,000 to the Intrepid Sea-Air-Space Foundation only for the preservation of the former U.S.S. INTREPID (CV 11) as a museum and memorial.

SEC. 8140. In addition to the amounts provided elsewhere in this Act, the amount of \$6,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Air Force". Such amount shall be used by the Secretary of the Air Force only to make a grant in the amount of \$6,000,000 to the Medical Lake School District, Washington State school district number 326, for relocation of the Fairchild Air Force Base Elementary School within the boundary of Fairchild Air Force Base, Washington.

SEC. 8141. In addition to the amounts provided elsewhere in this Act, the amount of \$3,500,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Navy". Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of \$3,500,000 to the Central Kitsap School District, Washington State school district number 401, for the purchase and installation of equipment for a special needs learning center to meet the needs of Department of Defense special needs students at Submarine Base Bangor, Washington.

SEC. 8142. (a) In addition to amounts provided elsewhere in this Act, the amount of \$8,500,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available to the Secretary of Defense only for the purpose of making a grant for the purpose specified in section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 707), as amended by subsection (b). Such grant shall be made not later than 90 days after the date of the enactment of this Act.

Deadline.

(b) Section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 707), is amended by striking the comma after "California" the first place it appears and all that follows through "96-8867".

SEC. 8143. (a) ACTIVITIES UNDER FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Subject to subsections (b) through (e) of section 611 of Public Law 106-60 (113 Stat. 502; 10 U.S.C. 2701 note), the Secretary of the Army, acting through the Chief of Engineers, under the Formerly Utilized Sites Remedial Action Program shall undertake the functions and activities specified in subsection (a) of such section in order to—

\* \* \* \* \*

## CHAPTER 4

## DISTRICT OF COLUMBIA

## FEDERAL FUNDS

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

For a Federal payment to the District of Columbia for protective clothing and breathing apparatus, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$7,144,000, of which \$922,000 is for the Fire and Emergency Medical Services Department, \$4,269,000 is for the Metropolitan Police Department, \$1,500,000 is for the Department of Health, and \$453,000 is for the Department of Public Works.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SPECIALIZED  
HAZARDOUS MATERIALS EQUIPMENT

For a Federal payment to the District of Columbia for specialized hazardous materials equipment, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$1,032,000, for the Fire and Emergency Medical Services Department.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHEMICAL  
AND BIOLOGICAL WEAPONS PREPAREDNESS

For a Federal payment to the District of Columbia for chemical and biological weapons preparedness, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$10,355,000, of which \$205,000 is for the Fire and Emergency Medical Services Department, \$258,000 is for the Metropolitan Police Department, and \$9,892,000 is for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR  
PHARMACEUTICALS FOR RESPONDERS

For a Federal payment to the District of Columbia for pharmaceuticals for responders, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$2,100,000, for the Department of Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR RESPONSE  
AND COMMUNICATIONS CAPABILITY

For a Federal payment to the District of Columbia for response and communications capability, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, \$14,960,000, of which \$7,755,000 is for the Fire and Emergency Medical Services Department, \$5,855,000 is for the Metropolitan Police Department, \$113,000 is for the Department of Public Works Division of Transportation, \$58,000 is for the Office of Property Management, \$60,000 is for the Department of Public Works, \$750,000 is for the Department of Health, \$309,000 is

for the Department of Human Services, and \$60,000 is for the Department of Parks and Recreation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SEARCH,  
RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for search, rescue and other emergency equipment and support, \$8,850,000, of which \$5,442,000 is for the Metropolitan Police Department, \$208,000 is for the Fire and Emergency Medical Services Department, \$398,500 is for the Department of Consumer and Regulatory Affairs, \$1,178,500 is for the Department of Public Works, \$542,000 is for the Department of Human Services, and \$1,081,000 is for the Department of Mental Health.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EQUIPMENT,  
SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL  
EXAMINER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for equipment, supplies and vehicles for the Office of the Chief Medical Examiner, \$1,780,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR HOSPITAL  
CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for hospital containment facilities for the Department of Health, \$8,000,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR THE OFFICE  
OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the District of Columbia, to be obligated from amounts made available in Public Law 107-38 and to remain available until September 30, 2003, for the Office of the Chief Technology Officer, \$45,494,000, for a first response land-line and wireless interoperability project, of which \$1,000,000 shall be used to initiate a comprehensive review, by a non-vendor contractor, of the District's current technology-based systems and to develop a plan for integrating the communications systems of the District of Columbia Metropolitan Police and Fire and Emergency Medical Services Departments with the systems of local, regional and Federal law enforcement agencies, including but not limited to the United States Capitol Police, United States Park Police, United States Secret Service, Federal Bureau of Investigation, Federal Protective Service, and the Washington Metropolitan Area Transit Authority Police: *Provided*, That such plan shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002.

Deadline.

\* \* \* \* \*

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "International Disaster Assistance", \$50,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38, for humanitarian and reconstruction activities in Afghanistan.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

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

UNITED STATES PARK POLICE

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

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Construction", \$21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107-38: *Provided*, That notwithstanding any other provision of law, single but separate procurements for the construction of security improvements at the Washington Monument, for security improvements at the Lincoln Memorial, and for security improvements at the Jefferson Memorial, may be issued that include the full scope of each project, except that each solicitation and contract shall contain the clause "availability of funds" found at section 52.232.18 of title 48, Code of Federal Regulations.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for "Salaries and Expenses",

\* \* \* \* \*

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

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

DIVISION D—MISCELLANEOUS PROVISIONS

**TITLE I—CONVEYANCE OF HOMESTAKE MINE**

Homestake Mine  
Conveyance Act  
of 2001.  
South Dakota.  
California.

SEC. 101. SHORT TITLE.

This title may be cited as the “Homestake Mine Conveyance Act of 2001”.

SEC. 102. FINDINGS.

Congress finds the following:

(1) The United States is among the leading nations in the world in conducting basic scientific research.

(2) That leadership position strengthens the economy and national defense of the United States and provides other important benefits.

(3) The Homestake Mine in Lead, South Dakota, owned by the Homestake Mining Company of California, is approximately 8,000 feet deep and is situated in a unique physical setting that is ideal for carrying out certain types of particle physics and other research.

(4) The Mine has been selected by the National Underground Science Laboratory Committee, an independent panel of distinguished scientists, as the preferred site for the construction of the National Underground Science Laboratory.

(5) Such a laboratory would be used to conduct scientific research that would be funded and recognized as significant by the United States.

(6) The establishment of the laboratory is in the national interest and would substantially improve the capability of the United States to conduct important scientific research.

(7) For economic reasons, Homestake intends to cease operations at the Mine in 2001.

(8) On cessation of operations of the Mine, Homestake intends to implement reclamation actions that would preclude the establishment of a laboratory at the Mine.

(9) Homestake has advised the State that, after cessation of operations at the Mine, instead of closing the entire Mine, Homestake is willing to donate the underground portion of the Mine and certain other real and personal property of substantial value at the Mine for use as the National Underground Science Laboratory.

(10) Use of the Mine as the site for the laboratory, instead of other locations under consideration, would result in a savings of millions of dollars for the Federal Government.

\* \* \* \* \*

**SEC. 110. REQUIREMENTS FOR OPERATION OF LABORATORY.**

After the conveyance, nothing in this title exempts the laboratory from compliance with any law (including a Federal environmental law).

**SEC. 111. CONTINGENCY.**

This title shall be effective contingent on approval by the National Science Board and the making of an award by the National Science Foundation for the establishment of the laboratory at the Mine.

**SEC. 112. OBLIGATION IN THE EVENT OF NONCONVEYANCE.**

If the conveyance under this title does not occur, any obligation of Homestake relating to the Mine shall be limited to such reclamation or remediation as is required under any applicable law other than this title.

**SEC. 113. PAYMENT AND REIMBURSEMENT OF COSTS.**

The United States may seek payment—

(1) from the Fund, under section 108(d), to pay or reimburse the United States for amounts payable or liabilities incurred under this title; and

(2) from available insurance, to pay or reimburse the United States and the Fund for amounts payable or liabilities incurred under this title.

**SEC. 114. CONSENT DECREES.**

Nothing in this title affects any obligation of a party under—

(1) the 1990 Remedial Action Consent Decree (Civ. No. 90-5101 D. S.D.); or

(2) the 1999 Natural Resource Damage Consent Decree (Civ. Nos. 97-5078 and 97-5100, D. S.D.).

**SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title.

**SEC. 116. CONGRESSIONAL BUDGET ACT.**

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act.

**TITLE II—GENERAL PROVISION, THIS DIVISION**

**SEC. 201. TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS. (a) MEMBERSHIP.**—Section 2(a) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)) is amended—

(1) by striking “There is hereby” and inserting the following:

“(1) IN GENERAL.—There is”; and

(2) by striking the second sentence and inserting the following:

“(2) MEMBERSHIP.—The Board shall be composed of—  
 “(A) the Secretary of Health and Human Services;  
 “(B) the Librarian of Congress;  
 “(C) the Secretary of State;  
 “(D) the Chairman of the Commission of Fine Arts;  
 “(E) the Mayor of the District of Columbia;  
 “(F) the Superintendent of Schools of the District of Columbia;  
 “(G) the Director of the National Park Service;  
 “(H) the Secretary of Education;  
 “(I) the Secretary of the Smithsonian Institution;  
 “(J)(i) the Speaker and the Minority Leader of the House of Representatives;  
 “(ii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and  
 “(iii) three additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;  
 “(K)(i) the Majority Leader and the Minority Leader of the Senate;  
 “(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and  
 “(iii) three additional Members of the Senate appointed by the President of the Senate; and  
 “(L) thirty-six general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b).”

Applicability.  
20 USC 76h note.

(b) TERMS OF OFFICE FOR NEW GENERAL TRUSTEES.—Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) (referred to in this subsection as a “new general trustee”), except that the initial term of office of each new general trustee shall—

Effective date.  
President.  
Termination  
date.

(1) commence on the date on which the new general trustee is appointed by the President; and  
 (2) terminate on September 1, 2007.

This Act may be cited as the “Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002”.

Approved January 10, 2002.

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**LEGISLATIVE HISTORY—H.R. 3338:**

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

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

**CONGRESSIONAL RECORD**, Vol. 147 (2001):

Nov. 28, considered and passed House.

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

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

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

Jan. 10, Presidential remarks and statement.



Public Law 107-137  
107th Congress

An Act

To authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes.

Feb. 6, 2002  
[H.R. 400]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Illinois.  
16 USC 461 note.

**SECTION 1. RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE.**

(a) **ACQUISITION OF PROPERTY.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall purchase with donated or appropriated funds, at fair market value and from a willing owner only, fee simple, unencumbered title to the Property and to any personal property related to the Property which the Secretary determines to be appropriate for the purposes of this Act.

(b) **ESTABLISHMENT OF HISTORIC SITE.**—After the Property is acquired by the Secretary, the Secretary shall designate the Property as the Ronald Reagan Boyhood Home National Historic Site.

(c) **LAND DESCRIPTION.**—The Secretary shall ensure that a copy of the land description referred to in section 2(2) is on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT OF HISTORIC SITE.**—

(1) **COOPERATIVE AGREEMENT.**—The Secretary shall enter into a cooperative agreement with the Ronald Reagan Boyhood Home Foundation for the management, operation, and use of the Historic Site. The cooperative agreement shall provide for the preservation of the Property in a manner that preserves the historical significance thereof and upon such terms and conditions as the Secretary considers necessary to protect the interests of the United States.

(2) **GENERAL MANAGEMENT PLAN.**—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Ronald Reagan Boyhood Home Foundation, shall complete a general management plan for the Historic Site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the Historic Site.

Deadline.

(e) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall administer the Historic Site in accordance with the provisions of this Act and the provisions of laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1-4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects

and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

**SEC. 2. DEFINITIONS.**

For the purposes of this Act, the following definitions apply:

(1) The term "Historic Site" means the Ronald Reagan Boyhood Home National Historic Site.

(2) The term "Property" means the property commonly known as the Ronald Reagan Boyhood Complex located in Dixon, Illinois, (including any structures thereon), further described as follows:

The North Half (N½) of Lot Three (3), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 816 South Hennepin Avenue, Dixon, Illinois. (Reagan Boyhood Home)

The South Half (S½) of Lot Two (2), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 810 South Hennepin Avenue, Dixon, Illinois. (Visitors Center)

The South two-thirds (S⅔) of Lot Four (4) in Block One Hundred Three (103) in the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 821 South Galena Avenue, Dixon, Illinois. (Parking Lot)

The Westerly Ninety feet of the Southerly One half (S½) of Lot 3 in Block 103 in the Town (now City) of Dixon, Lee County, Illinois. (Park with statue of President Reagan)

Legal title to all of the foregoing is: Fifth Third Bank, as successor trustee to First Bank/Dixon (later known as Grand Premier Trust) as trustee under Trust Agreement dated August 15, 1980 and known as Trust No. 440.

Said property is also located within an historical district created by the City of Dixon pursuant to Ordinance No. 1329 dated June 16, 1986 as amended. The historical district was created pursuant to Title VI, Chapter 16 of the City Code of the City of Dixon.

(3) The term “Secretary” means the Secretary of the Interior.

Approved February 6, 2002.

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**LEGISLATIVE HISTORY—H.R. 400:**

**HOUSE REPORTS:** No. 107-268 (Comm. on Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Nov. 13, considered and passed House.

Vol. 148 (2002): Jan. 29, considered and passed Senate.



Public Law 107-171  
107th Congress

An Act

May 13, 2002  
[H.R. 2646]

To provide for the continuation of agricultural programs through fiscal year 2007,  
and for other purposes.

Farm Security  
and Rural  
Investment Act  
of 2002.  
7 USC 7901 note.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Farm Security  
and Rural Investment Act of 2002”.

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

Sec. 1. Short title; table of contents.

**TITLE I—COMMODITY PROGRAMS**

Sec. 1001. Definitions.

**Subtitle A—Direct Payments and Counter-Cyclical Payments**

- Sec. 1101. Establishment of base acres and payment acres for a farm.
- Sec. 1102. Establishment of payment yield.
- Sec. 1103. Availability of direct payments.
- Sec. 1104. Availability of counter-cyclical payments.
- Sec. 1105. Producer agreement required as condition of provision of direct  
payments and counter-cyclical payments.
- Sec. 1106. Planting flexibility.
- Sec. 1107. Relation to remaining payment authority under production flexibility  
contracts.
- Sec. 1108. Period of effectiveness.

**Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments**

- Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commod-  
ities.
- Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
- Sec. 1203. Term of loans.
- Sec. 1204. Repayment of loans.
- Sec. 1205. Loan deficiency payments.
- Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
- Sec. 1207. Special marketing loan provisions for upland cotton.
- Sec. 1208. Special competitive provisions for extra long staple cotton.
- Sec. 1209. Availability of recourse loans for high moisture feed grains and seed  
cotton.

**Subtitle C—Peanuts**

- Sec. 1301. Definitions.
- Sec. 1302. Establishment of payment yield and base acres for peanuts for a farm.
- Sec. 1303. Availability of direct payments for peanuts.
- Sec. 1304. Availability of counter-cyclical payments for peanuts.
- Sec. 1305. Producer agreement required as condition on provision of direct  
payments and counter-cyclical payments.
- Sec. 1306. Planting flexibility.
- Sec. 1307. Marketing assistance loans and loan deficiency payments for peanuts.
- Sec. 1308. Miscellaneous provisions.
- Sec. 1309. Termination of marketing quota programs for peanuts and compensation  
to peanut quota holders for loss of quota asset value.

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## TITLE VIII—FORESTRY

## Subtitle A—Cooperative Forestry Assistance Act of 1978

- Sec. 8001. Repeal of forestry incentives program and stewardship incentive program.
- Sec. 8002. Establishment of forest land enhancement program.
- Sec. 8003. Enhanced community fire protection.

## Subtitle B—Amendments to Other Laws

- Sec. 8101. Sustainable forestry outreach initiative; renewable resources extension activities.
- Sec. 8102. Office of International Forestry.

## Subtitle C—Miscellaneous Provisions

- Sec. 8201. McIntire-Stennis cooperative forestry research program.

## TITLE IX—ENERGY

- Sec. 9001. Definitions.
- Sec. 9002. Federal procurement of biobased products.
- Sec. 9003. Biorefinery development grants.
- Sec. 9004. Biodiesel fuel education program.
- Sec. 9005. Energy audit and renewable energy development program.
- Sec. 9006. Renewable energy systems and energy efficiency improvements.
- Sec. 9007. Hydrogen and fuel cell technologies.
- Sec. 9008. Biomass research and development.
- Sec. 9009. Cooperative research and extension projects.
- Sec. 9010. Continuation of bioenergy program.

## TITLE X—MISCELLANEOUS

## Subtitle A—Crop Insurance

- Sec. 10001. Equal crop insurance treatment of potatoes and sweet potatoes.
- Sec. 10002. Continuous coverage.
- Sec. 10003. Quality loss adjustment procedures.
- Sec. 10004. Adjusted gross revenue insurance pilot program.
- Sec. 10005. Sense of Congress on expansion of crop insurance coverage.
- Sec. 10006. Report on specialty crop insurance.

## Subtitle B—Disaster Assistance

- Sec. 10101. Reference to sea grass and sea oats as crops covered by noninsured crop disaster assistance program.
- Sec. 10102. Emergency grants to assist low-income migrant and seasonal farmworkers.
- Sec. 10103. Emergency loans for seed producers.
- Sec. 10104. Assistance for livestock producers.
- Sec. 10105. Market loss assistance for apple producers.
- Sec. 10106. Market loss assistance for onion producers.
- Sec. 10107. Commercial fisheries failure.
- Sec. 10108. Study of feasibility of producer indemnification from Government-caused disasters.

## Subtitle C—Tree Assistance Program

- Sec. 10201. Definitions.
- Sec. 10202. Eligibility.
- Sec. 10203. Assistance.
- Sec. 10204. Limitations on assistance.
- Sec. 10205. Authorization of appropriations.

## Subtitle D—Animal Welfare

- Sec. 10301. Definition of animal under the Animal Welfare Act.
- Sec. 10302. Prohibition on interstate movement of animals for animal fighting.
- Sec. 10303. Penalties and foreign commerce provisions of the Animal Welfare Act.
- Sec. 10304. Report on rats, mice, and birds.
- Sec. 10305. Enforcement of Humane Methods of Slaughter Act of 1958.

## Subtitle E—Animal Health Protection

- Sec. 10401. Short title.
- Sec. 10402. Findings.
- Sec. 10403. Definitions.
- Sec. 10404. Restriction on importation or entry.

- Sec. 10405. Exportation.
- Sec. 10406. Interstate movement.
- Sec. 10407. Seizure, quarantine, and disposal.
- Sec. 10408. Inspections, seizures, and warrants.
- Sec. 10409. Detection, control, and eradication of diseases and pests.
- Sec. 10410. Veterinary accreditation program.
- Sec. 10411. Cooperation.
- Sec. 10412. Reimbursable agreements.
- Sec. 10413. Administration and claims.
- Sec. 10414. Penalties.
- Sec. 10415. Enforcement.
- Sec. 10416. Regulations and orders.
- Sec. 10417. Authorization of appropriations.
- Sec. 10418. Repeals and conforming amendments.

Subtitle F—Livestock

- Sec. 10501. Transportation of poultry and other animals.
- Sec. 10502. Swine contractors.
- Sec. 10503. Right to discuss terms of contract.
- Sec. 10504. Veterinary training.
- Sec. 10505. Pseudorabies eradication program.

Subtitle G—Specialty Crops

- Sec. 10601. Marketing orders for caneberries.
- Sec. 10602. Availability of section 32 funds.
- Sec. 10603. Purchase of specialty crops.
- Sec. 10604. Protection for purchasers of farm products.
- Sec. 10605. Farmers' market promotion program.
- Sec. 10606. National organic certification cost-share program.
- Sec. 10607. Exemption of certified organic products from assessments.
- Sec. 10608. Cranberry acreage reserve program.

Subtitle H—Administration

- Sec. 10701. Initial rate of basic pay for employees of county committees.
- Sec. 10702. Commodity Futures Trading Commission pay comparability.
- Sec. 10703. Overtime and holiday pay.
- Sec. 10704. Assistant Secretary of Agriculture for Civil Rights.
- Sec. 10705. Operation of Graduate School of Department of Agriculture.
- Sec. 10706. Implementation funding and information management.
- Sec. 10707. Outreach and assistance for socially disadvantaged farmers and ranchers.
- Sec. 10708. Transparency and accountability for socially disadvantaged farmers and ranchers; public disclosure requirements for county committee elections.

Subtitle I—General Provisions

- Sec. 10801. Cotton classification services.
- Sec. 10802. Program of public education regarding use of biotechnology in producing food for human consumption.
- Sec. 10803. Chino Dairy Preserve Project.
- Sec. 10804. Grazinglands Research Laboratory.
- Sec. 10805. Food and Agricultural Policy Research Institute.
- Sec. 10806. Market names for catfish and ginseng.
- Sec. 10807. Food Safety Commission.
- Sec. 10808. Pasteurization.
- Sec. 10809. Rulemaking on labeling of irradiated food; certain petitions.
- Sec. 10810. Penalties for violations of Plant Protection Act.
- Sec. 10811. Preclearance quarantine inspections.
- Sec. 10812. Connecticut River Atlantic Salmon Commission.
- Sec. 10813. Pine Point School.
- Sec. 10814. 7-month extension of chapter 12 of title 11 of the United States Code.
- Sec. 10815. Practices involving nonambulatory livestock.
- Sec. 10816. Country of origin labeling.

Subtitle J—Miscellaneous Studies and Reports

- Sec. 10901. Report on specialty crop purchases.
- Sec. 10902. Report on pouched and canned salmon.
- Sec. 10903. Study on updating yields.
- Sec. 10904. Report on effect of farm program payments.
- Sec. 10905. Chiloquin Dam fish passage feasibility study.

\* \* \* \* \*

(C) **QUARTERLY PAYMENTS.**—The Secretary shall make payments to an eligible producer for each quarter of the fiscal year.

(4) **PRORATION.**—If the amount made available for a fiscal year under subsection (c) is insufficient to allow the payment of the amount of the payments that eligible producers (that apply for the payments) otherwise would receive under this subsection, the Secretary shall prorate the amount of the funds among all such eligible producers.

(5) **OVERPAYMENTS.**—If the total amount of payments that an eligible producer receives for a fiscal year under this section exceeds the amount that the eligible producer should have received under this subsection, the eligible producer shall repay the amount of the overpayment to the Secretary, with interest (as determined by the Secretary).

(6) **LIMITATION.**—No eligible producer shall receive more than 5 percent of the total amount made available under subsection (c) for a fiscal year.

(7) **OTHER REQUIREMENTS.**—To be eligible to receive a payment under this subsection, an eligible producer shall meet other requirements of Federal law (including regulations) applicable to the production of bioenergy.

(c) **FUNDING.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(1) not more than \$150,000,000 for each of fiscal years 2003 through 2006; and

(2) \$0 for fiscal year 2007.

## TITLE X—MISCELLANEOUS

### Subtitle A—Crop Insurance

#### SEC. 10001. EQUAL CROP INSURANCE TREATMENT OF POTATOES AND SWEET POTATOES.

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended in the first sentence by striking “and potatoes” and inserting “, potatoes, and sweet potatoes”.

#### SEC. 10002. CONTINUOUS COVERAGE.

Section 508(e)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(4)) is amended—

(1) in the paragraph heading, by striking “TEMPORARY PROHIBITION” and inserting “PROHIBITION”; and

(2) by striking “through 2005” and inserting “and subsequent”.

#### SEC. 10003. QUALITY LOSS ADJUSTMENT PROCEDURES.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended—

(1) in paragraph (3)—

(A) by striking “The Corporation” and inserting the following:

“(A) **REVIEW.**—The Corporation”; and

(B) by striking “Based on” and inserting the following:

“(B) **PROCEDURES.**—Effective beginning not later than the 2004 reinsurance year, based on”; and

Effective date.

\* \* \* \* \*

(2) fully enforce Public Law 85-765 by ensuring that humane methods in the slaughter of livestock—

- (A) prevent needless suffering;
- (B) result in safer and better working conditions for persons engaged in slaughtering operations;
- (C) bring about improvement of products and economies in slaughtering operations; and
- (D) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.

(b) UNITED STATES POLICY.—It is the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods, as provided by Public Law 85-765.

## Subtitle E—Animal Health Protection

Animal Health  
Protection Act.

7 USC 8301 note.

### SEC. 10401. SHORT TITLE.

This subtitle may be cited as the “Animal Health Protection Act”.

7 USC 8301.

### SEC. 10402. FINDINGS.

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

- (A) animal health;
- (B) the health and welfare of the people of the United States;
- (C) the economic interests of the livestock and related industries of the United States;
- (D) the environment of the United States; and
- (E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this subtitle;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this subtitle are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

7 USC 8302.

### SEC. 10403. DEFINITIONS.

In this subtitle:

- (1) **ANIMAL.**—The term “animal” means any member of the animal kingdom (except a human).
- (2) **ARTICLE.**—The term “article” means any pest or disease or any material or tangible object that could harbor a pest or disease.
- (3) **DISEASE.**—The term “disease” has the meaning given the term by the Secretary.
- (4) **ENTER.**—The term “enter” means to move into the commerce of the United States.
- (5) **EXPORT.**—The term “export” means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.
- (6) **FACILITY.**—The term “facility” means any structure.
- (7) **IMPORT.**—The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.
- (8) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
- (9) **INTERSTATE COMMERCE.**—The term “interstate commerce” means trade, traffic, or other commerce—
- (A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or
- (B) within the District of Columbia or any territory or possession of the United States.
- (10) **LIVESTOCK.**—The term “livestock” means all farm-raised animals.
- (11) **MEANS OF CONVEYANCE.**—The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.
- (12) **MOVE.**—The term “move” means—
- (A) to carry, enter, import, mail, ship, or transport;
- (B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;
- (C) to offer to carry, enter, import, mail, ship, or transport;
- (D) to receive in order to carry, enter, import, mail, ship, or transport;
- (E) to release into the environment; or
- (F) to allow any of the activities described in this paragraph.
- (13) **PEST.**—The term “pest” means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:
- (A) A protozoan.
- (B) A plant.
- (C) A bacteria.
- (D) A fungus.
- (E) A virus or viroid.
- (F) An infectious agent or other pathogen.
- (G) An arthropod.
- (H) A parasite.
- (I) A prion.
- (J) A vector.
- (K) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(15) **STATE.**—The term “State” means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) **THIS SUBTITLE.**—Except when used in this section, the term “this subtitle” includes any regulation or order issued by the Secretary under the authority of this subtitle.

(17) **UNITED STATES.**—The term “United States” means all of the States.

7 USC 8303.

**SEC. 10404. RESTRICTION ON IMPORTATION OR ENTRY.**

(a) **IN GENERAL.**—With notice to the Secretary of the Treasury and public notice as soon as practicable, the Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) **REGULATIONS.**—

(1) **RESTRICTIONS ON IMPORT AND ENTRY.**—The Secretary may issue such orders and promulgate such regulations as are necessary to carry out subsection (a).

(2) **POST IMPORTATION QUARANTINE.**—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) **DESTRUCTION OR REMOVAL.**—

(1) **IN GENERAL.**—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this subtitle; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) REQUIREMENTS OF OWNERS.—

(A) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

**SEC. 10405. EXPORTATION.**

7 USC 8304.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) **CERTIFICATION.**—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

7 USC 8305.

**SEC. 10406. INTERSTATE MOVEMENT.**

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

7 USC 8306.

**SEC. 10407. SEIZURE, QUARANTINE, AND DISPOSAL.**

(a) **IN GENERAL.**—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this subtitle;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this subtitle;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this subtitle; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this subtitle.

(b) **EXTRAORDINARY EMERGENCIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) STATE ACTION.—

(A) IN GENERAL.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

“(i) the Governor or an appropriate animal health official of the State; or

“(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) NOTICE.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.—

(1) IN GENERAL.—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) FAILURE TO COMPLY WITH ORDERS.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) COMPENSATION.—

Public information. Federal Register, publication.

(1) **IN GENERAL.**—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) **AMOUNT.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) **LIMITATION.**—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) **REVIEWABILITY.**—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review or review of longer than 60 days by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

(3) **EXCEPTIONS.**—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this subtitle;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this subtitle;

(C) any animal, article, or means of conveyance that is refused entry under this subtitle; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this subtitle by the owner.

7 USC 8307.

**SEC. 10408. INSPECTIONS, SEIZURES, AND WARRANTS.**

(a) **GUIDELINES.**—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) **WARRANTLESS INSPECTIONS.**—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this subtitle;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this subtitle; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 10407(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 10407(b).

**(c) INSPECTIONS WITH WARRANTS.—**

(1) **IN GENERAL.**—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this subtitle.

**(2) APPLICATION AND ISSUANCE OF WARRANTS.—**

(A) **IN GENERAL.**—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this subtitle, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this subtitle.

(B) **EXECUTION.**—The warrant may be applied for and executed by the Secretary or any United States marshal.

**SEC. 10409. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS. 7 USC 8308.**

(a) **IN GENERAL.**—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

**(b) COMPENSATION.—**

(1) **IN GENERAL.**—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this subtitle.

(2) **REVIEWABILITY.**—The action of the Secretary in carrying out paragraph (1) shall not be subject to review of longer than 60 days by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

**SEC. 10410. VETERINARY ACCREDITATION PROGRAM. 7 USC 8309.**

(a) **IN GENERAL.**—The Secretary may establish a veterinary accreditation program that is consistent with this subtitle, including the establishment of standards of conduct for accredited veterinarians.

(b) **CONSULTATION.**—The Secretary shall consult with State animal health officials and veterinary professionals regarding the establishment of the veterinary accreditation program.

**(c) SUSPENSION OR REVOCATION OF ACCREDITATION.—**

(1) **IN GENERAL.**—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this title who violates this subtitle.

(2) **FINAL ORDER.**—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

**(3) SUMMARY SUSPENSION.—**

(A) **IN GENERAL.**—The Secretary may summarily suspend the accreditation of a veterinarian whom the Secretary has reason to believe knowingly violated this subtitle.

(B) **HEARINGS.**—The Secretary shall provide the veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) APPLICATION OF PENALTY PROVISIONS.—The criminal and civil penalties described in section 10414 shall not apply to a violation of this section that is not a violation of any other provision of this subtitle.

7 USC 8310.

**SEC. 10411. COOPERATION.**

(a) IN GENERAL.—To carry out this subtitle, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) SCREWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) ACCOUNT.—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION AND COORDINATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall consult and coordinate with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) LEAD AGENCY.—Subject to the consultation and coordination requirement in paragraph (1), the Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

SEC. 10412. REIMBURSABLE AGREEMENTS.

7 USC 8311.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this subtitle relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

SEC. 10413. ADMINISTRATION AND CLAIMS.

7 USC 8312.

(a) ADMINISTRATION.—To carry out this subtitle, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

\* \* \* \* \*

- (1) a description of the results of the review conducted under this section;
- (2) recommendations for program improvements; and
- (3) a description of actions that will be taken to carry out the improvements.

Approved May 13, 2002.

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LEGISLATIVE HISTORY—H.R. 2646 (S. 1731):

HOUSE REPORTS: Nos. 107-191, Pts. 1 and 2 (both from Comm. on Agriculture) and Pt. 3 (Comm. on International Relations) and 107-424 (Comm. of Conference).

SENATE REPORTS: No. 107-117 accompanying S. 1731 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD:

Vol. 147 (2001): Oct. 3-5, considered and passed House.

Vol. 148 (2002): Feb. 13, considered and passed Senate, amended, in lieu of S. 1731.

May 2, House agreed to conference report.

May 7, 8, Senate considered and agreed to conference report.

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

May 13, Presidential remarks.



Public Law 107-206  
107th Congress

An Act

Aug. 2, 2002  
[H.R. 4775]

Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

2002  
Supplemental  
Appropriations  
Act for Further  
Recovery From  
and Response To  
Terrorist Attacks  
on the United  
States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Office of the Secretary", \$18,000,000, to remain available until expended: *Provided*, That the Secretary shall transfer these funds to the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and/or the Food Safety and Inspection Service: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$8,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation

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## CHAPTER 3

## DEPARTMENT OF DEFENSE

## MILITARY PERSONNEL

## MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$206,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$209,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$102,000,000 shall be available only to the extent that an official budget request, that includes designation of \$102,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$48,750,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$12,250,000 shall be available only to the extent that an official budget request, that includes designation of \$12,250,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$65,510,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$24,510,000 shall be available only to the extent that an official budget request, that includes designation of \$24,510,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

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is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, \$9,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$198,400,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$137,600,000 shall be available only to the extent that an official budget request, that includes designation of \$137,600,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$67,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. (a) The appropriation under the heading “Research, Development, Test and Evaluation, Navy” in the Department of Defense Appropriations Act, 2002 (Public Law 107-117) is amended by adding the following proviso immediately after “September 30, 2003”: “: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces”.

115 Stat. 2243.

(b) The amendment made by subsection (a) shall be effective as if enacted as part of the Department of Defense Appropriations Act, 2002.

Effective date.

SEC. 302. During the current fiscal year, the restrictions contained in subsection (d) of 22 U.S.C. 5952 and section 502 of the Freedom Support Act (Public Law 102-511) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such restrictions is important to the national security interests of the United States.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes

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States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

SEC. 306. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), \$75,000,000, to remain available until September 30, 2003, is hereby appropriated to the Department of Defense under the heading "Chemical Agents and Munitions Destruction, Army" for Research, development, test and evaluation, for the purpose of accelerating chemical agent destruction at Department of Defense facilities: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## (RESCISSIONS)

SEC. 307. Of the funds available in Department of Defense Appropriations Acts or otherwise available to the Department of Defense, the following funds are hereby rescinded, from the following accounts in the specified amounts:

"Other Procurement, Air Force", 2001/2003, \$12,500,000;  
 "Missile Procurement, Air Force", 2002/2004, \$11,600,000;  
 "Other Procurement, Air Force", 2002/2004, \$52,500,000;  
 "Procurement, Defense-Wide", 2002/2004, \$30,000,000; and  
 "Research, Development, Test and Evaluation, Air Force",  
 2002/2003, \$56,500,000.

SEC. 308. During the current fiscal year and hereafter, section 2533a of title 10, United States Code, shall not apply to any transaction entered into to acquire or sustain aircraft under the authority of section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2284).

10 USC 2401a  
 note.

SEC. 309. The Secretary of the Army shall obligate and expend the \$2,000,000 appropriated for the Army by Public Law 107-117 for procurement of smokeless nitrocellulose under Activity 1, instead of under Activity 2, Production Base Support Industrial Facilities, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in order to preserve a commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge System and to preserve competition in that manufacturing capability.

SEC. 310. Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall obligate, from funds made available in title II of division A of Public Law 107-117 under the heading "Operation and Maintenance, Defense-Wide" (115 Stat. 2233), \$4,000,000 for a grant to support the conversion of the Naval Security Group, Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for

Deadline.

such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

SEC. 311. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, \$2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

(RESCISSION)

SEC. 312. Of the funds provided under the heading, "Emergency Response Fund", in Public Law 107-38 that were not subject to subsequent enactment and not subject to the restrictions of the fifth proviso of that Act, and subsequently transferred to "Defense Emergency Response Fund", \$224,000,000 of unobligated amounts are hereby rescinded.

(RESCISSION)

SEC. 313. Of the unobligated funds available in titles III and IV of the Department of Defense Appropriations Act, 2002, \$226,000,000, reflecting savings from revised economic assumptions, shall be rescinded within 15 days of enactment of this Act: *Provided*, That this reduction shall be applied on a pro-rata basis to each appropriations account in said titles, and to each line item, program element, project, subproject, and activity within each such account.

#### CHAPTER 4

#### DISTRICT OF COLUMBIA

#### FEDERAL FUNDS

##### FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia for implementing the District Emergency Operations Plan, \$10,000,000, to remain available until September 30, 2003, of which \$8,000,000 shall be for the expansion of quarantine facilities, and \$2,000,000 shall be for the establishment of a decontamination facility for children and families: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia to implement the District Emergency Operations Plan, \$23,000,000, to remain available until December 1, 2003, of which \$12,000,000 is for public safety expenses related to security events in the District of Columbia: *Provided*, That the Chief Financial Officer of the District

\* \* \* \* \*

## CHAPTER 7

## DEPARTMENT OF THE INTERIOR

## BUREAU OF LAND MANAGEMENT

## MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", \$658,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## UNITED STATES FISH AND WILDLIFE SERVICE

## RESOURCE MANAGEMENT

For an additional amount for "Resource Management", \$1,038,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## CONSTRUCTION

For an additional amount for "Construction", \$3,125,000, to remain available until expended, for facility and safety improvements related to homeland security: *Provided*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## NATIONAL PARK SERVICE

## OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", \$1,173,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant

to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### CONSTRUCTION

For an additional amount for "Construction", \$17,651,000, to remain available until expended: *Provided*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$26,000,000, to remain available until expended, of which \$20,000,000 is for high resolution mapping and imagery of the Nation's strategic cities, and of which \$6,000,000 is for data storage infrastructure upgrades and emergency power supply system improvements at the Earth Resources Observation Systems Data Center: *Provided*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

##### (INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Operation of Indian Programs", \$134,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

✱      ✱      ✱      ✱      ✱      ✱

This Act may be cited as the “2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States”.

Approved August 2, 2002.

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**LEGISLATIVE HISTORY—H.R. 4775 (S. 2551):**

**HOUSE REPORTS:** Nos. 107-480 (Comm. on Appropriations) and 107-593 (Comm. of Conference).

**SENATE REPORTS:** No. 107-156 accompanying S. 2551 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 148 (2002):**

May 22-24, considered and passed House.

June 3-6, considered and passed Senate, amended.

July 23, House agreed to conference report.

July 24, Senate agreed to conference report.



Public Law 107-213  
107th Congress

An Act

Aug. 21, 2002  
[H.R. 601]

To redesignate certain lands within the Craters of the Moon National Monument,  
and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

16 USC 431 note,  
698w.

**SECTION 1. SPECIAL MANAGEMENT REQUIREMENTS FOR FEDERAL  
LANDS RECENTLY ADDED TO CRATERS OF THE MOON  
NATIONAL MONUMENT, IDAHO.**

(a) **REDESIGNATION.**—The approximately 410,000 acres of land added to the Craters of the Moon National Monument by Presidential Proclamation 7373 of November 9, 2000, and identified on the map accompanying the Proclamation for administration by the National Park Service, shall, on and after the date of enactment of this Act, be known as the “Craters of the Moon National Preserve”.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the Craters of the Moon National Preserve shall be administered in accordance with—

(A) Presidential Proclamation 7373 of November 9, 2000;

(B) the Act of June 8, 1906, (commonly referred to as the “Antiquities Act”; 34 Stat. 225; 16 U.S.C. 431); and

(C) the laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.).

(2) **HUNTING.**—The Secretary of the Interior shall permit hunting on lands within the Craters of the Moon National Preserve in accordance with the applicable laws of the United States and the State of Idaho. The Secretary, in consultation with the State of Idaho, may designate zones where, and establish periods when, no hunting may be permitted for reasons of public safety, protection of the area’s resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.

Approved August 21, 2002.

**LEGISLATIVE HISTORY—H.R. 601:**

HOUSE REPORTS: No. 107-34 (Comm. on Resources).

SENATE REPORTS: No. 107-181 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): May 1, considered and passed House.

Vol. 148 (2002): Aug. 1, considered and passed Senate.



Public Law 107-214  
107th Congress

An Act

To amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

Aug. 21, 2002  
[H.R. 1384]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Long Walk National Historic Trail Study Act”.

Long Walk  
National Historic  
Trail Study Act.  
16 USC 1241  
note.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Beginning in the fall of 1863 and ending in the winter of 1864, the United States Government forced thousands of Navajos and Mescalero Apaches to relocate from their ancestral lands to Fort Sumner, New Mexico, where the tribal members were held captive, virtually as prisoners of war, for over 4 years.

(2) Thousands of Native Americans died at Fort Sumner from starvation, malnutrition, disease, exposure, or conflicts between the tribes and United States military personnel.

**SEC. 3. DESIGNATION FOR STUDY.**

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

“( ) The Long Walk Trail, a series of routes which the Navajo and Mescalero Apache Indian tribes were forced to walk beginning in the fall of 1863 as a result of their removal by the United States Government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelly, Arizona, and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra Pintado, and Fort Sumner, New Mexico.”.

Approved August 21, 2002.

**LEGISLATIVE HISTORY—H.R. 1384:**

HOUSE REPORTS: No. 107-222 (Comm. on Resources).

SENATE REPORTS: No. 107-184 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Oct. 2, considered and passed House.

Vol. 148 (2002): Aug. 1, considered and passed Senate.



Public Law 107-215  
107th Congress

An Act

Aug. 21, 2002  
[H.R. 1456]

To expand the boundary of the Booker T. Washington National Monument, and for other purposes.

Booker T.  
Washington  
National  
Monument  
Boundary  
Adjustment Act  
of 2002.  
Virginia.  
16 USC 450ll  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Booker T. Washington National Monument Boundary Adjustment Act of 2002".

**SEC. 2. BOUNDARY OF BOOKER T. WASHINGTON NATIONAL MONUMENT EXPANDED.**

The Act entitled "An Act to provide for the establishment of the Booker T. Washington National Monument", approved April 2, 1956 (16 U.S.C. 450ll et seq.), is amended by adding at the end the following new section:

16 USC 450ll-3.

**"SEC. 5. ADDITIONAL LANDS.**

**"(a) LANDS ADDED TO MONUMENT.**—The boundary of the Booker T. Washington National Monument is modified to include the approximately 15 acres, as generally depicted on the map entitled 'Boundary Map, Booker T. Washington National Monument, Franklin County, Virginia', numbered BOWA 404/80,024, and dated February 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

**"(b) ACQUISITION OF ADDITIONAL LANDS.**—The Secretary of the Interior is authorized to acquire from willing owners the land or interests in land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

**"(c) ADMINISTRATION OF ADDITIONAL LANDS.**—Lands added to the Booker T. Washington National Monument by subsection (a) shall be administered by the Secretary of the Interior as part of the monument in accordance with applicable laws and regulations."

Approved August 21, 2002.

**LEGISLATIVE HISTORY—H.R. 1456:**

HOUSE REPORTS: No. 107-223 (Comm. on Resources).

SENATE REPORTS: No. 107-199 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Oct. 2, considered and passed House

Vol. 148 (2002): Aug. 1, considered and passed Senate.



Public Law 107-217  
107th Congress

An Act

Aug. 21, 2002  
[H.R. 2068]

To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, "Public Buildings, Property, and Works".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

40 USC note  
prec. 101.

**SECTION 1. TITLE 40, UNITED STATES CODE.**

Certain general and permanent laws of the United States, related to public buildings, property, and works, are revised, codified, and enacted as title 40, United States Code, "Public Buildings, Property, and Works", as follows:

**TITLE 40—PUBLIC BUILDINGS,  
PROPERTY, AND WORKS**

| SUBTITLE  | Sec.  |
|---|-------|
| I. FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ..... | 101   |
| II. PUBLIC BUILDINGS AND WORKS .....                  | 3101  |
| III. INFORMATION TECHNOLOGY MANAGEMENT .....          | 11101 |
| IV. APPALACHIAN REGIONAL DEVELOPMENT .....            | 14101 |
| V. MISCELLANEOUS .....                                | 17101 |

**SUBTITLE I—FEDERAL PROPERTY AND  
ADMINISTRATIVE SERVICES**

| CHAPTER  | Sec. |
|--|------|
| 1. GENERAL .....   | 101  |
| 3. ORGANIZATION OF GENERAL SERVICES ADMINISTRATION ..... | 301  |
| 5. PROPERTY MANAGEMENT .....                             | 501  |
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**CHAPTER 1—GENERAL**

**SUBCHAPTER I—PURPOSE AND DEFINITIONS**

| Sec. |              |
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| 101. | Purpose.     |
| 102. | Definitions. |

**SUBCHAPTER II—SCOPE**

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| 111. | Application to Federal Property and Administrative Services Act of 1949.                 |
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## SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

- 121. Administrative.
- 122. Prohibition on sex discrimination.
- 123. Civil remedies for fraud.
- 124. Agency use of amounts for property management.
- 125. Library memberships.
- 126. Reports to Congress.

## SUBCHAPTER I—PURPOSE AND DEFINITIONS

**§ 101. Purpose**

The purpose of this subtitle is to provide the Federal Government with an economical and efficient system for the following activities:

(1) Procuring and supplying property and nonpersonal services, and performing related functions including contracting, inspection, storage, issue, setting specifications, identification and classification, transportation and traffic management, establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas, management of public utility services, repairing and converting, establishment of inventory levels, establishment of forms and procedures, and representation before federal and state regulatory bodies.

(2) Using available property.

(3) Disposing of surplus property.

(4) Records management.

**§ 102. Definitions**

The following definitions apply in chapters 1 through 7 of this title and in title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):

(1) CARE AND HANDLING.—The term “care and handling” includes—

(A) completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus property; and

(B) rendering innocuous, or destroying, property that is dangerous to public health or safety.

(2) CONTRACTOR INVENTORY.—The term “contractor inventory” means—

(A) property, in excess of amounts needed to complete full performance, that is acquired by and in possession of a contractor or subcontractor under a contract pursuant to which title is vested in the Federal Government; and

(B) property that the Government is obligated or has the option to take over, under any type of contract, as a result of changes in specifications or plans under the contract, or as a result of termination of the contract (or a subcontract), prior to completion of the work, for the convenience or at the option of the Government.

(3) EXCESS PROPERTY.—The term “excess property” means property under the control of a federal agency that the head of the agency determines is not required to meet the agency’s needs or responsibilities.

(4) EXECUTIVE AGENCY.—The term “executive agency” means—

(A) an executive department or independent establishment in the executive branch of the Government; and

(B) a wholly owned Government corporation.

(5) FEDERAL AGENCY.—The term “federal agency” means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol).

(6) FOREIGN EXCESS PROPERTY.—The term “foreign excess property” means excess property that is not located in the States of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Virgin Islands.

(7) MOTOR VEHICLE.—The term “motor vehicle” means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, excluding—

(A) a vehicle designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot; and

(B) a vehicle regularly used by an agency to perform investigative, law enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties.

(8) NONPERSONAL SERVICES.—The term “nonpersonal services” means contractual services designated by the Administrator of General Services, other than personal and professional services.

(9) PROPERTY.—The term “property” means any interest in property except—

(A)(i) the public domain;

(ii) land reserved or dedicated for national forest or national park purposes;

(iii) minerals in land or portions of land withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and

(iv) land withdrawn or reserved from the public domain except land or portions of land so withdrawn or reserved which the Secretary, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise;

(B) naval vessels that are battleships, cruisers, aircraft carriers, destroyers, or submarines; and

(C) records of the Government.

(10) SURPLUS PROPERTY.—The term “surplus property” means excess property that the Administrator determines is not required to meet the needs or responsibilities of all federal agencies.

\* \* \* \* \*

of operation, in accordance with this subsection and with state law.

(2) PROCEDURE.—

(A) CONSIDERATION OF NEEDS AND RESOURCES.—In developing and implementing the state plan of operation, the relative needs and resources of all public agencies and other eligible institutions in the State shall be taken into consideration. The Administrator may consult with interested federal agencies to obtain their views concerning the administration and operation of this section.

(B) PUBLICATION AND PERIOD FOR COMMENT.—The state plan of operation, and any major amendment to the plan, may not be filed with the Administrator until 60 days after general notice of the proposed plan or amendment has been published and interested persons have been given at least 30 days to submit comments.

(C) CERTIFICATION.—The chief executive officer of the State shall certify and submit the state plan of operation to the Administrator.

(3) REQUIREMENTS.—

(A) STATE AGENCY.—The state plan of operation shall include adequate assurance that the state agency has—

(i) the necessary organizational and operational authority and capability including staff, facilities, and means and methods of financing; and

(ii) established procedures for accountability, internal and external audits, cooperative agreements, compliance and use reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups.

(B) EQUITABLE DISTRIBUTION.—The state plan of operation shall provide for fair and equitable distribution of property in the State based on the relative needs and resources of interested public agencies and other eligible institutions in the State and their abilities to use the property.

(C) MANAGEMENT CONTROL AND ACCOUNTING SYSTEMS.—The state plan of operation shall require, for donable property transferred under this section, that the state agency use management control and accounting systems of the same type as systems required by state law for state-owned property. However, with approval from the chief executive officer of the State, the state agency may elect to use other management control and accounting systems that are effective to govern the use, inventory control, accountability, and disposal of property under this section.

(D) RETURN AND REDISTRIBUTION FOR NON-USE.—The state plan of operation shall require the state agency to provide for the return and redistribution of donable property if the property, while still usable, has not been placed in use for the purpose for which it was donated within one year of donation or ceases to be used by the donee for that purpose within one year of being placed in use.

(E) REQUEST BY RECIPIENT.—The state plan of operation shall require the state agency, to the extent practicable, to select property requested by a public agency or other

eligible institution in the State and, if requested by the recipient, to arrange shipment of the property directly to the recipient.

(F) SERVICE CHARGES.—If the state agency is authorized to assess and collect service charges from participating recipients to cover direct and reasonable indirect costs of its activities, the method of establishing the charges shall be set out in the state plan of operation. The charges shall be fair and equitable and shall be based on services the state agency performs, including screening, packing, crating, removal, and transportation.

(G) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—

(i) IN GENERAL.—The state plan of operation shall provide that the state agency—

(I) may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under subsection (c); and

(II) shall impose reasonable terms, conditions, reservations, and restrictions on the use of a passenger motor vehicle and any item of property having a unit acquisition cost of \$5,000 or more.

(ii) SPECIAL LIMITATIONS.—If the Administrator finds that an item has characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of the property.

(H) UNUSABLE PROPERTY.—

(i) DISPOSAL.—The state plan of operation shall provide that surplus personal property which the state agency determines cannot be used by eligible recipients shall be disposed of—

(I) subject to the disapproval of the Administrator within 30 days after notice to the Administrator, through transfer by the state agency to another state agency or through abandonment or destruction if the property has no commercial value or if the estimated cost of continued care and handling exceeds estimated proceeds from sale; or

(II) under this subtitle, on terms and conditions and in a manner the Administrator prescribes.

(ii) PROCEEDS FROM SALE.—Notwithstanding subchapter IV of this chapter and section 702 of this title, the Administrator, from the proceeds of sale of property described in subsection (b), may reimburse the state agency for expenses that the Administrator considers appropriate for care and handling of the property.

(f) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

(1) PARTIES TO THE AGREEMENT.—For purposes of carrying out this section, a cooperative agreement may be made between a state surplus property distribution agency designated under this section and—

(A) the Administrator;

(B) the Secretary of Education, for property transferred under section 550(c) of this title;

(C) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title; or  
 (D) the head of a federal agency designated by the Administrator, the Secretary of Education, or the Secretary of Health and Human Services.

(2) SHARED RESOURCES.—The cooperative agreement may provide that the property, facilities, personnel, or services of—

(A) a state agency may be used by a federal agency; and

(B) a federal agency may be made available to a state agency.

(3) REIMBURSEMENT.—The cooperative agreement may require payment or reimbursement for the use or provision of property, facilities, personnel, or services. Payment or reimbursement received from a state agency shall be credited to the fund or appropriation against which charges would otherwise be made.

(4) SURPLUS PROPERTY TRANSFERRED TO STATE AGENCY.—

(A) IN GENERAL.—Under the cooperative agreement, surplus property transferred to a state agency for distribution pursuant to subsection (c) may be retained by the state agency for use in performing its functions. Unless otherwise directed by the Administrator, title to the retained property vests in the state agency.

(B) CONDITIONS.—Retention of surplus property under this paragraph is subject to conditions that may be imposed by—

(i) the Administrator;

(ii) the Secretary of Education, for property transferred under section 550(c) of this title; or

(iii) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title.

#### § 550. Disposal of real property for certain purposes

(a) DEFINITION.—In this section, the term “State” includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—

(1) IN GENERAL.—Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this title, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent

accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) SPECIFIED OFFICIAL.—The official referred to in paragraph (1) is—

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

(c) PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL USE.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Education for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for school, classroom, or other educational use.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Education of a proposed transfer, the Secretary, for school, classroom, or other educational use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported educational institution, or a nonprofit educational institution that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Education shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(d) PROPERTY FOR USE IN THE PROTECTION OF PUBLIC HEALTH, INCLUDING RESEARCH.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Health and Human Services for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use in the protection of public health, including research.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by

the Secretary of Health and Human Services of a proposed transfer, the Secretary, for use in the protection of public health, including research, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported medical institution, or a hospital or similar institution not operated for profit that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) **FIXING VALUE.**—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(e) **PROPERTY FOR USE AS A PUBLIC PARK OR RECREATION AREA.**—

(1) **ASSIGNMENT.**—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.

(2) **SALE OR LEASE.**—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.

(3) **FIXING VALUE.**—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or municipality.

(4) **DEED OF CONVEYANCE.**—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.

(f) **PROPERTY FOR LOW INCOME HOUSING ASSISTANCE.**—

(1) **ASSIGNMENT.**—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.

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(2) **SALE, LEASE, OR DONATION.**—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Chief Executive Officer of a proposed transfer, the Chief Executive Officer, for national service activities, may sell, lease, or donate property assigned to the Chief Executive Officer under paragraph (1) to an entity that receives financial assistance under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(3) **FIXING VALUE.**—In fixing the sale or lease value of property disposed of under paragraph (2), the Chief Executive Officer shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the entity receiving the property.

(h) **PROPERTY FOR USE AS A HISTORIC MONUMENT.**—

(1) **CONVEYANCE.**—

(A) **IN GENERAL.**—Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.

(B) **RECOMMENDATION BY NATIONAL PARK SYSTEM ADVISORY BOARD.**—Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act). Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.

(2) **REVENUE-PRODUCING ACTIVITY.**—

(A) **IN GENERAL.**—The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior—

(i) determines that the activities are compatible with use of the property for historic monument purposes;

(ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property;

(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and

(iv) examines and approves the accounting and financial procedures used by the grantee.

(B) **USE OF EXCESS INCOME.**—The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.

(C) **AUDITS.**—The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.

(3) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.

**§ 551. Donations to American Red Cross**

The Administrator of General Services, in the Administrator's discretion and under regulations that the Administrator may prescribe, may donate to the American National Red Cross for charitable purposes property that the American National Red Cross processed, produced, or donated and that has been determined to be surplus property.

**§ 552. Abandoned or unclaimed property on Government premises**

(a) AUTHORITY TO TAKE PROPERTY.—Administrator of General Services may take possession of abandoned or unclaimed property on premises owned or leased by the Federal Government and determine when title to the property vests in the Government. The Administrator may use, transfer, or otherwise dispose of the property.

(b) CLAIM FILED BY FORMER OWNER.—If a former owner files a proper claim within three years from the date that title to the property vests in the Government, the former owner shall be paid an amount—

(1) equal to the proceeds realized from the disposition of the property less costs incident to care and handling as determined by the Administrator; or

(2) if the property has been used or transferred, equal to the fair value of the property as of the time title vested in the Government less costs incident to care and handling as determined by the Administrator.

**§ 553. Property for correctional facility, law enforcement, and emergency management response purposes**

(a) DEFINITION.—In this section, the term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and, the Northern Mariana Islands.

(b) AUTHORITY TO TRANSFER PROPERTY.—The Administrator of General Services, in the Administrator's discretion and under regulations that the Administrator may prescribe, may transfer or convey to a State, or political subdivision or instrumentality of a State, surplus real and related personal property that—

(1) the Attorney General determines is required by the transferee or grantee for correctional facility use under a program approved by the Attorney General for the care or rehabilitation of criminal offenders;

(2) the Attorney General determines is required by the transferee or grantee for law enforcement purposes; or

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the fund any costs necessary to provide services to the Government's lessee and to pay the rent (not otherwise provided for) on the lease of the space to the Government.

(c) AMOUNTS FOR RENT AVAILABLE FOR LEASE OF BUILDINGS ON GOVERNMENT LAND.—Amounts made available to the General Services Administration for the payment of rent may be used to lease space, for a period of not more than 30 years, in buildings erected on land owned by the Government.

#### **§ 586. Charges for space and services**

(a) DEFINITION.—In this section, “space and services” means space, services, quarters, maintenance, repair, and other facilities.

(b) CHARGES BY ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—The Administrator of General Services shall impose a charge for furnishing space and services.

(2) RATES.—The Administrator shall, from time to time, determine the rates to be charged for furnishing space and services and shall prescribe regulations providing for the rates. The rates shall approximate commercial charges for comparable space and services. However, for a building for which the Administrator is responsible for alterations only (as the term “alter” is defined in section 3301(a) of this title), the rates shall be fixed to recover only the approximate cost incurred in providing alterations.

(3) EXEMPTIONS.—The Administrator may exempt anyone from the charges required by this subsection when the Administrator determines that charges would be infeasible or impractical. To the extent an exemption is granted, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

(c) CHARGES BY EXECUTIVE AGENCIES.—

(1) IN GENERAL.—An executive agency, other than the Administration, may impose a charge for furnishing space and services at rates approved by the Administrator.

(2) CREDITING AMOUNTS RECEIVED.—An amount an executive agency receives under this subsection shall be credited to the appropriation or fund initially charged for providing the space or service. However, amounts in excess of actual operating and maintenance costs shall be credited to miscellaneous receipts unless otherwise provided by law.

(d) RENT PAYMENTS FOR LEASE SPACE.—An agency may make rent payments to the Administration for lease space relating to expansion needs of the agency. Payment rates shall approximate commercial charges for comparable space as provided in subsection (b). Payments shall be deposited into the Federal Buildings Fund. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in the Rental of Space activity of the Fund.

#### **§ 587. Telecommuting and other alternative workplace arrangements**

(a) DEFINITION.—In this section, the term “telecommuting centers” means flexiplace work telecommuting centers.

(b) TELECOMMUTING CENTERS ESTABLISHED BY ADMINISTRATOR OF GENERAL SERVICES.—

(1) **ESTABLISHMENT.**—The Administrator of General Services may acquire space for, establish, and equip telecommuting centers for use in accordance with this subsection.

(2) **USE.**—A telecommuting center may be used by employees of federal agencies, state and local governments, and the private sector. The Administrator shall give federal employees priority in using a telecommuting center. The Administrator may make a telecommuting center available for use by others to the extent it is not fully utilized by federal employees.

(3) **USER FEES.**—The Administrator shall charge a user fee for the use of a telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services. However, the user fee may not be less than necessary to pay the cost of establishing and operating the telecommuting center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

(4) **DEPOSIT AND USE OF FEES.**—The Administrator may—

(A) deposit user fees into the Federal Buildings Fund and use the fees to pay costs incurred in establishing and operating the telecommuting center; and

(B) accept and retain income received by the General Services Administration, from federal agencies and non-federal sources, to defray costs directly associated with the functions of telecommuting centers.

(c) **DEVELOPMENT OF ALTERNATIVE WORKPLACE ARRANGEMENTS BY EXECUTIVE AGENCIES AND OTHERS.**—

(1) **DEFINITION.**—In this subsection, the term “alternative workplace arrangements” includes telecommuting, hoteling, virtual offices, and other distributive work arrangements.

(2) **CONSIDERATION BY EXECUTIVE AGENCIES.**—In considering whether to acquire space, quarters, buildings, or other facilities for use by employees, the head of an executive agency shall consider whether needs can be met using alternative workplace arrangements.

(3) **GUIDANCE FROM ADMINISTRATOR.**—The Administrator may provide guidance, assistance, and oversight to any person regarding the establishment and operation of alternative workplace arrangements.

(d) **AMOUNTS AVAILABLE FOR FLEXIPLACE WORK TELECOMMUTING PROGRAMS.**—

(1) **DEFINITION.**—In this subsection, the term “flexiplace work telecommuting program” means a program under which employees of a department or agency set out in paragraph (2) are permitted to perform all or a portion of their duties at a telecommuting center established under this section or other federal law.

(2) **MINIMUM FUNDING.**—For each of the following departments and agencies, in each fiscal year at least \$50,000 of amounts made available for salaries and expenses is available only for carrying out a flexiplace work telecommuting program:

(A) Department of Agriculture.

(B) Department of Commerce.

(C) Department of Defense.

(D) Department of Education.

(E) Department of Energy.

(F) Department of Health and Human Services.

(G) Department of Housing and Urban Development.

- (H) Department of the Interior.
- (I) Department of Justice.
- (J) Department of Labor.
- (K) Department of State.
- (L) Department of Transportation.
- (M) Department of the Treasury.
- (N) Department of Veterans Affairs.
- (O) Environmental Protection Agency.
- (P) General Services Administration.
- (Q) Office of Personnel Management.
- (R) Small Business Administration.
- (S) Social Security Administration.
- (T) United States Postal Service.

**§ 588. Movement and supply of office furniture**

(a) DEFINITION.—In this section, the term “controlled space” means a substantial and identifiable segment of space (such as a building, floor, or wing) in a location that the Administrator of General Services controls for purposes of assignment of space.

(b) APPLICATION.—This section applies if an agency (or unit of the agency), moves from one controlled space to another, whether in the same or a different location.

(c) MOVING EXISTING FURNITURE.—The furniture and furnishings used by an agency (or organizational unit of the agency) shall be moved only if the Administrator determines, after consultation with the head of the agency and with due regard for the program activities of the agency, that it would not be more economical and efficient to make suitable replacements available in the new controlled space.

(d) PROVIDING REPLACEMENT FURNITURE.—In the absence of a determination under subsection (c), suitable furniture and furnishings for the new controlled space shall be provided from stocks under the control of the moving agency or from stocks available to the Administrator, whichever the Administrator determines to be more economical and efficient. However, the same or similar items may not be provided from both sources.

(e) CONTROL OF REPLACEMENT FURNITURE.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the items being provided remain in the control of the Administrator.

(f) CONTROL OF FURNITURE NOT MOVED.—

(1) IN GENERAL.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the furniture and furnishings that were previously used by the moving agency (or unit of the agency) pass to the control of the Administrator.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—Furniture and furnishings passing to the control of the Administrator under this section pass without reimbursement.

(B) EXCEPTION FOR TRUST FUND.—If furniture and furnishings that were purchased from a trust fund pass to the control of the Administrator under this section, the Administrator shall reimburse the trust fund for the fair market value of the furniture and furnishings.

(3) REVOLVING OR WORKING CAPITAL FUND.—If furniture and furnishings are carried as assets of a revolving or working

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select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

### CHAPTER 13—PUBLIC PROPERTY

- Sec.  
 1301. Charge of property transferred to the Federal Government.  
 1302. Lease of buildings.  
 1303. Disposition of surplus real property.  
 1304. Transfer of federal property to States.  
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 1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property.  
 1310. Sale of war supplies, land, and buildings.  
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 1313. Releasing property from attachment.  
 1314. Easements.  
 1315. Special police.

#### § 1301. Charge of property transferred to the Federal Government

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator of General Services shall have charge of—

- (1) all land and other property which has been or may be assigned, set off, or conveyed to the Federal Government in payment of debts;
- (2) all trusts created for the use of the Government in payment of debts due the Government; and
- (3) the sale and disposal of land—
  - (A) assigned or set off to the Government in payment of debt; or
  - (B) vested in the Government by mortgage or other security for the payment of debts.

(b) NONAPPLICATION.—This section does not apply to—

- (1) real estate which has been or shall be assigned, set off, or conveyed to the Government in payment of debts arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or
- (2) trusts created for the use of the Government in payment of debts arising under the Code and due the Government.

#### § 1302. Lease of buildings

Except as otherwise specifically provided by law, the leasing of buildings and property of the Federal Government shall be for a money consideration only. The lease may not include any provision for the alteration, repair, or improvement of the buildings or property as a part of the consideration for the rent to be paid for the use and occupation of the buildings or property. Money derived from the rent shall be deposited in the Treasury as miscellaneous receipts.

#### § 1303. Disposition of surplus real property

(a) DEFINITION.—In this section, the term “federal agency” means an executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the Federal Government, including wholly owned Government corporations.

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full and final determination of the rights of the person and entitles the person, as against the Government, to the rights the person would have had if possession of the property had not been changed. When the claim is for the payment of money found to be due, presentation of an authenticated copy of the record of the judgment and proceedings is sufficient evidence to the proper accounting officers for the allowance of the claim, which shall be allowed and paid out of amounts in the Treasury not otherwise appropriated. The amount allowed and paid shall not exceed the value of the interest of the Government in the property.

**§ 1314. Easements**

(a) DEFINITIONS.—In this section—

(1) EXECUTIVE AGENCY.—The term “executive agency” means an executive department or independent establishment in the executive branch of the Federal Government, including a wholly owned Government corporation.

(2) REAL PROPERTY OF THE GOVERNMENT.—The term “real property of the Government” excludes—

(A) public land (including minerals, vegetative, and other resources) in the United States, including—

(i) land reserved or dedicated for national forest purposes;

(ii) land the Secretary of the Interior administers or supervises in accordance with the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act);

(iii) Indian-owned trust and restricted land; and

(iv) land the Government acquires primarily for fish and wildlife conservation purposes and the Secretary administers;

(B) land withdrawn from the public domain primarily under the jurisdiction of the Secretary; and

(C) land acquired for national forest purposes.

(3) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) GRANT OF EASEMENT.—When a State, a political subdivision or agency of a State, or a person applies for the grant of an easement in, over, or on real property of the Government, the executive agency having control of the real property may grant to the applicant, on behalf of the Government, an easement that the head of the agency decides will not be adverse to the interests of the Government, subject to reservations, exceptions, limitations, benefits, burdens, terms, or conditions that the head of the agency considers necessary to protect the interests of the Government. The grant may be made without consideration, or with monetary or other consideration, including an interest in real property.

(c) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—In connection with the grant of an easement, the executive agency concerned may relinquish to the State in which the real property is located legislative jurisdiction that the executive agency considers necessary or desirable. Relinquishment of legislative jurisdiction may be accomplished by filing with the chief executive officer of the State a notice of relinquishment to take effect upon acceptance or by proceeding in the manner that the laws applicable to the State may provide.

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**§ 3302. Prohibition on construction of buildings except by Administrator of General Services**

Only the Administrator of General Services may construct a public building. The Administrator shall construct a public building in accordance with this chapter.

**§ 3303. Continuing investigation and survey of public buildings**

(a) CONDUCTED BY ADMINISTRATOR.—The Administrator of General Services shall—

(1) make a continuing investigation and survey of the public buildings needs of the Federal Government so that the Administrator may carry out the duties of the Administrator under this chapter; and

(2) submit to Congress prospectuses of proposed projects in accordance with section 3307(a) and (b) of this title.

(b) COOPERATION WITH FEDERAL AGENCIES.—

(1) DUTIES OF ADMINISTRATOR.—In carrying out the duties of the Administrator under this chapter, the Administrator—

(A) shall cooperate with all federal agencies in order to keep informed of their needs;

(B) shall advise each federal agency of the program with respect to the agency; and

(C) may request the cooperation and assistance of each federal agency in carrying out duties under this chapter.

(2) DUTY OF FEDERAL AGENCIES.—Each federal agency shall cooperate with, advise, and assist the Administrator in carrying out the duties of the Administrator under this chapter as determined necessary by the Administrator to carry out the purposes of this chapter.

(c) REQUEST FOR IDENTIFICATION OF EXISTING BUILDINGS OF HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—When the Administrator undertakes a survey of the public buildings needs of the Government within a geographical area, the Administrator shall request that, within 60 days, the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.) identify any existing buildings in the geographical area that—

(1) are of historical, architectural, or cultural significance (as defined in section 3306(a) of this title); and

(2) whether or not in need of repair, alteration, or addition, would be suitable for acquisition to meet the public buildings needs of the Government.

(d) STANDARD FOR CONSTRUCTION AND ACQUISITION OF PUBLIC BUILDINGS.—In carrying out the duties of the Administrator under this chapter, the Administrator shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building. In developing plans for new buildings, the Administrator shall give due consideration to excellence of architecture and design.

**§ 3304. Acquisition of buildings and sites**

(a) IN GENERAL.—The Administrator of General Services may acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which the Administrator decides

is necessary to carry out the duties of the Administrator under this chapter.

(b) **ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.**—The Administrator may acquire land or an interest in land the Administrator considers necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

(c) **PUBLIC BUILDINGS USED FOR POST OFFICE PURPOSES.**—When any part of a public building is to be used for post office purposes, the Administrator shall act jointly with the United States Postal Service in selecting the town or city where the building is to be constructed, and in selecting the site in the town or city for the building.

(d) **SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE OF REAL PROPERTY.**—When the Administrator is to acquire a site under subsection (b), the Administrator, if the Administrator considers it necessary, by public advertisement may solicit proposals for the sale, donation, or exchange of real property to the Federal Government to be used as the site. In selecting a site under subsection (b) the Administrator (with the concurrence of the United States Postal Service if any part of the public building to be constructed on the site is to be used for post office purposes) may—

(1) select the site that the Administrator believes is the most advantageous to the Government, all factors considered; and

(2) acquire the site without regard to title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

### § 3305. Construction and alteration of buildings

(a) **CONSTRUCTION.**—

(1) **REPLACEMENT OF EXISTING BUILDINGS.**—When the Administrator of General Services considers it to be in the best interest of the Federal Government to construct a new public building to take the place of an existing public building, the Administrator may demolish the existing building and use the site on which it is located for the site of the proposed public building. If the Administrator believes that it is more advantageous to construct the public building on a different site in the same city, the Administrator may exchange the building and site, or the site, for another site, or may sell the building and site in accordance with subtitle I of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(2) **SALE OR EXCHANGE OF SITES.**—When the Administrator decides that a site acquired for the construction of a public building is not suitable for that purpose, the Administrator may exchange the site for another site, or may sell it in accordance with subtitle I of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(3) **COMMITTEE APPROVAL REQUIRED.**—This subsection does not permit the Administrator to use any land as a site for a public building if the project has not been approved in accordance with section 3307 of this title.

(b) **ALTERATION OF BUILDINGS.**—

(1) **AUTHORITY TO ALTER BUILDINGS AND ACQUIRE LAND.**—The Administrator may—

(A) alter any public building; and

(B) acquire in accordance with section 3304(b)–(d) of this title land necessary to carry out the alteration.

(2) **COMMITTEE APPROVAL NOT REQUIRED.**—

(A) **THRESHOLD AMOUNT.**—Approval under section 3307 of this title is not required for any alteration and acquisition authorized by this subsection for which the estimated maximum cost does not exceed \$1,500,000.

(B) **DOLLAR AMOUNT ADJUSTMENT.**—The Administrator annually may adjust the dollar amount referred to in subparagraph (A) to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) **CONSTRUCTION OR ALTERATION BY CONTRACT.**—The Administrator may carry out any construction or alteration authorized by this chapter by contract if the Administrator considers it to be most advantageous to the Government.

#### **§ 3306. Accommodating federal agencies**

(a) **DEFINITIONS.**—In this section—

(1) **COMMERCIAL ACTIVITIES.**—The term “commercial activities” includes the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(2) **CULTURAL ACTIVITIES.**—The term “cultural activities” includes film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not those activities are intended to make a profit.

(3) **EDUCATIONAL ACTIVITIES.**—The terms “educational activities” includes the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(4) **HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.**—The term “historical, architectural, or cultural significance” includes buildings listed or eligible to be listed on the National Register established under section 101 of the National Historic Preservation Act (16 U.S.C. 470a).

(5) **RECREATIONAL ACTIVITIES.**—The term “recreational activities” includes the operations of gymnasiums and related facilities.

(6) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) **DUTIES OF ADMINISTRATOR.**—To carry out the duties of the Administrator of General Services under sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5) of this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary to accommodate federal agencies and to accomplish the purposes of sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5), the Administrator shall—

(1) acquire and utilize space in suitable buildings of historical, architectural, or cultural significance, unless use of the space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities in public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, that encourage public access to, and stimulate public pedestrian traffic around, into, and through, public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that the activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(c) CONSULTATION AND SOLICITATION OF COMMENTS.—In carrying out the duties under subsection (b), the Administrator shall—

(1) consult with chief executive officers of the States, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3331 et seq.) and section 6506 of title 31, and chief executive officers of those units of general local government in each area served by an existing or proposed public building; and

(2) solicit the comments of other community leaders and members of the general public as the Administrator considers appropriate.

### § 3307. Congressional approval of proposed projects

(a) RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE MADE.—The following appropriations may be made only if the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives adopt resolutions approving the purpose for which the appropriation is made:

(1) An appropriation to construct, alter, or acquire any building to be used as a public building which involves a total expenditure in excess of \$1,500,000, so that the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for the buildings, except as provided in section 3305(b) of this title, is ensured.

(2) An appropriation to lease any space at an average annual rental in excess of \$1,500,000 for use for public purposes.

(3) An appropriation to alter any building, or part of the building, which is under lease by the Federal Government for use for a public purpose if the cost of the alteration will exceed \$750,000.

(b) TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED PROJECT.—To secure consideration for the approval referred to in subsection (a), the Administrator of General Services shall transmit to Congress a prospectus of the proposed facility, including—

(1) a brief description of the building to be constructed, altered, or acquired, or the space to be leased, under this chapter;

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public property is damaged in an amount exceeding \$100, the period of imprisonment for the offense may be not more than five years.

**CHAPTER 63—SMITHSONIAN INSTITUTION, NATIONAL GALLERY OF ART, AND JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS**

|       |                                    |
|-------|------------------------------------|
| Sec.  |                                    |
| 6301. | Definition.                        |
| 6302. | Public use of grounds.             |
| 6303. | Unlawful activities.               |
| 6304. | Additional regulations.            |
| 6305. | Suspension of regulations.         |
| 6306. | Policing of buildings and grounds. |
| 6307. | Penalties.                         |

**§ 6301. Definition**

In this chapter, the term “specified buildings and grounds” means—

(1) **SMITHSONIAN INSTITUTION.**—The Smithsonian Institution and its grounds, which include the following:

(A) **SMITHSONIAN BUILDINGS AND GROUNDS ON THE NATIONAL MALL.**—The Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art, the National Air and Space Museum, the National Museum of Natural History, the National Museum of American History, the National Museum of the American Indian, the Hirshhorn Museum and Sculpture Garden, the Arthur M. Sackler Gallery, the National Museum of African Art, the S. Dillon Ripley Center, and all other buildings of the Smithsonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas.

(B) **NATIONAL ZOOLOGICAL PARK.**—The National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between that fence and the face of the curb lines of the adjacent city streets.

(C) **OTHER SMITHSONIAN BUILDINGS AND GROUNDS.**—All other buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) that the Smithsonian Institution acquires and that the Secretary of the Smithsonian Institution determines to be necessary for the adequate protection of individuals or property in the Smithsonian Institution and suitable for administration as a part of the Smithsonian Institution.

(2) **NATIONAL GALLERY OF ART.**—The National Gallery of Art and its grounds, which extend—

(A) to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east

curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest;

(B) to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest; and

(C) to the line of the face of the south curb of Constitution Avenue Northwest, between Ninth Street Northwest and Seventh Street Northwest; to the line of the face of the west curb of Seventh Street Northwest, between Constitution Avenue Northwest and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Seventh Street Northwest and the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest; and to the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest, between Madison Drive Northwest and Constitution Avenue Northwest.

(3) JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The John F. Kennedy Center for the Performing Arts, which extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563 and dated April 20, 1994 (as amended by the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service.

#### § 6302. Public use of grounds

Public travel in, and occupancy of, the grounds specified under section 6301 of this title are restricted to the sidewalks and other paved surfaces, except in the National Zoological Park.

#### § 6303. Unlawful activities

(a) DISPLAYS AND SOLICITATIONS.—It is unlawful for anyone other than an authorized employee or concessionaire to carry out any of the following activities within the specified buildings and grounds:

- (1) Offer or expose any article for sale.
- (2) Display any sign, placard, or other form of advertisement.
- (3) Solicit alms, subscriptions, or contributions.

(b) TOUCHING OF, OR INJURIES TO, PROPERTY.—It is unlawful for anyone—

(1) other than an authorized employee, to touch or handle objects of art or scientific or historical objects on exhibition within the specified buildings or grounds; or

(2) to step or climb on, remove, or in any way injure any object of art, exhibit (including an exhibit animal), equipment, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the specified buildings or grounds.

#### **§ 6304. Additional regulations**

(a) **AUTHORITY TO PRESCRIBE ADDITIONAL REGULATIONS.**—In addition to the restrictions and requirements specified in sections 6302 and 6303 of this title, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts may prescribe for their respective agencies regulations necessary for—

(1) the adequate protection of the specified buildings and grounds and individuals and property in those buildings and grounds; and

(2) the maintenance of suitable order and decorum within the specified buildings and grounds, including the control of traffic and parking of vehicles in the National Zoological Park and all other areas in the District of Columbia under their control.

(b) **PUBLICATION IN FEDERAL REGISTER.**—A regulation prescribed under this section shall be published in the Federal Register and is not effective until the expiration of 10 days after the date of publication.

#### **§ 6305. Suspension of regulations**

To allow authorized services, training programs, and ceremonies in the specified buildings and grounds, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) may suspend for their respective agencies any of the prohibitions contained in sections 6302 and 6303 of this title as may be necessary for the occasion or circumstance if—

(1) responsible officers have been appointed; and

(2) the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) determine that adequate arrangements have been made—

(A) to maintain suitable order and decorum in the proceedings; and

(B) to protect the specified buildings and grounds and persons and property in those buildings and on those grounds.

#### **§ 6306. Policing of buildings and grounds**

(a) **DESIGNATION OF EMPLOYEES AS SPECIAL POLICE.**—Subject to section 5375 of title 5, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) may designate employees of their respective agencies as special police, without additional compensation, for duty in

connection with the policing of their respective specified buildings and grounds.

(b) **POWERS.**—The employees designated as special police under subsection (a)—

(1) may, within the specified buildings and grounds, enforce, and make arrests for violations of, sections 6302 and 6303 of this title, any regulation prescribed under section 6304 of this title, federal or state law, or any regulation prescribed under federal or state law; and

(2) may enforce concurrently with the United States Park Police the laws and regulations applicable to the National Capital Parks, and may make arrests for violations of sections 6302 and 6303 of this title, within the several areas located within the exterior boundaries of the face of the curb lines of the squares within which the specified buildings and grounds are located.

(c) **UNIFORMS AND OTHER EQUIPMENT.**—The employees designated as special police under subsection (a) may be provided, without charge, with uniforms and other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition.

**§ 6307. Penalties**

(a) **IN GENERAL.**—

(1) **PENALTY.**—A person violating section 6302 or 6303 of this title, or a regulation prescribed under section 6304 of this title, shall be fined under title 18, imprisoned for not more than 60 days, or both.

(2) **PROCEDURE.**—Prosecution for an offense under this subsection shall be in the Superior Court of the District of Columbia, by information by the United States Attorney or an Assistant United States Attorney.

(b) **OFFENSES INVOLVING PROPERTY DAMAGE OVER \$100.**—

(1) **PENALTY.**—If in the commission of a violation described in subsection (a), property is damaged in an amount exceeding \$100, the period of imprisonment for the offense may be not more than five years.

(2) **VENUE AND PROCEDURE.**—Prosecution of an offense under this subsection shall be in the United States District Court for the District of Columbia by indictment. Prosecution may be on information by the United States Attorney or an Assistant United States Attorney if the defendant, after being advised of the nature of the charge and of rights of the defendant, waives in open court prosecution by indictment.

**CHAPTER 65—THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING**

Sec.

- 6581. Definition.
- 6502. Thurgood Marshall Federal Judiciary Building.
- 6503. Commission for the Judiciary Office Building.
- 6504. Lease of building.
- 6505. Structural and mechanical care and security.
- 6506. Allocation of space.
- 6507. Account in Treasury.

\* \* \* \* \*

(A) to the Architect to carry out this subsection, including amounts for acquiring and installing furniture and furnishings; and

(B) to the Sergeant at Arms of the Senate to plan for, acquire, and install telecommunications equipment and services for the Architect with respect to space leased under this subsection.

(e) **SUBLEASED SPACE.**—

(1) **RENTAL RATE.**—Space subleased by the Architect under subsection (a)(3) is subject to reimbursement at a rate which is comparable to prevailing rental rates for similar facilities in the area but not less than the rate established under section 6504(b)(2) of this title plus an amount the Architect and the person subleasing the space agree is necessary to pay each year for the cost of administering the Building (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space.

(2) **LIMITATION.**—A sublease under subsection (a)(3) must be compatible with the dignity and functions of the judicial branch offices housed in the Building and must not unduly interfere with the activities and operations of the judicial branch agencies housed in the Building. Sections 5104(c) and 5108 of this title do not apply to any space in the Building and other improvements subleased to a non-Government tenant under subsection (a)(3).

(3) **COLLECTION OF RENT.**—The Architect shall collect rent for space subleased under subsection (a)(3).

(f) **DEPOSIT OF RENT AND REIMBURSEMENTS.**—Amounts received under subsection (a)(3) (including lease payments and reimbursements) shall be deposited in the account described in section 6507 of this title.

**§ 6507. Account in Treasury**

(a) **ESTABLISHMENT AND CONTENTS OF SEPARATE ACCOUNT.**—There is a separate account in the Treasury. The account includes all amounts deposited in the account under section 6506(f) of this title and amounts appropriated to the account. However, the appropriated amounts may not be more than \$2,000,000.

(b) **USE OF AMOUNTS.**—Amounts in the account are available to the Architect of the Capitol—

(1) for paying expenses for structural, mechanical, and domestic care, maintenance, operation, and utilities of the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter;

(2) for reimbursing the United States Capitol Police for expenses incurred in providing exterior security for the Building and other improvements;

(3) for making lease payments under section 6504 of this title; and

(4) for necessary personnel (including consultants).

**CHAPTER 67—PENNSYLVANIA AVENUE DEVELOPMENT**

**SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS**

Sec.

6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation.  
 6702. Transfer and assignment of rights, title, and interests in property.

**SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT**

6711. Definition.  
 6712. Powers of other agencies and instrumentalities in the development area.  
 6713. Certification of new construction.  
 6714. Relocation services.  
 6715. Coordination with District of Columbia.  
 6716. Reports.

**SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT**

6731. Definitions.  
 6732. Federal Triangle development area.  
 6733. Federal Triangle property.  
 6734. Ronald Reagan Building and International Trade Center.

**SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS,  
 AUTHORITIES, TITLE, AND INTERESTS**

**§ 6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation**

**(a) IN GENERAL.—The Administrator of General Services—**

(1) may make and perform transactions with an agency or instrumentality of the Federal Government, a State, the District of Columbia, or any person as necessary to carry out the trade center plan at the Federal Triangle Project; and

(2) has all the rights and authorities of the former Pennsylvania Avenue Development Corporation with regard to property transferred from the Corporation to the General Services Administration in fiscal year 1996.

**(b) USE OF AMOUNTS AND INCOME.—**

(1) **ACTIVITIES ASSOCIATED WITH TRANSFERRED RESPONSIBILITIES.—**The Administrator may use amounts transferred from the Corporation or income earned on Corporation property for activities associated with carrying out the responsibilities of the Corporation transferred to the Administrator. Any income earned after October 1, 1998, shall be deposited to the Federal Buildings Fund to be available for the purposes authorized under this subchapter, notwithstanding section 592(c)(1) of this title.

(2) **EXCESS AMOUNTS OR INCOME.—**Any amounts or income the Administrator considers excess to the amount needed to fulfill the responsibilities of the Corporation transferred to the Administrator shall be applied to any outstanding debt the Corporation incurred when acquiring real estate, except debt associated with the Ronald Reagan Building and International Trade Center.

(c) **PAYMENT TO DISTRICT OF COLUMBIA.—**With respect to real property transferred from the Corporation to the Administrator under section 6702 of this title, the Administrator shall pay to the District of Columbia government, in the same way as previously paid by the Corporation, an amount equal to the amount of real property tax which would have been payable to the government beginning on the date the Corporation acquired the real property if legal title to the property had been held by a private citizen on that date and during all periods to which that date relates.

**§ 6702. Transfer and assignment of rights, title, and interests in property**

**(a) IN GENERAL.—**

(1) **LEASES, COVENANTS, AGREEMENTS, AND EASEMENTS.**—As provided in this section, the General Services Administration, the National Capital Planning Commission, and the National Park Service have the rights, title, and interest of the Pennsylvania Avenue Development Corporation in and to all leases, covenants, agreements, and easements the Corporation executed before April 1, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92-578, 86 Stat. 1266) and the Federal Triangle Development Act (Public Law 100-113, 101 Stat. 735).

(2) **PROPERTY.**—The Administration has the rights, title, and interest of the Corporation in and to all property held in the name of the Corporation, except as provided in subsection (c).

**(b) GENERAL SERVICES ADMINISTRATION.—**

(1) **RESPONSIBILITIES.**—The responsibilities of the Corporation transferred to the Administration under subsection (a) include—

(A) the collection of revenue owed the Federal Government as a result of real estate sales or lease agreements made by the Corporation and private parties, including—

(i) the Willard Hotel property on Square 225;

(ii) the Gallery Row project on Square 457;

(iii) the Lansburgh's project on Square 431; and

(iv) the Market Square North project on Square 407;

(B) the collection of sale or lease revenue owed the Government from the sale or lease before April 1, 1996, of two undeveloped sites owned by the Corporation on Squares 457 and 406;

(C) the application of collected revenue to repay Treasury debt the Corporation incurred when acquiring real estate;

(D) performing financial audits for projects in which the Corporation has actual or potential revenue expectation, as identified in subparagraphs (A) and (B), in accordance with procedures described in applicable sale or lease agreements;

(E) the disposition of real estate properties which are or become available for sale and lease or other uses;

(F) payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) to which persons in the project area squares are entitled as a result of the Corporation's acquisition of real estate; and

(G) carrying out the responsibilities of the Corporation under subchapter III and the Federal Triangle Development Act (Public Law 100-113, 101 Stat. 735), including responsibilities for managing assets and liabilities of the Corporation under subchapter III and the Act.

(2) **POWERS.**—In carrying out the responsibilities of the Corporation transferred under this section, the Administrator of General Services may—

(A) acquire land, improvements, and property by purchase, lease or exchange, and sell, lease, or otherwise dispose of any property, as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92-578, 86 Stat. 1269) if a notice of intention to carry out the acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of the transmission;

(B) modify the plan referred to in subparagraph (A) if the modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of the transmission;

(C) maintain any existing Corporation insurance programs;

(D) make and perform transactions with an agency or instrumentality of the Federal Government, a State, the District of Columbia, or any person as necessary to carry out the responsibilities of the Corporation under subchapter III and the Federal Triangle Development Act (Public Law 100-113, 101 Stat. 735);

(E) request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457; and

(F) use all of the amount transferred from the Corporation or income earned on Corporation property to complete any pending development projects.

(c) NATIONAL PARK SERVICE.—

(1) PROPERTY.—The National Park Service has the right, title, and interest in and to the property located in the Pennsylvania Avenue National Historic Site, including the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials, depicted on a map entitled “Pennsylvania Avenue National Historic Park”, dated June 1, 1995, and numbered 840-82441. The map shall be on file and available for public inspection in the offices of the Service.

(2) RESPONSIBILITIES.—The Service is responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Site.

(3) SPECIAL EVENTS, FESTIVALS, CONCERTS, OR PROGRAMS.—The Service may—

(A) make transactions with an agency or instrumentality of the Government, a State, the District of Columbia, or any person as considered necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Site; or

(B) establish a nonprofit foundation to solicit amounts for those activities.

(4) JURISDICTION OF DISTRICT OF COLUMBIA.—Jurisdiction of Pennsylvania Avenue and all other roadways from curb to

curb remains with the District of Columbia but vendors are not permitted to occupy street space except during temporary special events.

(d) NATIONAL CAPITAL PLANNING COMMISSION.—The National Capital Planning Commission is responsible for ensuring that development in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974.

## SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT

### § 6711. Definition

In this subchapter, the term “development area” means the area to be developed, maintained, and used in accordance with this subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92-578, 86 Stat. 1266) and is the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fifteenth Street and E Street Northwest;

thence proceeding east along the southern side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

thence southeast along the southern side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest;

thence north along the eastern side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest;

thence west along the northern side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest;

thence north along the eastern side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

thence west along the northern side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

thence north along the eastern side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

thence west along the northern side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

thence south along the western side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

thence west along the northern side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

thence north along the eastern side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

thence west along the northern side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

\* \* \* \* \*

SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY  
COMMISSION**§ 6921. Establishment, composition, and meetings**

(a) **ESTABLISHMENT.**—There is a National Visitor Facilities Advisory Commission.

(b) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The Commission is composed of—

(A) the Secretary of the Interior;

(B) the Administrator of General Services;

(C) the Secretary of the Smithsonian Institution;

(D) the Chairman of the National Capital Planning Commission;

(E) the Chairman of the Commission of Fine Arts;

(F) six Members of the Senate, three from each party, to be appointed by the President of the Senate;

(G) six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives; and

(H) three individuals appointed by the President, at least two of whom shall not be officers of the Federal Government, and one member of whom shall be a representative of the District of Columbia government.

(2) **CHAIRMAN.**—The Secretary of the Interior serves as the Chairman of the Commission.

(3) **SERVICE OF NON-FEDERAL MEMBERS.**—Non-federal members serve at the pleasure of the President.

(c) **MEETINGS.**—The Commission shall meet at the call of the Chairman.

**§ 6922. Duties**

(a) **IN GENERAL.**—The National Visitor Facilities Advisory Commission shall—

(1) conduct continuing investigations and studies of sites and plans to provide additional facilities and services for visitors and students coming to the Nation's Capital; and

(2) advise the Secretary of the Interior and the Administrator of General Services on the planning, construction, acquisition, and operation of those visitor facilities.

(b) **STAFF AND FACILITIES.**—The Director of the National Park Service, in consultation with the Administrator, shall provide the necessary staff and facilities to assist the Commission in carrying out its duties under this subchapter.

**§ 6923. Compensation and expenses**

Members of the National Visitor Facilities Advisory Commission who are not officers or employees of the Federal Government or the government of the District of Columbia are entitled to receive compensation under section 3109 of title 5 and expenses under section 5703 of title 5.

**§ 6924. Reports and recommendations**

The National Visitor Facilities Advisory Commission shall report to the Secretary of the Interior and the Administrator of General Services the results of its studies and investigations. A report recommending additional facilities for visitors shall include the Commission's recommendations as to sites for the facilities to be

provided, preliminary plans, specifications, and architectural drawings for the facilities, and the estimated cost of the recommended sites and facilities.

## PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA

### CHAPTER 81—ADMINISTRATIVE

#### SUBCHAPTER I—GENERAL

- Sec.
8101. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law.
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8105. Approval by Administrator of General Services.
8106. Buildings on reservations, parks, or public grounds.
8107. Advertisements and sales in or around Washington Monument.
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#### SUBCHAPTER III—SERVICES FOR FACILITIES

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8162. Ailanthus trees prohibited.
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8164. E. Barrett Prettyman United States Courthouse.
8165. Services for Office of Personnel Management.

#### SUBCHAPTER I—GENERAL

### § 8101. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law

(a) **IN GENERAL.**—Under regulations the President prescribes, the Administrator of General Services shall have charge of the public buildings and grounds in the District of Columbia, except those buildings and grounds which otherwise are provided for by law.

(b) **NOTICE OF UNLAWFUL OCCUPANCY.**—If the Administrator, or the officer under the direction of the Administrator who is in immediate charge of those public buildings and grounds, decides that an individual is unlawfully occupying any part of that public land, the Administrator or officer in charge shall notify the United States marshal for the District of Columbia in writing of the unlawful occupation.

(c) **EJECTION OF TRESPASSER.**—The marshal shall have the trespasser ejected from the public land and shall restore possession of the land to the officer charged by law with the custody of the land.

**§ 8102. Protection of Federal Government buildings in District of Columbia**

The Attorney General and the Secretary of the Treasury may prohibit—

(1) a vehicle from parking or standing on a street or roadway adjacent to a building in the District of Columbia—

(A) at least partly owned or possessed by, or leased to, the Federal Government; and

(B) used by law enforcement authorities subject to their jurisdiction; and

(2) a person or entity from conducting business on property immediately adjacent to a building described in paragraph (1).

**§ 8103. Application of District of Columbia laws to public buildings and grounds**

(a) **APPLICATION OF LAWS.**—Laws and regulations of the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the Federal Government in the District of Columbia.

(b) **PENALTIES.**—A person shall be fined under title 18, imprisoned for not more than six months, or both if the person—

(1) is guilty of disorderly and unlawful conduct in or about those public buildings or public grounds;

(2) willfully injures the buildings or shrubs;

(3) pull downs, impairs, or otherwise injures any fence, wall, or other enclosure;

(4) injures any sink, culvert, pipe, hydrant, cistern, lamp, or bridge; or

(5) removes any stone, gravel, sand, or other property of the Government, or any other part of the public grounds or lots belonging to the Government in the District of Columbia.

**§ 8104. Regulation of private and semipublic buildings adjacent to public buildings and grounds**

(a) **FACTORS FOR DEVELOPMENT.**—In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed on Congress in connection with establishing the seat of the National Government, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, the development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance.

(b) **SUBMISSION OF APPLICATION TO COMMISSION OF FINE ARTS.**—The Mayor of the District of Columbia shall submit to the Commission on Fine Arts an application for a permit to erect or alter any building, a part of which fronts or abuts on the grounds of the Capitol, the grounds of the White House, the part of Pennsylvania Avenue extending from the Capitol to the White House,

Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, or The Mall Park System and public buildings adjacent to the System, or abuts on any street bordering any of those grounds or parks, so far as the plans relate to height and appearance, color, and texture of the materials of exterior construction.

(c) **REPORT TO MAYOR.**—The Commission shall report promptly its recommendations to the Mayor, including any changes the Commission decides are necessary to prevent reasonably avoidable impairment of the public values belonging to the public building or park. If the Commission fails to report its approval or disapproval of a plan within 30 days, the report is deemed approved and a permit may be issued.

(d) **ACTION BY THE MAYOR.**—The Mayor shall take action the Mayor decides is necessary to effect reasonable compliance with the recommendation under subsection (c).

#### **§ 8105. Approval by Administrator of General Services**

Subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services is required to approve sketches, plans, and estimates for buildings to be constructed by the Administrator, except that the Administrator and the United States Postal Service must approve buildings designed for post-office purposes.

#### **§ 8106. Buildings on reservations, parks, or public grounds**

A building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress.

#### **§ 8107. Advertisements and sales in or around Washington Monument**

Except on the written authority of the Director of the National Park Service, advertisements of any kind shall not be displayed, and articles of any kind shall not be sold, in or around the Washington Monument.

#### **§ 8108. Use of public buildings for public ceremonies**

Except as expressly authorized by law, public buildings in the District of Columbia (other than the Capitol Building and the White House), and the approaches to those public buildings, shall not be used or occupied in connection with ceremonies for the inauguration of the President or other public functions.

### SUBCHAPTER II—JURISDICTION

#### **§ 8121. Improper appropriation of streets**

(a) **AUTHORITY.**—The Secretary of the Interior shall—

- (1) prevent the improper appropriation or occupation of any public street, avenue, square, or reservation in the District of Columbia that belongs to the Federal Government;
- (2) reclaim the street, avenue, square, or reservation if unlawfully appropriated;
- (3) prevent the erection of any permanent building on property reserved to or for the use of the Government, unless plainly authorized by law; and

(4) report to Congress at the beginning of each session on the Secretary's proceedings in the premises, together with a full statement of all property described in this subsection, and how, and by what authority, the property is occupied or claimed.

(b) APPLICATION.—This section does not interfere with the temporary and proper occupation of any part of the property described in subsection (a), by lawful authority, for the legitimate purposes of the Government.

**§ 8122. Jurisdiction over portion of Constitution Avenue**

The Director of the National Park Service has jurisdiction over that part of Constitution Avenue west of Virginia Avenue that was under the control of the Commissioners of the District of Columbia prior to May 27, 1908.

**§ 8123. Record of transfer of jurisdiction between Director of National Park Service and Mayor of District of Columbia**

When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred between the jurisdiction of the Director of the National Park Service, as established by the Act of July 1, 1898 (ch. 543, 30 Stat. 570), and the Mayor of the District of Columbia, the letters of transfer and acceptance exchanged between them are sufficient authority for the necessary change in the official maps and for record when necessary.

**§ 8124. Transfer of jurisdiction between Federal and District of Columbia authorities**

(a) TRANSFER OF JURISDICTION.—Federal and District of Columbia authorities administering properties in the District that are owned by the Federal Government or by the District may transfer jurisdiction over any part of the property among or between themselves for purposes of administration and maintenance under conditions the parties agree on. The National Capital Planning Commission shall recommend the transfer before it is completed.

(b) REPORT TO CONGRESS.—The District authorities shall report all transfers and agreements to Congress.

(c) CERTAIN LAWS NOT REPEALED.—Subsection (a) does not repeal any law in effect on May 20, 1932, which authorized the transfer of jurisdiction of certain land among and between federal and District authorities.

**§ 8125. Public spaces resulting from filling of canals**

The Director of the National Park Service has jurisdiction over all public spaces resulting from the filling of canals in the original city of Washington that were not under the jurisdiction of the Chief of Engineers of the United States Army as of August 1, 1914, except spaces included in the navy yard or in actual use as roadways and sidewalks and spaces assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station. The spaces shall be laid out as reservations as a part of the park system of the District of Columbia.

**§ 8126. Temporary occupancy of Potomac Park by Secretary of Agriculture**

(a) NOT MORE THAN 75 ACRES.—The Director of the National Park Service may allow the Secretary of Agriculture to temporarily

occupy as a testing ground not more than 75 acres of Potomac Park not needed in any one season for reclamation or park improvement. The Secretary shall vacate the area at the close of any season on the request of the Director.

(b) CONTINUE AS PUBLIC PARK UNDER DIRECTOR.—This section does not change the essential character of the land used, which shall continue to be a public park under the charge of the Director.

**§ 8127. Part of Washington Aqueduct for playground purposes**

(a) JURISDICTION OF MAYOR.—The Mayor of the District of Columbia has possession, control, and jurisdiction of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the fence around the pumping station as it—

(1) existed on August 31, 1918; and

(2) was transferred by the Chief of Engineers for playground purposes.

(b) JURISDICTION OF SECRETARY OF THE ARMY NOT AFFECTED.—This section does not affect the superintendence and control of the Secretary of the Army over the Washington Aqueduct and the rights, appurtenances, and fixtures connected with the Aqueduct.

**SUBCHAPTER III—SERVICES FOR FACILITIES**

**§ 8141. Contract to rent buildings in the District of Columbia not to be made until appropriation enacted**

A contract shall not be made for the rent of a building, or part of a building, to be used for the purposes of the Federal Government in the District of Columbia until Congress enacts an appropriation for the rent. This section is deemed to be notice to all contractors or lessors of the building or a part of the building.

**§ 8142. Rent of other buildings**

An executive department of the Federal Government renting a building for public use in the District of Columbia may rent a different building instead if it is in the public interest to do so. This section does not authorize an increase in the number of buildings in use or in the amount paid for rent.

**§ 8143. Heat**

(a) CORCORAN GALLERY OF ART.—The Administrator of General Services may furnish heat from the central heating plant to the Corcoran Gallery of Art, if the Corcoran Gallery of Art agrees to—

(1) pay for heat furnished at rates the Administrator determines; and

(2) connect the building with the Federal Government mains in a manner satisfactory to the Administrator.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The Administrator may furnish steam from the central heating plant for the use of the Board of Governors of the Federal Reserve System on the property which the Board acquired in squares east of 87 and east of 88 in the District of Columbia if the Board agrees to—

\* \* \* \* \*

otherwise participate in any manner in any election in the District of Columbia solely because the individual resides in the National Capital Service Area.

### § 8502. National Capital Service Director

(a) **ESTABLISHMENT AND COMPENSATION.**—There is in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The Director shall receive compensation at the maximum rate established for level IV of the Executive Schedule under section 5314 of title 5.

(b) **PERSONNEL.**—The Director may appoint and fix the rate of compensation of necessary personnel, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5.

(c) **DUTIES.**—

(1) **PRESIDENT.**—The President, through the Director and using District of Columbia governmental services to the extent practicable, shall ensure that there is provided in the area described in section 8501(a) of this title adequate fire protection and sanitation services.

(2) **DIRECTOR.**—Except with respect to that part of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j), the Director shall ensure that there is provided in the remainder of the area described in section 8501(a) of this title adequate police protection and maintenance of streets and highways.

## CHAPTER 87—PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL REGION

### SUBCHAPTER I—GENERAL

Sec.

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### SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

8731. Acquiring land for park, parkway, or playground purposes.

8732. Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property.

8733. Lease of land acquired for park, parkway, or playground purposes.

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8736. Execution of deeds.

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(2) DUTIES.—The Committee shall carry out the functions vested in the Planning Commission under this section and section 8725 of this title—

- (A) to the extent the Planning Commission decides; and
- (B) when requested by the Zoning Commission and approved by the Planning Commission.

**§ 8725. Recommendations on platting and subdividing land**

(a) BY COUNCIL OF THE DISTRICT OF COLUMBIA.—The Council of the District of Columbia shall submit any proposed change in, or addition to, the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia to the National Capital Planning Commission for report and recommendation before the Council adopts the change or addition. The Council shall advise the Commission when it does not agree with the recommendations of the Commission and shall give the reasons why it disagrees. The Commission then shall submit a final report within 30 days. After considering the final report, the Council may act in accordance with its legal responsibilities and authority.

(b) BY PLANNING COMMISSION.—The Commission shall submit to the Council any proposed change in, or amendment to, the general orders that the Commission considers appropriate. The Council shall treat the amendments proposed in the same manner as other proposed amendments.

**§ 8726. Authorization of appropriations**

Amounts necessary to carry out this subchapter may be appropriated from money in the Treasury not otherwise appropriated and from any appropriate appropriation law, except the annual District of Columbia Appropriation Act.

**SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND**

**§ 8731. Acquiring land for park, parkway, or playground purposes**

(a) AUTHORITY TO ACQUIRE LAND.—The National Capitol Planning Commission shall acquire land the Planning Commission believes is necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia for suitable development of the National Capital park, parkway, and playground system. The acquisition must be within the limits of the appropriations made for those purposes. The Planning Commission shall request the advice of the Commission of Fine Arts in selecting land to be acquired.

(b) HOW LAND MAY BE ACQUIRED.—

(1) PURCHASE OR CONDEMNATION PROCEEDING.—The National Capital Planning Commission may buy land when the land can be acquired at a price the Planning Commission considers reasonable or by a condemnation proceeding when the land cannot be bought at a reasonable price.

(2) LAND IN THE DISTRICT OF COLUMBIA.—A condemnation proceeding to acquire land in the District of Columbia shall be conducted in accordance with section 1 of the Act of December 23, 1963 (Public Law 88-241, 77 Stat. 571).

(3) **LAND IN MARYLAND OR VIRGINIA.**—The Planning Commission may acquire land in Maryland or Virginia under arrangements agreed to by the Commission and the proper officials of Maryland or Virginia.

(c) **CONTROL OF LAND.**—

(1) **LAND IN THE DISTRICT OF COLUMBIA.**—Land acquired in the District of Columbia shall be a part of the park system of the District of Columbia and be under the control of the Director of the National Park Service. The National Capital Planning Commission may assign areas suitable for playground purposes to the control of the Mayor of the District of Columbia for playground purposes.

(2) **LAND IN MARYLAND OR VIRGINIA.**—Land acquired in Maryland or Virginia shall be controlled as determined by agreement between the Planning Commission and the proper officials of Maryland or Virginia.

(d) **PRESIDENTIAL APPROVAL REQUIRED.**—The designation of all land to be acquired by condemnation, all contracts to purchase land, and all agreements between the National Capital Planning Commission and the officials of Maryland and Virginia are subject to the approval of the President.

**§ 8732. Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property**

(a) **IN GENERAL.**—The National Capital Planning Commission in accordance with this chapter may acquire, for and on behalf of the Federal Government, by gift, devise, purchase, or condemnation—

(1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor; and

(2) permanent rights in land adjoining park property sufficient to prevent the use of the land in certain specified ways which would essentially impair the value of the park property for its purposes.

(b) **PREREQUISITES TO ACQUISITION.**—

(1) **FEE TITLE TO LAND SUBJECT TO LIMITED RIGHTS.**—The reservation of rights to the grantor shall not continue beyond the life of the grantor of the fee. The Commission must decide that the permanent public park purposes for which control over the land is needed are not essentially impaired by the reserved rights and that there is a substantial saving in cost by acquiring the land subject to the limited rights as compared with the cost of acquiring unencumbered title to the land.

(2) **PERMANENT RIGHTS IN LAND ADJOINING PARK PROPERTY.**—The Commission must decide that the protection and maintenance of the essential public values of the park can be secured more economically by acquiring the permanent rights than by acquiring the land.

(c) **PRESIDENTIAL APPROVAL REQUIRED.**—All contracts to acquire land or rights under this section are subject to the approval of the President.

**§ 8733. Lease of land acquired for park, parkway, or playground purposes**

The Secretary of the Interior may lease, for not more than five years, land or an existing building or structure on land acquired

for park, parkway, or playground purposes, and may renew the lease for an additional five years. A lease or renewal under this section is—

- (1) subject to the approval of the National Capital Planning Commission;
- (2) subject to the need for the immediate use of the land, building, or structure in other ways by the public; and
- (3) on terms the Administrator decides.

**§ 8734. Sale of land by Mayor**

(a) **AUTHORITY TO SELL.**—With the approval of the National Capital Planning Commission, the Mayor of the District of Columbia, for the best interests of the District of Columbia, may sell to the highest bidder at public or private sale real estate in the District of Columbia owned in fee simple by the District of Columbia for municipal use that the Council of the District of Columbia and the Commission find to be no longer required for public purposes.

- (b) **PAYING EXPENSES AND DEPOSITING PROCEEDS.**—The Mayor—
- (1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and
  - (2) shall deposit the net proceeds of each sale in the Treasury to the credit of the District of Columbia.

**§ 8735. Sale of land by Secretary of the Interior**

(a) **AUTHORITY TO SELL.**—With the approval of the National Capital Planning Commission, the Secretary of the Interior, for the best interests of the Federal Government, may sell, by deed or instrument, real estate held by the Government in the District of Columbia and under the jurisdiction of the National Park Service which may be no longer needed for public purposes. The land may be sold for cash or on a deferred-payment plan the Secretary approves, at a price not less than the Government paid for it and not less than its present appraised value as determined by the Secretary.

(b) **SALE TO HIGHEST BIDDER.**—In selling any parcel of land under this section, the Secretary shall have public or private solicitation for bids or offers be made as the Secretary considers appropriate. The Secretary shall sell the parcel to the party agreeing to pay the highest price if the price is otherwise satisfactory. If the price offered or bid by the owner of land abutting the land to be sold equals the highest price offered or bid by any other party, the parcel may be sold to the owner of the abutting land.

(c) **PAYING EXPENSES AND DEPOSITING PROCEEDS.**—The Secretary—

- (1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and

(2) shall deposit the net proceeds of each sale in the Treasury to the credit of the Government and the District of Columbia in the proportion that each—

- (A) paid the appropriations used to acquire the parcels;
- or
- (B) was obligated to pay the appropriations, at the time of acquisition, by reimbursement.

**§ 8736. Execution of deeds**

The Mayor of the District of Columbia may execute deeds of conveyance for real estate sold under this subchapter. The deeds shall contain a full description of the land sold as required by law.

**§ 8737. Authorization of appropriations**

An amount equal to not more than one cent for each inhabitant of the continental United States as determined by the last preceding decennial census may be appropriated each year in the District of Columbia Appropriation Act for the National Capital Planning Commission to use for the payment of its expenses and for the acquisition of land the Commission may acquire under section 8731 of this title for the purposes named, including compensation for the land, surveys, ascertainment of title, condemnation proceedings, and necessary conveyancing. The appropriated amounts shall be paid from the revenues of the District of Columbia and the general amounts of the Treasury in the same proportion as other expenses of the District of Columbia.

**CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND  
COMMEMORATIVE WORKS**

|       |   |
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**§ 8901. Purposes**

The purposes of this chapter are—

- (1) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;
- (2) to ensure the continued public use and enjoyment of open space in the District of Columbia;
- (3) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and
- (4) to ensure that future commemorative works in areas administered by the National Park Service and the Administrator of General Services in the District of Columbia and its environs—
  - (A) are appropriately designed, constructed, and located; and
  - (B) reflect a consensus of the lasting national significance of the subjects involved.

**§ 8902. Definitions and nonapplication**

(a) DEFINITIONS.—In this chapter, the following definitions apply:

- (1) COMMEMORATIVE WORK.—The term “commemorative work”—
  - (A) means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual,

group, event or other significant element of American history; but

(B) does not include an item described in subclause (A) that is located within the interior of a structure or a structure which is primarily used for other purposes.

(2) PERSON.—The term “person” means—

(A) a public agency; and

(B) an individual, group or organization—

(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of the Code (26 U.S.C. 501(a)); and

(ii) authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

(3) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term “the District of Columbia and its environs” means land and property located in Areas I and II as depicted on the map numbered 869/86581, and dated May 1, 1986, that the National Park Service and the Administrator of General Services administer.

(b) NONAPPLICATION.—This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985.

### § 8903. Congressional authorization of commemorative works

(a) IN GENERAL.—Commemorative works—

(1) may be established on federal lands referred to in section 8901(4) of this title only as specifically authorized by law; and

(2) are subject to applicable provisions of this chapter.

(b) MILITARY COMMEMORATIVE WORKS.—A military commemorative work may be authorized only to commemorate a war or similar major military conflict or a branch of the armed forces. A commemorative work commemorating a lesser conflict or a unit of an armed force may not be authorized. Commemorative works to a war or similar major military conflict may not be authorized until at least 10 years after the officially designated end of the event.

(c) WORKS COMMEMORATING EVENTS, INDIVIDUALS, OR GROUPS.—A commemorative work commemorating an event, individual, or group of individuals, except a military commemorative work as described in subsection (b), may not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

(d) CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on House Administration of the House of Representatives and the Committee on Energy and Natural Resources of the Senate shall solicit the views of the National Capital Memorial Commission.

(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Legislative authority for a commemorative work expires at the end of the seven-year period beginning on the date the authority is enacted unless the Secretary of the Interior or Administrator of General Services, as appropriate, has issued a construction permit for the commemorative work during that period.

**§ 8904. National Capital Memorial Commission**

(a) **ESTABLISHMENT AND COMPOSITION.**—There is a National Capital Memorial Commission. The membership of the Commission consists of—

- (1) the Director of the National Park Service;
- (2) the Architect of the Capitol;
- (3) the Chairman of the American Battle Monuments Commission;
- (4) the Chairman of the Commission of Fine Arts;
- (5) the Chairman of the National Capital Planning Commission;
- (6) the Mayor of the District of Columbia;
- (7) the Commissioner of the Public Buildings Service of the General Services Administration; and
- (8) the Secretary of Defense.

(b) **CHAIRMAN.**—The Director is the Chairman of the National Capital Memorial Commission.

(c) **ADVISORY ROLE.**—The National Capital Memorial Commission shall advise the Secretary of the Interior and the Administrator of General Services on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs and on other matters concerning commemorative works in the Nation's Capital as the Commission considers appropriate.

(d) **MEETINGS.**—The National Capital Memorial Commission shall meet at least twice annually.

**§ 8905. Site and design approval**

(a) **CONSULTATION ON, AND SUBMISSION OF, PROPOSALS.**—A person authorized by law to establish a commemorative work in the District of Columbia and its environs may request a permit for construction of the commemorative work only after the following requirements are met:

(1) **CONSULTATION.**—The person must consult with the National Capital Memorial Commission regarding the selection of alternative sites and designs for the commemorative work.

(2) **SUBMITTAL.**—Following consultation in accordance with clause (1), the Secretary of the Interior or the Administrator of General Services, as appropriate, must submit, on behalf of the person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(b) **DECISION CRITERIA.**—In considering site and design proposals, the Commission of Fine Arts, National Capital Planning Commission, Secretary, and Administrator shall be guided by, but not limited by, the following criteria:

(1) **SURROUNDINGS.**—To the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the work.

(2) **LOCATION.**—A commemorative work shall be located so that—

(A) it does not interfere with, or encroach on, an existing commemorative work; and

(B) to the maximum extent practicable, it protects open space and existing public use.

(3) **MATERIAL.**—A commemorative work shall be constructed of durable material suitable to the outdoor environment.

(4) **LANDSCAPE FEATURES.**—Landscape features of commemorative works shall be compatible with the climate.

**§ 8906. Criteria for issuance of construction permit**

(a) **CRITERIA FOR ISSUING PERMIT.**—Before issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary of the Interior or Administrator of General Services, as appropriate, shall determine that—

(1) the site and design have been approved by the Secretary or Administrator, the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable individuals qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work and to ensure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and

(4) the person authorized to construct the commemorative work has available sufficient amounts to complete construction of the project.

(b) **DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.**—

(1) **AMOUNT.**—In addition to the criteria described in subsection (a), a construction permit may not be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. The amounts shall be credited to a separate account in the Treasury.

(2) **AVAILABILITY.**—The Secretary of the Treasury shall make any part of the donated amount available to the Secretary of the Interior or Administrator for maintenance at the request of the Secretary of the Interior or Administrator. The Secretary of the Interior or Administrator shall not request more from the separate account than the total amount deposited by persons establishing commemorative works in areas the Secretary of the Interior or Administrator administers.

(3) **INVENTORY OF AVAILABLE AMOUNTS.**—The Secretary of the Interior and Administrator shall maintain an inventory of amounts available under this subsection. The amounts are not subject to annual appropriations.

(4) **NONAPPLICABILITY.**—This subsection does not apply when a department or agency of the Federal Government constructs the work and less than 50 percent of the funding for the work is provided by private sources.

(c) **SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.**—The Secretary of the Interior or Administrator may suspend any activity under this chapter that relates to the establishment of a commemorative work if the Secretary or Administrator determines that fundraising efforts relating to the work have misrepresented an affiliation with the work or the Federal Government.

(d) **ANNUAL REPORT.**—The person authorized to construct a commemorative work under this chapter must submit to the Secretary of the Interior or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant. The person shall pay for the report.

**§ 8907. Temporary site designation**

(a) **CRITERION FOR DESIGNATION.**—If the Secretary of the Interior, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, a site may be designated on land the Secretary administers in the District of Columbia.

(b) **PLAN.**—A designation may be made under subsection (a) only if, at least 120 days before the designation, the Secretary, in consultation with the Commission, prepares and submits to Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site and criteria for displaying commemorative works at the site.

(c) **RISK AND AGREEMENT TO INDEMNIFY.**—A commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the work. The person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

**§ 8908. Areas I and II**

(a) **AVAILABILITY OF MAP.**—The Secretary of the Interior and Administrator of General Services shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86581, and dated May 1, 1986.

(b) **SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.**—

(1) **AREA I.**—After seeking the advice of the National Capital Memorial Commission, the Secretary or Administrator, as appropriate, may recommend the location of a commemorative work in Area I only if the Secretary or Administrator decides that the subject of the commemorative work is of preeminent historical and lasting significance to the United States. The Secretary or Administrator shall notify the Commission, the Committee on House Administration of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate of the recommendation that a commemorative work should be located in Area I. The location of a commemorative work in Area I is deemed to be authorized only if the recommendation is approved by law not later than 150 calendar days after the notification.

(2) **AREA II.**—Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

**§ 8909. Administrative**

(a) **MAINTENANCE OF DOCUMENTATION OF DESIGN AND CONSTRUCTION.**—Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary of the Interior or

Administrator of General Services, as appropriate, and shall be permanently maintained in the manner provided by law.

(b) **RESPONSIBILITY FOR MAINTENANCE OF COMPLETED WORK.**—On completion of any commemorative work in the District of Columbia and its environs, the Secretary or Administrator, as appropriate, shall assume responsibility for maintaining the work.

(c) **REGULATIONS OR STANDARDS.**—The Secretary and Administrator shall prescribe appropriate regulations or standards to carry out this chapter.

### CHAPTER 91—COMMISSION OF FINE ARTS

Sec.

9101. Establishment, composition, and vacancies.

9102. Duties.

9103. Personnel.

9104. Authorization of appropriations.

#### § 9101. Establishment, composition, and vacancies

(a) **ESTABLISHMENT.**—There is a Commission of Fine Arts.

(b) **COMPOSITION.**—The Commission is composed of seven well-qualified judges of the fine arts, appointed by the President, who serve for four years each or until their successors are appointed and qualified.

(c) **VACANCIES.**—The President shall fill vacancies on the Commission.

(d) **EXPENSES.**—Members of the Commission shall be paid actual expenses in traveling to and from the District of Columbia to attend Commission meetings and while attending those meetings.

#### § 9102. Duties

(a) **IN GENERAL.**—The Commission of Fine Arts shall advise on—

(1) the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia;

(2) the selection of models for statues, fountains, and monuments erected under the authority of the Federal Government;

(3) the selection of artists to carry out clause (2); and

(4) questions of art generally when required to do so by the President or a committee of Congress.

(b) **DUTY TO REQUEST ADVICE.**—The officers required to decide the questions described in subsection (a)(1)–(3) shall request the Commission to provide the advice.

(c) **NONAPPLICATION.**—This section does not apply to the Capitol Building and the Library of Congress buildings.

#### § 9103. Personnel

The Commission of Fine Arts has a secretary and other assistance the Commission authorizes. The secretary is the executive officer of the Commission.

#### § 9104. Authorization of appropriations

Necessary amounts may be appropriated to carry out this chapter.

### CHAPTER 93—THEODORE ROOSEVELT ISLAND

Sec.

9301. Maintenance and administration.

9302. Consent of Theodore Roosevelt Association required for development.

9303. Access to Theodore Roosevelt Island.  
9304. Source of appropriations.

**§ 9301. Maintenance and administration**

The Director of the National Park Service shall maintain and administer Theodore Roosevelt Island as a natural park for the recreation and enjoyment of the public.

**§ 9302. Consent of Theodore Roosevelt Association required for development**

(a) **GENERAL PLAN FOR DEVELOPMENT.**—The Theodore Roosevelt Association must approve every general plan for the development of Theodore Roosevelt Island.

(b) **DEVELOPMENT INCONSISTENT WITH PLAN.**—As long as the Association remains in existence, development inconsistent with the general plan may not be carried out without the Association's consent.

**§ 9303. Access to Theodore Roosevelt Island**

Subject to the approval of the National Capital Planning Commission and the availability of appropriations, the Director of the National Park Service may provide suitable means of access to and on Theodore Roosevelt Island.

**§ 9304. Source of appropriations**

The appropriations needed for construction of suitable means of access to and on Theodore Roosevelt Island and annually for the care, maintenance, and improvement of the land and improvements may be made from amounts not otherwise appropriated from the Treasury.

**CHAPTER 95—WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS IN THE DISTRICT OF COLUMBIA**

- Sec.  
9501. Chief of Engineers.  
9502. Authority of Chief of Engineers.  
9503. Record of property.  
9504. Reports.  
9505. Paying for main pipes.  
9506. Civil penalty.  
9507. Control of expenditures.

**§ 9501. Chief of Engineers**

(a) **SUPERINTENDENCE DUTIES.**—

(1) **WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS AND IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.**—The Chief of Engineers has the immediate superintendence of—

(A) the Washington Aqueduct, together with all rights, appurtenances, and fixtures connected with the Aqueduct and belonging to the Federal Government; and

(B) all other public works and improvements in the District of Columbia in which the Government has an interest and which are not otherwise specially provided for by law.

(2) **OBEYING REGULATIONS.**—In carrying out paragraph (1), the Chief of Engineers shall obey regulations the President prescribes, through the Secretary of the Army.

(b) **NO INCREASE IN COMPENSATION.**—The Chief of Engineers shall not receive additional compensation for the services required under this chapter.

\* \* \* \* \*

Schedule of Laws Repealed—Continued  
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Approved August 21, 2002.

LEGISLATIVE HISTORY—H.R. 2068:

HOUSE REPORTS: No. 107-479 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 148 (2002):

June 11, considered and passed House.

Aug. 1, considered and passed Senate.

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

Aug. 23, Presidential statement.



Public Law 107-218  
107th Congress

An Act

Aug. 21, 2002  
[H.R. 2234]

To revise the boundary of the Tumacacori National Historical Park in the State of Arizona.

Tumacacori  
National  
Historical Park  
Boundary  
Revision Act of  
2002.  
16 USC 410ss  
note.  
16 USC 410ss  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Tumacacori National Historical Park Boundary Revision Act of 2002”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Congress finds the following:

(1) Tumacacori Mission in southern Arizona was declared a National Monument in 1908 in recognition of its great historical significance as “one of the oldest mission ruins in the southwest”.

(2) In establishing Tumacacori National Historical Park in 1990 to include the Tumacacori Mission and the ruins of the mission of Los Santos Angeles de Guevavi and the Kino visita and rancheria of Calabazas, Congress recognized the importance of these sites “to protect and interpret, for the education and benefit of the public, sites in the State of Arizona associated with the early Spanish missionaries and explorers of the 17th and 18th centuries”.

(3) Tumacacori National Historical Park plays a major role in interpreting the Spanish colonial heritage of the United States.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to protect and interpret the resources associated with the Tumacacori Mission by revising the boundary of Tumacacori National Historical Park to include approximately 310 acres of land adjacent to the park; and

(2) to enhance the visitor experience at Tumacacori by developing access to these associated mission resources.

**SEC. 3. BOUNDARY REVISION, TUMACACORI NATIONAL HISTORICAL PARK, ARIZONA.**

Section 1(b) of Public Law 101-344 (16 U.S.C. 410ss(b)) is amended—

(1) by inserting after the first sentence the following new sentence: “The park shall also consist of approximately 310 acres of land adjacent to the original Tumacacori unit of the park and generally depicted on the map entitled ‘Tumacacori National Historical Park, Arizona Proposed Boundary Revision 2001’, numbered 310/80,044, and dated July 2001.”; and

(2) in the last sentence—

(A) by striking “The map” and inserting “The maps”;

and

(B) by striking “the offices” and inserting “the appropriate offices”.

Approved August 21, 2002.

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**LEGISLATIVE HISTORY—H.R. 2234:**

HOUSE REPORTS: No. 107-327 (Comm. on Resources).

SENATE REPORTS: No. 107-185 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Jan. 23, considered and passed House.

Aug. 1, considered and passed Senate.



Public Law 107-219  
107th Congress

An Act

Aug. 21, 2002  
[H.R. 2440]

To rename Wolf Trap Farm Park as “Wolf Trap National Park for the Performing Arts”, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RENAMING OF WOLF TRAP FARM PARK.**

(a) AMENDMENT.—The Wolf Trap Farm Park Act (Public Law 89-671; 16 U.S.C. 284 et seq.) is amended—

16 USC 284 and  
note, 284j.

(1) by striking “Wolf Trap Farm Park” each place it appears and inserting “Wolf Trap National Park for the Performing Arts”;

16 USC 284a.

(2) in section 2, by inserting before the final period “, except that laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a ‘National Park’ shall not apply to Wolf Trap National Park for the Performing Arts”; and

(3) by adding at the end the following new section:

16 USC 284k.

**“SEC. 14. REFERENCES.**

“(a) BY FEDERAL EMPLOYEES.—The Secretary of the Interior, any other Federal employee, and any employee of the Foundation, with respect to any reference to the park in any map, publication, sign, notice, or other official document or communication of the Federal Government or Foundation shall refer to the park as ‘Wolf Trap National Park for the Performing Arts’.

“(b) OTHER SIGNS AND NOTICES.—Any directional or official sign or notice pertaining to the park shall refer to the park as ‘Wolf Trap National Park for the Performing Arts’.

16 USC 1e, 284c  
note.

“(c) FEDERAL LAWS AND DOCUMENTS.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ‘Wolf Trap Farm Park’ shall be considered to be a reference to ‘Wolf Trap National Park for the Performing Arts’.”

16 USC 284k  
note.

(b) APPLICABILITY.—Section 14(c) of the Wolf Trap Farm Park Act (as added by subsection (a) of this section) shall not apply to this Act.

**SEC. 2. TECHNICAL CORRECTIONS.**

Section 4(c) of the Wolf Trap Farm Park Act (Public Law 89-671; 16 U.S.C. 284c(c)) is amended—

(1) by realigning the second sentence so as to appear flush with the left margin; and

PUBLIC LAW 107-219—AUG. 21, 2002

116 STAT. 1331

(2) by striking “Funds” and inserting “funds”.

Approved August 21, 2002.

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**LEGISLATIVE HISTORY—H.R. 2440:**

**HOUSE REPORTS:** No. 107-330 (Comm. on Resources).

**SENATE REPORTS:** No. 107-182 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Dec. 11, considered and passed House.

Vol. 148 (2002): Aug. 1, considered and passed Senate.



Public Law 107-221  
107th Congress

An Act

To authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

Aug. 21, 2002  
[H.R. 2643]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fort Clatsop National Memorial Expansion Act of 2002”.

Fort Clatsop  
National  
Memorial  
Expansion Act of  
2002.  
16 USC 450mm  
note.  
16 USC  
450mm-1 note.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Fort Clatsop National Memorial is the only unit of the National Park System solely dedicated to the Lewis and Clark Expedition.

(2) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, and they spent 106 days at the fort waiting for the end of winter and preparing for their journey home.

(3) In 1958, Congress enacted Public Law 85-435 authorizing the establishment of Fort Clatsop National Memorial for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent.

(4) The 1995 General Management Plan for Fort Clatsop National Memorial, prepared with input from the local community, recommends the expansion of the memorial to include the trail used by expedition members to access the Pacific Ocean from the fort and the shore and forest lands surrounding the fort and trail to protect their natural settings.

(5) Expansion of Fort Clatsop National Memorial requires Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop National Memorial to include the trail to the Pacific Ocean would be timely and appropriate before the start of the bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

**SEC. 3. EXPANSION OF FORT CLATSOP NATIONAL MEMORIAL, OREGON.**

(a) **REVISED BOUNDARIES.**—Section 2 of Public Law 85-435 (16 U.S.C. 450mm-1) is amended—

(1) by inserting “(a) **INITIAL DESIGNATION OF LANDS.**—” before “The Secretary”;

(2) by striking “coast.” and all that follows through the end of the sentence and inserting “coast.”; and

(3) by adding at the end the following new subsections:

“(b) **AUTHORIZED EXPANSION.**—The Fort Clatsop National Memorial shall also include the lands depicted on the map entitled ‘Fort Clatsop Boundary Map’, numbered ‘405-80026C-CCO’, and dated June 1996.

“(c) **MAXIMUM DESIGNATED AREA.**—The total area designated as the Fort Clatsop National Memorial shall not exceed 1,500 acres.”

(b) **AUTHORIZED ACQUISITION METHODS.**—Section 3 of Public Law 85-435 (16 U.S.C. 450mm-2) is amended—

(1) by inserting “(a) **ACQUISITION METHODS.**—” before “Within”; and

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

“(b) **LIMITATION.**—The lands (other than corporately owned timberlands) depicted on the map referred to in section 2(b) may be acquired by the Secretary of the Interior only by donation or purchase from willing sellers.”

(c) **MEMORANDUM OF UNDERSTANDING.**—Section 4 of Public Law 85-435 (16 U.S.C. 450mm-3) is amended—

(1) by striking “Establishment” and all that follows through “its establishment,” and inserting “(a) **ADMINISTRATION.**—”; and

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

“(b) **MEMORANDUM OF UNDERSTANDING.**—If the owner of corporately owned timberlands depicted on the map referred to in section 2(b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary of the Interior shall enter into a memorandum of understanding with the owner regarding the manner in which such lands will be managed after acquisition by the United States.”

Washington.

**SEC. 4. STUDY OF STATION CAMP SITE AND OTHER AREAS FOR POSSIBLE INCLUSION IN NATIONAL MEMORIAL.**

The Secretary of the Interior shall conduct a study of the area near McGowan, Washington, where the Lewis and Clark Expedition first camped after reaching the Pacific Ocean and known as the “Station Camp” site, as well as the Megler Rest Area and Fort Canby State Park, to determine the suitability, feasibility, and national significance of these sites for inclusion in the National

Park System. The study shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

Approved August 21, 2002.

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LEGISLATIVE HISTORY—H.R. 2643 (S. 423):

HOUSE REPORTS: No. 107-456 (Comm. on Resources).

SENATE REPORTS: No. 107-69 accompanying S. 423 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

July 8, considered and passed House.

Aug. 1, considered and passed Senate.



Public Law 107-223  
107th Congress

An Act

Aug. 21, 2002  
[H.R. 3380]

To authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 403 note.

**SECTION 1. PERMITS FOR EXISTING NATURAL GAS PIPELINES.**

(a) **IN GENERAL.**—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that exist as of September 1, 2001, within the boundary of Great Smoky Mountains National Park.

(b) **TERMS AND CONDITIONS.**—A permit issued under subsection (a) shall be—

(1) issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary.

16 USC 403 note.

**SEC. 2. PERMITS FOR PROPOSED NATURAL GAS PIPELINES.**

(a) **IN GENERAL.**—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park that are proposed to be constructed across the following:

(1) The Foothills Parkway.

(2) The Foothills Parkway Spur between Pigeon Forge and Gatlinburg.

(3) The Gatlinburg Bypass.

(b) **TERMS AND CONDITIONS.**—A permit issued under subsection (a) shall be—

(1) issued consistent with laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to any terms and conditions that the Secretary deems necessary, including—

(A) provisions for the protection and restoration of park resources that are disturbed by pipeline construction; and

(B) assurances that construction and operation of the pipeline will not adversely affect Great Smoky Mountains National Park.

Approved August 21, 2002.

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**LEGISLATIVE HISTORY—H.R. 3380 (S. 1097):**

**HOUSE REPORTS:** No. 107-491 (Comm. on Resources).

**SENATE REPORTS:** No. 107-72 accompanying S. 1097 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD**, Vol. 148 (2002):

July 8, considered and passed House.

Aug. 1, considered and passed Senate.



Public Law 107-226  
107th Congress

An Act

To authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes.

Sept. 24, 2002  
[H.R. 3917]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Flight 93 National Memorial Act".

Flight 93  
National  
Memorial Act.  
16 USC 431 note.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) Passengers and crewmembers of United Airlines Flight 93 of September 11, 2001, courageously gave their lives, thereby thwarting a planned attack on our Nation's Capital.

(2) In the months since the historic events of September 11, thousands of people have visited the Flight 93 site, drawn by the heroic action and sacrifice of the passengers and crew aboard Flight 93.

(3) Many are profoundly concerned about the future disposition of the crash site, including grieving families of the passengers and crew, the people of the region who are the current stewards of the site, and a broad spectrum of citizens across the United States. Many of these people are forming the Flight 93 Task Force as a broad, inclusive organization to provide a voice for all interested and concerned parties.

(4) The crash site commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership of citizen-heroes. The determination of appropriate recognition at the crash site of Flight 93 will be a slowly unfolding process in order to address the interests and concerns of all interested parties. Appropriate national assistance and recognition must give ample opportunity for those involved to voice these broad concerns.

(5) It is appropriate that the crash site of Flight 93 be designated a unit of the National Park System.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To establish a national memorial to honor the passengers and crew of United Airlines Flight 93 of September 11, 2001.

(2) To establish the Flight 93 Advisory Commission to assist with consideration and formulation of plans for a permanent memorial to the passengers and crew of Flight 93, including its nature, design, and construction.

(3) To authorize the Secretary of the Interior (hereinafter referred to as the "Secretary") to coordinate and facilitate the activities of the Flight 93 Advisory Commission, provide technical and financial assistance to the Flight 93 Task Force, and to administer a Flight 93 memorial.

Pennsylvania.

**SEC. 3. MEMORIAL TO HONOR THE PASSENGERS AND CREWMEMBERS OF FLIGHT 93.**

There is established a memorial at the September 11, 2001, crash site of United Airlines Flight 93 in the Stonycreek Township, Somerset County, Pennsylvania, to honor the passengers and crew of Flight 93.

**SEC. 4. FLIGHT 93 ADVISORY COMMISSION.**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the "Flight 93 Advisory Commission" (hereafter in this Act referred to as the "Commission").

(b) **MEMBERSHIP.**—The Commission shall consist of 15 members, including the Director of the National Park Service, or the Director's designee, and 14 members appointed by the Secretary from recommendations of the Flight 93 Task Force.

(c) **TERM.**—The term of the members of the Commission shall be for the life of the Commission.

(d) **CHAIR.**—The members of the Commission shall select the Chair of the Commission.

(e) **VACANCIES.**—Any vacancy in the Commission shall not affect its powers if a quorum is present, but shall be filled in the same manner as the original appointment.

(f) **MEETINGS.**—The Commission shall meet at the call of the Chairperson or a majority of the members, but not less often than quarterly. Notice of the Commission meetings and agendas for the meetings shall be published in local newspapers in the vicinity of Somerset County and in the Federal Register. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(g) **QUORUM.**—A majority of the members serving on the Commission shall constitute a quorum for the transaction of any business.

(h) **NO COMPENSATION.**—Members of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.

(i) **DUTIES.**—The duties of the Commission shall be as follow:

(1) Not later than 3 years after the date of the enactment of this Act, the Commission shall submit to the Secretary and Congress a report containing recommendations for the planning, design, construction, and long-term management of a permanent memorial at the crash site.

(2) The Commission shall advise the Secretary on the boundaries of the memorial site.

(3) The Commission shall advise the Secretary in the development of a management plan for the memorial site.

(4) The Commission shall consult and coordinate closely with the Flight 93 Task Force, the Commonwealth of Pennsylvania, and other interested parties, as appropriate, to support and not supplant the efforts of the Flight 93 Task Force on and before the date of the enactment of this Act to commemorate Flight 93.

Notice.  
Newspapers,  
Federal Register,  
publication.

Deadline.  
Reports.

(5) The Commission shall provide significant opportunities for public participation in the planning and design of the memorial.

(j) **POWERS.**—The Commission may—

(1) make such expenditures for services and materials for the purpose of carrying out this Act as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

(2) subject to approval by the Secretary, solicit and accept donations of funds and gifts, personal property, supplies, or services from individuals, foundations, corporations, and other private or public entities to be used in connection with the construction or other expenses of the memorial;

(3) hold hearings, enter into contracts for personal services and otherwise;

(4) do such other things as are necessary to carry out this Act; and

(5) by a vote of the majority of the Commission, delegate such of its duties as it determines appropriate to employees of the National Park Service.

(k) **TERMINATION.**—The Commission shall terminate upon dedication of the completed memorial.

#### **SEC. 5. DUTIES OF THE SECRETARY.**

The Secretary is authorized to—

(1) provide assistance to the Commission, including advice on collections, storage, and archives;

(2) consult and assist the Commission in providing information, interpretation, and the conduct of oral history interviews;

(3) provide assistance in conducting public meetings and forums held by the Commission;

(4) provide project management assistance to the Commission for planning, design, and construction activities;

(5) provide programming and design assistance to the Commission for possible memorial exhibits, collections, or activities;

(6) provide staff assistance and support to the Commission and the Flight 93 Task Force;

(7) participate in the formulation of plans for the design of the memorial, to accept funds raised by the Commission for construction of the memorial, and to construct the memorial;

(8) acquire from willing sellers the land or interests in land for the memorial site by donation, purchase with donated or appropriated funds, or exchange; and

(9) to administer the Flight 93 memorial as a unit of the National Park System in accordance with this Act and with the laws generally applicable to units of the National Park System such as the Act of August 25, 1916 (39 Stat. 585).

**SEC. 6. CLARIFICATION OF PASSENGERS AND CREW.**

For the purposes of this Act, the terrorists on United Airlines Flight 93 on September 11, 2001, shall not be considered passengers or crew of that flight.

Approved September 24, 2002.

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**LEGISLATIVE HISTORY—H.R. 3917:**

HOUSE REPORTS: No. 107-597 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

July 22, considered and passed House.

Sept. 10, considered and passed Senate.



Public Law 107-236  
107th Congress

An Act

To adjust the boundaries of Santa Monica Mountains National Recreation Area,  
and for other purposes.

Oct. 9, 2002  
[H.R. 640]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Santa Monica Mountains National  
Recreation Area Boundary Adjustment Act”.

Santa Monica  
Mountains  
National  
Recreation Area  
Adjustment Act.  
California.  
16 USC 1 note.

**SEC. 2. BOUNDARY ADJUSTMENT.**

Section 507(c) of the National Parks and Recreation Act of  
1978 (92 Stat. 3501; 16 U.S.C. 460kk) establishing Santa Monica  
Mountains National Recreation Area is amended—

(1) in paragraph (1), by striking “Boundary Map, Santa  
Monica Mountains National Recreation Area, California, and  
Santa Monica Mountains Zone’, numbered SMM-NRA 80,000,  
and dated May 1978” and inserting “Santa Monica Mountains  
National Recreation Area and Santa Monica Mountains Zone,  
California, Boundary Map’, numbered 80,047-C and dated  
August 2001”; and

(2) by adding the following sentence after the third sentence  
of paragraph (2)(A): “Lands within the ‘Wildlife Corridor Expans-  
ion Zone’ identified on the boundary map referred to in para-  
graph (1) may be acquired only by donation or with donated  
funds.”.

**SEC. 3. TECHNICAL CORRECTIONS.**

Section 507 of the National Parks and Recreation Act of 1978  
(92 Stat. 3501; 16 U.S.C. 460kk) establishing Santa Monica Moun-  
tains National Recreation Area is amended—

(1) in subsection (c)(1), by striking “Committee on Natural  
Resources” and inserting “Committee on Resources”;

(2) in subsection (c)(2)(B), by striking “of certain” in the  
first sentence and inserting “certain”; and

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PUBLIC LAW 107-236—OCT. 9, 2002

(3) in subsection (n)(5), by striking “laws” in the second sentence and inserting “laws,”.

Approved October 9, 2002.

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**LEGISLATIVE HISTORY—H.R. 640:**

HOUSE REPORTS: No. 170-90 (Comm. on Resources).

SENATE REPORTS: No. 107-204 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): June 6, considered and passed House.

Vol. 148 (2002): Aug. 1, considered and passed Senate, amended.

Sept. 24, House concurred in Senate amendment.



Public Law 107-238  
107th Congress

An Act

Oct. 11, 2002  
[S. 1175]

To modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Vicksburg  
National Military  
Park Boundary  
Modification Act  
of 2002.  
16 USC 430h  
note.  
16 USC 430h-10.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Vicksburg National Military Park Boundary Modification Act of 2002".

**SEC. 2. BOUNDARY MODIFICATION.**

The boundary of Vicksburg National Military Park is modified to include the property known as Pemberton's Headquarters, as generally depicted on the map entitled "Boundary Map, Pemberton's Headquarters at Vicksburg National Military Park", numbered 306/80015A, and dated August, 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

16 USC 430h-11.

**SEC. 3. ACQUISITION OF PROPERTY.**

(a) **PEMBERTON'S HEADQUARTERS.**—The Secretary of the Interior is authorized to acquire the properties described in section 2 and 3(b) by purchase, donation, or exchange, except that each property may only be acquired with the consent of the owner thereof.

(b) **PARKING.**—The Secretary is also authorized to acquire not more than one acre of land, or interest therein, adjacent to or near Pemberton's Headquarters for the purpose of providing parking and other facilities related to the operation of Pemberton's Headquarters. Upon the acquisition of the property referenced in this subsection, the Secretary add it to Vicksburg National Military Park and shall modify the boundaries of the park to reflect its inclusion.

16 USC 430h-12.

**SEC. 4. ADMINISTRATION.**

The Secretary shall administer any properties acquired under this Act as part of the Vicksburg National Military Park in accordance with applicable laws and regulations.

PUBLIC LAW 107-238—OCT. 11, 2002

116 STAT. 1487

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 430h-13.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved October 11, 2002.

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**LEGISLATIVE HISTORY—S. 1175 (H.R. 3307):**

**HOUSE REPORTS:** No. 107-508 accompanying H.R. 3307 (Comm. on Resources).

**SENATE REPORTS:** No. 107-183 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD, Vol. 148 (2002):**

July 24, considered and passed Senate.

Sept. 24, considered and passed House.

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

Oct. 11, Presidential statement.



Public Law 107-248  
107th Congress

An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

Oct. 23, 2002  
[H.R. 5010]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for military functions administered by the Department of Defense, and for other purposes, namely:*

Department of  
Defense  
Appropriations  
Act, 2003.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$26,855,017,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$21,927,628,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except

\* \* \* \* \*

Records.

until September 30, 2004: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$75,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584  
note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

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SEC. 8146. The Secretary of Defense may modify the grant made to the State of Maine pursuant to section 310 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107-206) such that the modified grant is for purposes of supporting community adjustment activities relating to the closure of the Naval Security Group Activity, Winter Harbor, Maine (the naval base on Schoodic Point, within Acadia National Park), and the reuse of such Activity, including reuse as a research and education center the activities of which may be consistent with the purposes of Acadia National Park, as determined by the Secretary of the Interior. The grant may be so modified not later than 60 days after the date of the enactment of this Act.

Deadline.

SEC. 8147. None of the funds appropriated by this Act may be used for leasing of transport/VIP aircraft under any contract entered into under any procurement procedures other than pursuant to the Competition and Contracting Act.

SEC. 8148. (a) Funds appropriated by title II under the heading "Operation and Maintenance, Defense-Wide" may be used by the Military Community and Family Policy Office of the Department of Defense for the operation of multidisciplinary, impartial domestic violence fatality review teams of the Department of Defense that operate on a confidential basis.

(b) Of the total amount appropriated by title II under the heading "Operation and Maintenance, Defense-Wide", \$5,000,000 may be used for an advocate of victims of domestic violence to provide confidential assistance to victims of domestic violence at military installations.

Deadline. Reports.

(c) Not later than June 30, 2003, the Secretary of Defense shall submit to the Congress a report on the implementation of the recommendations included in the reports submitted to the Secretary by the Defense Task Force on Domestic Violence.

10 USC 2784 note.

SEC. 8149. (a) LIMITATION ON NUMBER OF GOVERNMENT CHARGE CARD ACCOUNTS DURING FISCAL YEAR 2003.—The total number of accounts for government purchase charge cards and government travel charge cards for Department of Defense personnel during fiscal year 2003 may not exceed 1,500,000 accounts.

(b) REQUIREMENT FOR CREDITWORTHINESS FOR ISSUANCE OF GOVERNMENT CHARGE CARD.—(1) The Secretary of Defense shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card.

(2) An individual may not be issued a government purchase charge card or government travel charge card if the individual is found not credit worthy as a result of the evaluation under paragraph (1).

Guidelines. Procedures.

(c) DISCIPLINARY ACTION FOR MISUSE OF GOVERNMENT CHARGE CARD.—(1) The Secretary shall establish guidelines and procedures for disciplinary actions to be taken against Department personnel for improper, fraudulent, or abusive use of government purchase charge cards and government travel charge cards.

(2) The guidelines and procedures under this subsection shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or with applicable standards of conduct.

(3) The disciplinary actions under this subsection may include—

✖     ✖     ✖     ✖     ✖     ✖

This Act may be cited as the "Department of Defense Appropriations Act, 2003".

Approved October 23, 2002.

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**LEGISLATIVE HISTORY—H.R. 5010:**

**HOUSE REPORTS:** Nos. 107-532 (Comm. on Appropriations) and 107-732 (Comm. of Conference).

**SENATE REPORTS:** No. 107-213 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 148 (2002):**

June 27, considered and passed House.

July 31, Aug. 1, considered and passed Senate, amended.

Oct. 10, House agreed to conference report.

Oct. 16, Senate agreed to conference report.

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

Oct. 23, Presidential remarks and statement.



Public Law 107-256  
107th Congress

An Act

To authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

Oct. 29, 2002  
[S. 1227]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Niagara Falls  
National  
Heritage Area  
Study Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Niagara Falls National Heritage Area Study Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **STUDY AREA.**—The term “study area” means lands in Niagara County, New York, along and in the vicinity of the Niagara River.

**SEC. 3. NIAGARA FALLS NATIONAL HERITAGE AREA STUDY.**

(a) **IN GENERAL.**—The Secretary shall conduct a study of the suitability and feasibility of establishing a heritage area in the State of New York to be known as the “Niagara Falls National Heritage Area”.

(b) **ANALYSES AND DOCUMENTATION.**—The study shall include analysis and documentation of whether the study area—

(1) contains an assemblage of natural, historical, scenic, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(A) are worthy of recognition, conservation, interpretation, and continued use; and

(B) would best be managed—

(i) through partnerships among public and private entities; and

(ii) by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides outstanding opportunities to conserve natural, historical, scenic, or cultural features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in planning a national heritage area;

(B) have developed a conceptual financial plan for a national heritage area that outlines the roles for all participants, including the Federal Government; and

(C) have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a national heritage area consistent with continued State and local economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) State and local agencies; and

(2) interested organizations within the study area.

Deadline.

(d) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the study under subsection (a).

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$300,000 to carry out this Act.

Approved October 29, 2002.

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#### LEGISLATIVE HISTORY—S. 1227:

HOUSE REPORTS: No. 107-668 (Comm. on Resources).

SENATE REPORTS: No. 107-179 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Aug. 1, considered and passed Senate.

Oct. 16, considered and passed House.

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

Oct. 30, Presidential statement.



Public Law 107-282  
107th Congress

An Act

Nov. 6, 2002  
[H.R. 5200]

To establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

Clark County  
Conservation of  
Public Land and  
Natural  
Resources Act of  
2002.  
16 USC  
460qqq note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clark County Conservation of Public Land and Natural Resources Act of 2002".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Authorization of appropriations.

TITLE I—RED ROCK CANYON NATIONAL CONSERVATION AREA LAND EXCHANGE AND BOUNDARY ADJUSTMENT

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Findings and purposes.
- Sec. 104. Red Rock Canyon land exchange.
- Sec. 105. Status and management of lands.
- Sec. 106. General provisions.

TITLE II—WILDERNESS AREAS

- Sec. 201. Findings.
- Sec. 202. Additions to National Wilderness Preservation System.
- Sec. 203. Administration.
- Sec. 204. Adjacent management.
- Sec. 205. Military overflights.
- Sec. 206. Native American cultural and religious uses.
- Sec. 207. Release of wilderness study areas.
- Sec. 208. Wildlife management.
- Sec. 209. Wildfire management.
- Sec. 210. Climatological data collection.
- Sec. 211. National Park Service lands.

TITLE III—TRANSFERS OF ADMINISTRATIVE JURISDICTION

- Sec. 301. Transfer of administrative jurisdiction to the United States Fish and Wildlife Service.
- Sec. 302. Transfer of administrative jurisdiction to National Park Service.

TITLE IV—AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT

- Sec. 401. Disposal and exchange.

TITLE V—IVANPAH CORRIDOR

- Sec. 501. Interstate Route 15 south corridor.
- Sec. 502. Area of Critical Environmental Concern segregation.

\* \* \* \* \*

the correction of technical errors or omissions in the Red Rock Map.

(d) **WITHDRAWAL OF AFFECTED LANDS.**—To the extent not already accomplished under law or administrative action, the Secretary shall withdraw from operation of the public land and mining laws, subject to valid existing rights—

(1) those Federal lands acquired by the United States under this Act; and

(2) those Federal lands already owned by the United States on the date of enactment of this Act but included within the Red Rock National Conservation Area boundaries by this Act.

## TITLE II—WILDERNESS AREAS

### SEC. 201. FINDINGS.

The Congress finds that—

(1) public land in the County contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of pristine land that remain in a natural state;

(2) continued preservation of those areas would benefit the County and all of the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) conserving primitive recreational resources; and

(C) protecting air and water quality.

### SEC. 202. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) **ADDITIONS.**—The following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

16 USC 1132  
note.

(1) **ARROW CANYON WILDERNESS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 27,530 acres, as generally depicted on the map entitled “Arrow Canyon”, dated October 1, 2002, which shall be known as the “Arrow Canyon Wilderness”.

(2) **BLACK CANYON WILDERNESS.**—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 17,220 acres, as generally depicted on the map entitled “Eldorado/Spirit Mountain”, dated October 1, 2002, which shall be known as the “Black Canyon Wilderness”.

(3) **BRIDGE CANYON WILDERNESS.**—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 7,761 acres, as generally depicted on the map entitled “Eldorado/Spirit Mountain”, dated October 1, 2002, which shall be known as the “Bridge Canyon Wilderness”.

(4) **ELDORADO WILDERNESS.**—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 31,950 acres, as generally depicted on the map entitled “Eldorado/Spirit Mountain”, dated

October 1, 2002, which shall be known as the “Eldorado Wilderness”.

(5) IRETEBA PEAKS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 32,745 acres, as generally depicted on the map entitled “Eldorado/Spirit Mountain”, dated October 1, 2002, which shall be known as the “Ireteba Peaks Wilderness”.

(6) JIMBILNAN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 18,879 acres, as generally depicted on the map entitled “Muddy Mountains”, dated October 1, 2002, which shall be known as the “Jimbilnan Wilderness”.

(7) JUMBO SPRINGS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,631 acres, as generally depicted on the map entitled “Gold Butte”, dated October 1, 2002, which shall be known as the “Jumbo Springs Wilderness”.

(8) LA MADRE MOUNTAIN WILDERNESS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 47,180 acres, as generally depicted on the map entitled “Spring Mountains”, dated October 1, 2002, which shall be known as the “La Madre Mountain Wilderness”.

(9) LIME CANYON WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 23,233 acres, as generally depicted on the map entitled “Gold Butte”, dated October 1, 2002, which shall be known as the “Lime Canyon Wilderness”.

(10) MT. CHARLESTON WILDERNESS ADDITIONS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 13,598 acres, as generally depicted on the map entitled “Spring Mountains”, dated October 1, 2002, which shall be included in the Mt. Charleston Wilderness.

(11) MUDDY MOUNTAINS WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of land managed by the Bureau of Land Management, comprising approximately 48,019 acres, as generally depicted on the map entitled “Muddy Mountains”, dated October 1, 2002, which shall be known as the “Muddy Mountains Wilderness”.

(12) NELLIS WASH WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising approximately 16,423 acres, as generally depicted on the map entitled “Eldorado/Spirit Mountain”, dated October 1, 2002, which shall be known as the “Nellis Wash Wilderness”.

(13) NORTH MCCULLOUGH WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 14,763 acres, as generally depicted on the map entitled “McCulloughs”, dated October 1, 2002, which shall be known as the “North McCullough Wilderness”.

(14) PINTO VALLEY WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area, comprising

approximately 39,173 acres, as generally depicted on the map entitled "Muddy Mountains", dated October 1, 2002, which shall be known as the "Pinto Valley Wilderness".

(15) RAINBOW MOUNTAIN WILDERNESS.—Certain Federal land within the Toiyabe National Forest and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 24,997 acres, as generally depicted on the map entitled "Spring Mountains", dated October 1, 2002, which shall be known as the "Rainbow Mountain Wilderness".

(16) SOUTH MCCULLOUGH WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 44,245 acres, as generally depicted on the map entitled "McCulloughs", dated October 1, 2002, which shall be known as the "South McCullough Wilderness".

(17) SPIRIT MOUNTAIN WILDERNESS.—Certain Federal land within the Lake Mead National Recreation Area and an adjacent portion of Federal land managed by the Bureau of Land Management, comprising approximately 33,518 acres, as generally depicted on the map entitled "Eldorado/Spirit Mountain", dated October 1, 2002, which shall be known as the "Spirit Mountain Wilderness".

(18) WEE THUMP JOSHUA TREE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 6,050 acres, as generally depicted on the map entitled "McCulloughs", dated October 1, 2002, which shall be known as the "Wee Thump Joshua Tree Wilderness".

(b) BOUNDARY.—

(1) LAKE OFFSET.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by Lake Mead, Lake Mohave, or the Colorado River shall be 300 feet inland from the high water line.

(2) ROAD OFFSET.—The boundary of any portion of a wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet from the edge of the road to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area designated by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and legal description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management, National Park Service, or Forest Service, as applicable.

Public inspection.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated in this section are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws;

and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

**SEC. 203. ADMINISTRATION.**

(a) **MANAGEMENT.**—Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to lands administered by the Secretary of the Interior.

(b) **LIVESTOCK.**—Within the wilderness areas designated under this title that are administered by the Bureau of Land Management, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101-405.

(c) **INCORPORATION OF ACQUIRED LANDS AND INTERESTS.**—Any land or interest in land within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired land or interest is located.

(d) **WATER RIGHTS.**—

(1) **FINDINGS.**—Congress finds that—

(A) the lands designated as Wilderness by this Act are within the Mojave Desert, are arid in nature, and include ephemeral streams;

(B) the hydrology of the lands designated as wilderness by this Act is locally characterized by complex flow patterns and alluvial fans with impermanent channels;

(C) the subsurface hydrogeology of the region is characterized by ground water subject to local and regional flow gradients and artesian aquifers;

(D) the lands designated as wilderness by this Act are generally not suitable for use or development of new water resource facilities and there are no actual or proposed water resource facilities and no opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands; and

(E) because of the unique nature and hydrology of these desert lands designated as wilderness by this Act and the existence of the Clark County Multi-Species Habitat Conservation Plan it is possible to provide for proper management and protection of the wilderness, perennial springs and other values of such lands in ways different from those used in other legislation.

(2) **STATUTORY CONSTRUCTION.**—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation by

the United States of any water or water rights with respect to the lands designated as Wilderness by this Act.

(B) Nothing in this Act shall affect any water rights in the State of Nevada existing on the date of the enactment of this Act, including any water rights held by the United States.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Nevada and other States.

(E) Nothing in this subsection shall be construed as limiting, altering, modifying, or amending the Clark County Multi-Species Habitat Conservation Plan (MSHCP) with respect to the lands designated as Wilderness by this Act including the MSHCP's specific management actions for the conservation of perennial springs.

(3) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Nevada in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this Act.

(4) NEW PROJECTS.—

(A) As used in this paragraph, the term “water resource” facility means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. The term “water resource” facility does not include wildlife guzzlers.

(B) Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness areas designated by this Act.

#### SEC. 204. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of wilderness in the State pursuant to this title to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness designated under this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

#### SEC. 205. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the areas designated as wilderness by this title, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

**SEC. 206. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**

Nothing in this Act shall be construed to diminish the rights of any Indian Tribe. Nothing in this Act shall be construed to diminish tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

**SEC. 207. RELEASE OF WILDERNESS STUDY AREAS.**

(a) **FINDING.**—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management and the Forest Service in the following areas have been adequately studied for wilderness designation:

- (1) The Garrett Buttes Wilderness Study Area.
- (2) The Quail Springs Wilderness Study Area.
- (3) The Nellis A, B, C Wilderness Study Area.
- (4) Any portion of the wilderness study areas—
  - (A) not designated as wilderness by section 202(a);

and

- (B) designated for release on—
  - (i) the map entitled “Muddy Mountains” and dated October 1, 2002;
  - (ii) the map entitled “Spring Mountains” and dated October 1, 2002;
  - (iii) the map entitled “Arrow Canyon” and dated October 1, 2002;
  - (iv) the map entitled “Gold Butte” and dated October 1, 2002;
  - (v) the map entitled “McCullough Mountains” and dated October 1, 2002;
  - (vi) the map entitled “El Dorado/Spirit Mountain” and dated October 1, 2002; or
  - (vii) the map entitled “Southern Nevada Public Land Management Act” and dated October 1, 2002.

(b) **RELEASE.**—Except as provided in subsection (c), any public land described in subsection (a) that is not designated as wilderness by this title—

- (1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

and

- (2) shall be managed in accordance with—
  - (A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and
  - (B) existing cooperative conservation agreements.

(c) **RIGHT-OF-WAY GRANT.**—The Secretary shall issue to the State-regulated sponsor of the Centennial Project the right-of-way for the construction and maintenance of two 500-kilovolt electrical transmission lines. The construction shall occur within a 500-foot-wide corridor that is released from the Sunrise Mountains Instant Study Area in the County as depicted on the Southern Nevada Public Land Management Act map, dated October 1, 2002.

**SEC. 208. WILDLIFE MANAGEMENT.**

(a) **IN GENERAL.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by this title.

(b) **MANAGEMENT ACTIVITIES.**—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(c) **EXISTING ACTIVITIES.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, horses, and burros.

(d) **WILDLIFE WATER DEVELOPMENT PROJECTS.**—Subject to subsection (f), the Secretary shall, authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by this title if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) **HUNTING, FISHING, AND TRAPPING.**—The Secretary may designate by regulation areas in consultation with the appropriate State agency (except in emergencies), in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by this title.

(f) **COOPERATIVE AGREEMENT.**—No later than one year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State of Nevada. The cooperative agreement shall specify the terms and conditions under which the State (including a designee of the State) may use wildlife management activities in the wilderness areas designated by this title.

Deadline.

**SEC. 209. WILDFIRE MANAGEMENT.**

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) to manage wildfires in the wilderness areas designated by this title.

**SEC. 210. CLIMATOLOGICAL DATA COLLECTION.**

Subject to such terms and conditions as the Secretary may prescribe, nothing in this title precludes the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by this title if the facilities and access to the facilities are essential to flood warning, flood control, and water reservoir operation activities.

**SEC. 211. NATIONAL PARK SERVICE LANDS.**

To the extent any of the provisions of this title are in conflict with laws, regulations, or management policies applicable to the National Park Service for Lake Mead National Recreation Area, those laws, regulations, or policies shall control.

### TITLE III—TRANSFERS OF ADMINISTRATIVE JURISDICTION

16 USC 668dd  
note.

**SEC. 301. TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE UNITED STATES FISH AND WILDLIFE SERVICE.**

(a) **IN GENERAL.**—Administrative jurisdiction over the land described in subsection (b) is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service for inclusion in the Desert National Wildlife Range.

(b) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (a) is the approximately 26,433 acres of land administered by the Bureau of Land Management as generally depicted on the map entitled “Arrow Canyon” and dated October 1, 2002.

(c) **WILDERNESS RELEASE.**—

(1) Congress finds that the parcel of land described in subsection (b) has been adequately studied for wilderness designation for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

(2) The parcel of land described in subsection (b)—

(A) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with

(i) the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee); and

(ii) existing cooperative conservation agreements.

16 USC 460n-1  
note.

**SEC. 302. TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.**

(a) **IN GENERAL.**—Administrative jurisdiction over the parcel of land described in subsection (b) is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Lake Mead National Recreation Area.

(b) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (a) is the approximately 10 acres of Bureau of Land Management land, as depicted on the map entitled “Eldorado/Spirit Mountain” and dated October 1, 2002.

(c) **USE OF LAND.**—The parcel of land described in subsection (b) shall be used by the National Park Service for administrative facilities.

✱   ✱   ✱   ✱   ✱   ✱

(2) in subsection (f)(2)(B), by adding at the end the following:

“(v) Sec. 7.”.

Approved November 6, 2002.

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LEGISLATIVE HISTORY—H.R. 5200 (S. 2612):

HOUSE REPORTS: No. 107-750 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Oct. 16, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 107-295  
107th Congress

An Act

Nov. 25, 2002  
[S. 1214]

To amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Maritime  
Transportation  
Security Act of  
2002.  
46 USC 2101  
note.

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Maritime Transportation Security Act of 2002”.

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

Sec. 1. Short title; table of contents.

**TITLE I—MARITIME TRANSPORTATION SECURITY**

- Sec. 101. Findings.
- Sec. 102. Port security.
- Sec. 103. International seafarer identification.
- Sec. 104. Extension of seaward jurisdiction.
- Sec. 105. Suspension of limitation on strength of Coast Guard.
- Sec. 106. Extension of Deepwater Port Act to natural gas.
- Sec. 107. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.
- Sec. 108. Technical amendments concerning the transmittal of certain information to the Customs Service.
- Sec. 109. Maritime security professional training.
- Sec. 110. Additional reports.
- Sec. 111. Performance standards.
- Sec. 112. Report on foreign-flag vessels.
- Sec. 113. Revision of Port Security Planning Guide.

**TITLE II—MARITIME POLICY IMPROVEMENT**

- Sec. 201. Short title.
- Sec. 202. Vessel COASTAL VENTURE.
- Sec. 203. Expansion of American Merchant Marine Memorial Wall of Honor.
- Sec. 204. Discharge of agricultural cargo residue.
- Sec. 205. Recording and discharging notices of claim of maritime lien.
- Sec. 206. Tonnage of R/V DAVIDSON.
- Sec. 207. Miscellaneous certificates of documentation.
- Sec. 208. Exemption for Victory Ships.
- Sec. 209. Certificate of documentation for 3 barges.
- Sec. 210. Certificate of documentation for the EAGLE.
- Sec. 211. Waiver for vessels in New World Challenge Race.
- Sec. 212. Vessel ASPHALT COMMANDER.
- Sec. 213. Coastwise trade authorization.
- Sec. 214. Jones Act waiver for delayed vessel delivery.
- Sec. 215. Realignment of policy responsibility in the Department of Transportation.

**TITLE III—COAST GUARD PERSONNEL AND MARITIME SAFETY**

Sec. 301. Short title.

**Subtitle A—Personnel Management**

Sec. 311. Coast Guard band director rank.

- Sec. 312. Compensatory absence for isolated duty.
- Sec. 313. Accelerated promotion of certain Coast Guard officers.

Subtitle B—Marine Safety

- Sec. 321. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
- Sec. 322. Modification of various reporting requirements.
- Sec. 323. Oil Spill Liability Trust Fund; emergency fund advancement authority.
- Sec. 324. Merchant mariner documentation requirements.
- Sec. 325. Penalties for negligent operations and interfering with safe operation.

Subtitle C—Renewal of Advisory Groups

- Sec. 331. Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 332. Houston-Galveston Navigation Safety Advisory Committee.
- Sec. 333. Lower Mississippi River Waterway Advisory Committee.
- Sec. 334. Navigation Safety Advisory Council.
- Sec. 335. National Boating Safety Advisory Council.
- Sec. 336. Towing Safety Advisory Committee.

Subtitle D—Miscellaneous

- Sec. 341. Patrol craft.
- Sec. 342. Boating safety.
- Sec. 343. Caribbean support tender.
- Sec. 344. Prohibition of new maritime user fees.
- Sec. 345. Great Lakes lighthouses.
- Sec. 346. Modernization of National Distress and Response System.
- Sec. 347. Conveyance of Coast Guard property in Portland, Maine.
- Sec. 348. Additional Coast Guard funding needs after September 11, 2001.
- Sec. 349. Miscellaneous conveyances.

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

- Sec. 401. Short title.
- Sec. 402. Extension of Coast Guard housing authorities.
- Sec. 403. Inventory of vessels for cable laying, maintenance, and repair.
- Sec. 404. Vessel escort operations and towing assistance.
- Sec. 405. Search and rescue center standards.
- Sec. 406. VHF communications services.
- Sec. 407. Lower Columbia River maritime fire and safety activities.
- Sec. 408. Conforming references to the former Merchant Marine and Fisheries Committee.
- Sec. 409. Restriction on vessel documentation.
- Sec. 410. Hypothermia protective clothing requirement.
- Sec. 411. Reserve officer promotions.
- Sec. 412. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.
- Sec. 413. Reserve student pre-commissioning assistance program.
- Sec. 414. Continuation on active duty beyond thirty years.
- Sec. 415. Payment of death gratuities on behalf of Coast Guard auxiliaries.
- Sec. 416. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.
- Sec. 417. Long-term lease authority for lighthouse property.
- Sec. 418. Maritime Drug Law Enforcement Act amendments.
- Sec. 419. Wing-in-ground craft.
- Sec. 420. Electronic filing of commercial instruments for vessels.
- Sec. 421. Deletion of thumbprint requirement for merchant mariners' documents.
- Sec. 422. Temporary certificates of documentation for recreational vessels.
- Sec. 423. Marine casualty investigations involving foreign vessels.
- Sec. 424. Conveyance of Coast Guard property in Hampton Township, Michigan.
- Sec. 425. Conveyance of property in Traverse City, Michigan.
- Sec. 426. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.
- Sec. 427. Extension of authorization for oil spill recovery institute.
- Sec. 428. Protection against discrimination.
- Sec. 429. Icebreaking services.
- Sec. 430. Fishing vessel safety training.
- Sec. 431. Limitation on liability of pilots at Coast Guard Vessel Traffic Services.
- Sec. 432. Assistance for marine safety station on Chicago lakefront.
- Sec. 433. Extension of time for recreational vessel and associated equipment recalls.
- Sec. 434. Repair of municipal dock, Escanaba, Michigan.
- Sec. 435. Vessel GLOBAL EXPLORER.

- Sec. 436. Aleutian trade.
- Sec. 437. Pictured Rocks National Lakeshore boundary revision.
- Sec. 438. Loran-C.
- Sec. 439. Authorization of payment.
- Sec. 440. Report on oil spill responder immunity.
- Sec. 441. Fishing agreements.
- Sec. 442. Electronic publishing of marine casualty reports.
- Sec. 443. Safety and security of ports and waterways.
- Sec. 444. Suspension of payment.
- Sec. 445. Prohibition on navigation fees.

**TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD**

- Sec. 501. Short title.
- Sec. 502. Authorization of appropriations.
- Sec. 503. Authorized levels of military strength and training.

**TITLE I—MARITIME TRANSPORTATION  
SECURITY**

46 USC 70101  
note.

**SEC. 101. FINDINGS.**

The Congress makes the following findings:

(1) There are 361 public ports in the United States that are an integral part of our Nation's commerce.

(2) United States ports handle over 95 percent of United States overseas trade. The total volume of goods imported and exported through ports is expected to more than double over the next 20 years.

(3) The variety of trade and commerce carried out at ports includes bulk cargo, containerized cargo, passenger transport and tourism, and intermodal transportation systems that are complex to secure.

(4) The United States is increasingly dependent on imported energy for a substantial share of its energy supply, and a disruption of that share of supply would seriously harm consumers and our economy.

(5) The top 50 ports in the United States account for about 90 percent of all the cargo tonnage. Twenty-five United States ports account for 98 percent of all container shipments. Cruise ships visiting foreign destinations embark from at least 16 ports. Ferries in the United States transport 113,000,000 passengers and 32,000,000 vehicles per year.

(6) Ports often are a major locus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens.

(7) Ports are often very open and exposed and are susceptible to large scale acts of terrorism that could cause a large loss of life or economic disruption.

(8) Current inspection levels of containerized cargo are insufficient to counter potential security risks. Technology is currently not adequately deployed to allow for the nonintrusive inspection of containerized cargo.

(9) The cruise ship industry poses a special risk from a security perspective.

(10) Securing entry points and other areas of port facilities and examining or inspecting containers would increase security at United States ports.

(11) Biometric identification procedures for individuals having access to secure areas in port facilities are important

\* \* \* \* \*

(3) by striking “Secretary and the Deputy Secretary” each place it appears in the last sentence of subsection (e), and inserting “Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy”.

(b) POSITION IN EXECUTIVE SERVICE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following: “Under Secretary of Transportation for Policy.”

49 USC 102 note.

(c) CONFORMING AMENDMENT.—Section 102 of title 49, United States Code, is further amended by striking subsection (g), as redesignated by subsection (a)(1), on the date that an individual is appointed to the position of Under Secretary of Transportation for Policy under subsection (d) of such section, as added by subsection (a)(2) of this section.

Coast Guard  
Personnel and  
Maritime Safety  
Act of 2002.

### → TITLE III—COAST GUARD PERSONNEL AND MARITIME SAFETY

14 USC 1 note.

#### SEC. 301. SHORT TITLE.

This title may be cited as the “Coast Guard Personnel and Maritime Safety Act of 2002”.

#### Subtitle A—Personnel Management

##### SEC. 311. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

##### SEC. 312. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

##### “§511. Compensatory absence from duty for military personnel at isolated duty stations

“The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

“511. Compensatory absence from duty for military personnel at isolated duty stations.”

##### SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end the following:

“(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless

\* \* \* \* \*

→ **Subtitle D—Miscellaneous**

**SEC. 341. PATROL CRAFT.**

Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

**SEC. 342. BOATING SAFETY.**

(a) **GENERAL STATE REVENUE DEFINITION.**—For fiscal year 2003, the term “general State revenue” in section 13102(a)(3) of title 46, United States Code, includes any amounts expended for the State’s recreational boating safety program by a State agency, a public corporation established under State law, or any other State instrumentality, as determined by the Secretary of the department in which the Coast Guard is operating.

(b) **FUNDING.**—For fiscal year 2003, the amount available for recreational boating safety under section 4(b)(3) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(3)), is \$83,000,000.

**SEC. 343. CARIBBEAN SUPPORT TENDER.**

(a) **IN GENERAL.**—The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

(b) **MEDICAL AND DENTAL CARE.**—(1) The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

(A) on an outpatient basis without cost; and

(B) on an inpatient basis if the United States is reimbursed for the costs of providing such care.

Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

(2) Notwithstanding paragraph (1)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.

**SEC. 344. PROHIBITION OF NEW MARITIME USER FEES.**

Section 2110(k) of title 46, United States Code, is amended by striking “2001” and inserting “2006”.

14 USC 92 note.

**SEC. 345. GREAT LAKES LIGHTHOUSES.**

(a) **FINDINGS.**—The Congress finds the following:

(1) The Great Lakes are home to more than 400 lighthouses. One hundred and twenty of these maritime landmarks are in the State of Michigan.

(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region’s political, economic, and social history.

\* \* \* \* \*

(g) **LIABILITY OF THE PARTIES.**—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this title or any agreement of the parties.

(h) **EXPIRATION OF AUTHORITY TO CONVEY.**—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **AID TO NAVIGATION.**—The term “aid to navigation” means equipment used for navigational purposes, including a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) **CORPORATION.**—The term “Corporation” means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

**SEC. 348. ADDITIONAL COAST GUARD FUNDING NEEDS AFTER SEPTEMBER 11, 2001.**

(a) **IN GENERAL.**—No later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress that—

Deadline.  
Reports.

(1) compares Coast Guard expenditures by mission area on an annualized basis before and after the terrorist attacks of September 11, 2001;

(2) estimates—

(A) annual funding amounts and personnel levels that would restore all Coast Guard mission areas to the readiness levels that existed before September 11, 2001;

(B) annual funding amounts and personnel levels required to fulfill the Coast Guard’s additional responsibilities for port security after September 11, 2001; and

(C) annual funding amounts and personnel levels required to increase law enforcement needs in mission areas other than port security after September 11, 2001;

(3) generally describes the services provided by the Coast Guard to the Department of Defense after September 11, 2001, and states the cost of such services; and

(4) identifies the Federal agency providing funds for those services.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate identifying mission targets for each Coast Guard mission for fiscal years 2003, 2004, and 2005 and the specific steps necessary to achieve those targets. The Inspector General of the department in which the Coast Guard is operating shall review the final strategic plan and provide an independent report with its views to the Committees within 90 days after the plan has been submitted by the Secretary.

→ **SEC. 349. MISCELLANEOUS CONVEYANCES.**

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Coast Guard Slip Point Light Station, located in Clallam County, Washington, to Clallam County, Washington.

(B) The parcel of land on which is situated the Point Piños Light, located in Monterey County, California, to the city of Pacific Grove, California.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) **LIMITATION.**—The Secretary may not under this section convey—

(A) any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) **GENERAL TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Each conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) **REVERSIONARY INTEREST.**—In addition to any term or condition established under this section, each conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this section; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

(3) **MAINTENANCE OF NAVIGATION FUNCTIONS.**—Each conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed that are active aids to navigation shall continue to be operated and maintained

by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant of the Coast Guard;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining, and inspecting aids to navigation and for the purpose of enforcing compliance with this subsection; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) MAINTENANCE OF PROPERTY.—(A) Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the conveying authority pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(B) The owner of a property conveyed under this section is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(c) SPECIAL TERMS AND CONDITIONS.—The Secretary may retain all right, title, and interest of the United States in and to any portion of any parcel referred to in subsection (a)(1)(B) that the Secretary considers appropriate.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) AIDS TO NAVIGATION.—The term “aids to navigation” means equipment used for navigation purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) OWNER.—The term “owner” means, for a property conveyed under this section, the person identified in subsection (a)(1) of the property and includes any successor or assign of that person.

## TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

Omnibus  
Maritime and  
Coast Guard  
Improvements  
Act of 2002.  
14 USC 1 note.

### SEC. 401. SHORT TITLE.

This title may be cited as the “Omnibus Maritime and Coast Guard Improvements Act of 2002”.

### SEC. 402. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

(a) HOUSING CONTRACTORS.—Section 681(a) of title 14, United States Code, is amended by inserting “, including a small business

\* \* \* \* \*

(A) the value of land and existing facilities used for the project; and

(B) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

**SEC. 433. EXTENSION OF TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.**

Section 4310(c) of title 46, United States Code, is amended—

(1) in each of paragraphs (2)(A) and (2)(B) by striking “5” and inserting “10”; and

(2) in each of paragraphs (1)(A), (1)(B), and (1)(C) by inserting “by first class mail or” before “by certified mail”.

**SEC. 434. REPAIR OF MUNICIPAL DOCK, ESCANABA, MICHIGAN.**

The Secretary of Transportation may transfer to the City of Escanaba, Michigan, up to \$300,000 of funds appropriated for Coast Guard acquisition, construction, and improvements by Public Law 107-87, for the repair of the North wall of the municipal dock, Escanaba, Michigan.

**SEC. 435. VESSEL GLOBAL EXPLORER.**

The Secretary of Transportation shall amend the certificate of documentation of the vessel GLOBAL EXPLORER (United States official number 556069) to state that the vessel was built in the year 2002 in Gulfport, Mississippi.

**SEC. 436. ALEUTIAN TRADE.**

(a) **LOADLINES.**—Section 5102(b)(5)(B)(ii) of title 46, United States Code, is amended by inserting “is not” after “(ii)”.

(b) **IMPLEMENTATION.**—Except as provided in subsection (c), a fish tender vessel that before January 1, 2003, transported cargo (not including fishery related products) in the Aleutian trade is subject to chapter 51 of title 46, United States Code (as amended by subsection (a) of this section).

(c) **EXCEPTION.**—

(1) **IN GENERAL.**—Before December 31, 2006, the BOWFIN (United States official number 604231) is exempt from chapter 51 of title 46, United States Code (as amended by subsection (a) of this section) when engaged in the Aleutian trade, if the vessel does not undergo a major conversion.

(2) **ENSURING SAFETY.**—Before the date referred to in paragraph (1), a Coast Guard official who has reason to believe that the vessel referred to in paragraph (1) operating under this subsection is in a condition or is operated in a manner that creates an immediate threat to life or the environment or is operated in a manner that is inconsistent with section 3302 of title 46, United States Code, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

46 USC 5102  
note.

46 USC 5102  
note.

**SEC. 437. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY REVISION.**

16 USC 460s-15.

(a) **TRANSFER.**—As soon as practicable after the date of enactment of this Act, the Administrator of General Services may transfer

to the Secretary, without consideration, administrative jurisdiction over, and management of, the public land.

(b) **BOUNDARY REVISION.**—The boundary of the Lakeshore is revised to include the public land transferred under subsection (a).

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **ADMINISTRATION.**—The Secretary may administer the public land transferred under section (a)—

(1) as part of the Lakeshore; and

(2) in accordance with applicable laws (including regulations).

(e) **ACCESS TO AIDS TO NAVIGATION.**—The Secretary of Transportation, in consultation with the Secretary, may access the front and rear range lights on the public land for the purposes of servicing, operating, maintaining, and repairing those lights.

(f) **DEFINITIONS.**—In this section:

(1) **LAKESHORE.**—The term “Lakeshore” means the Pictured Rocks National Lakeshore in the State of Michigan.

(2) **MAP.**—The term “map” means the map entitled “Proposed Addition to Pictured Rocks National Lakeshore”, numbered 625/80048, and dated April 2002.

(3) **PUBLIC LAND.**—The term “public land” means the approximately .32 acres of United States Coast Guard land and improvements to the land, including the United States Coast Guard Auxiliary Operations Station and the front and rear range lights, as depicted on the map.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary \$225,000 to restore, preserve, and maintain the public land transferred under subsection (a).

**SEC. 438. LORAN-C.**

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$25,000,000 for fiscal year 2003. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

**SEC. 439. AUTHORIZATION OF PAYMENT.**

(a) **IN GENERAL.**—The Secretary of the Treasury shall pay the sum of \$71,000, out of funds in the Treasury not otherwise appropriated, to the State of Hawaii, such sum being the damages arising out of the June 19, 1997, allision by the United States Coast Guard Cutter RUSH with the ferry pier at Barber's Point Harbor, Hawaii.

(b) **FULL SETTLEMENT.**—The payment made under subsection (a) is in full settlement of all claims by the State of Hawaii against the United States arising from the June 19, 1997, allision.

**SEC. 440. REPORT ON OIL SPILL RESPONDER IMMUNITY.**

(a) **REPORT TO CONGRESS.**—Not later than January 1, 2004, the Secretary of the department in which the Coast Guard is

33 USC 1321  
note.  
Deadline.

\* \* \* \* \*

\$3,500,000 is authorized to be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$889,000,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$18,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

**SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 as of September 30, 2003.

(b) **MILITARY TRAINING STUDENT LOADS.**—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2003, 2,250 student years.

(2) For flight training for fiscal year 2003, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2003, 300 student years.

(4) For officer acquisition for fiscal year 2003, 1,150 student years.

Approved November 25, 2002.

**LEGISLATIVE HISTORY—S. 1214 (H.R. 3983):**

**HOUSE REPORTS:** Nos. 107-405 accompanying H.R. 3983 (Comm. on Transportation and Infrastructure) and 107-777 (Comm. of Conference).

**SENATE REPORTS:** No. 107-64 (Comm. on Commerce, Science, and Transportation).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Dec. 20, considered and passed Senate.

Vol. 148 (2002): June 4, considered and passed House, amended, in lieu of H.R. 3983.

Nov. 14, Senate and House agreed to conference report.

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

Nov. 25, Presidential statement.



Public Law 107-308  
107th Congress

An Act

Dec. 2, 2002  
[H.R. 3908]

To reauthorize the North American Wetlands Conservation Act, and for other purposes.

North American  
Wetlands  
Conservation  
Reauthorization  
Act.  
16 USC 4401  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “North American Wetlands Conservation Reauthorization Act”.

**SEC. 2. AMENDMENT OF NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.).

**SEC. 3. FINDINGS AND STATEMENT OF PURPOSE.**

(a) **FINDING.**—Section 2(a)(1) (16 U.S.C. 4401(a)(1)) is amended by striking “and other habitats” and inserting “and associated habitats”.

(b) **PURPOSES.**—Section 2(b) (16 U.S.C. 4401(b)) is amended—

(1) in paragraph (1) by striking “and other habitats for migratory birds” and inserting “and habitats associated with wetland ecosystems”;

(2) in paragraph (2) by inserting “wetland associated” before “migratory bird”; and

(3) in paragraph (3)—

(A) by inserting “wetland associated” before “migratory birds”; and

(B) by inserting “, the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans,” after “North American Waterfowl Management Plan”.

**SEC. 4. DEFINITION OF WETLANDS CONSERVATION PROJECT.**

Section 3(9) (16 U.S.C. 4402(9)) is amended—

(1) in subparagraph (A) by inserting “of a wetland ecosystem and associated habitat” after “including water rights,”; and

(2) in subparagraph (B) by striking “and other habitat” and inserting “and associated habitat”.

**SEC. 5. REAUTHORIZATION.**

Section 7(c) (16 U.S.C. 4406(c)) is amended by striking “not to exceed” and all that follows and inserting “not to exceed—

- “(1) \$55,000,000 for fiscal year 2003;
- “(2) \$60,000,000 for fiscal year 2004;
- “(3) \$65,000,000 for fiscal year 2005;
- “(4) \$70,000,000 for fiscal year 2006; and
- “(5) \$75,000,000 for fiscal year 2007.”

**SEC. 6. ALLOCATION.**

Section 8(a) (16 U.S.C. 4407(a)) is amended—

(1) in paragraph (1)—

(A) by striking “(but at least 50 per centum and not more than 70 per centum thereof)” and inserting “(but at least 30 percent and not more than 60 percent)”; and

(B) by striking “4 per centum” and inserting “4 percent”; and

(2) in paragraph (2) by striking “(but at least 30 per centum and not more than 50 per centum thereof)” and inserting “(but at least 40 percent and not more than 70 percent)”.

**SEC. 7. CLARIFICATION OF NON-FEDERAL SHARE OF THE COST OF APPROVED WETLANDS CONSERVATION PROJECTS.**

Section 8(b) (16 U.S.C. 4407(b)) is amended by striking so much as precedes the second sentence and inserting the following:

“(b) COST SHARING.—(1) Except as provided in paragraph (2), as a condition of providing assistance under this Act for any approved wetlands conservation project, the Secretary shall require that the portion of the costs of the project paid with amounts provided by non-Federal United States sources is equal to at least the amount allocated under subsection (a) that is used for the project.

“(2) Federal moneys allocated under subsection (a) may be used to pay 100 percent of the costs of such projects located on Federal lands and waters, including the acquisition of inholdings within such lands and waters.

“(3)”.

**SEC. 8. TECHNICAL CORRECTIONS.**

(a) The North American Wetlands Conservation Act is amended as follows:

(1) In section 2(a)(10) (16 U.S.C. 4401(a)(10)), by inserting “of 1973” after “Species Act”.

(2) In section 2(a)(12) (16 U.S.C. 4401(a)(12)), by inserting “and in 1994 by the Secretary of Sedesol for Mexico” after “United States”.

(3) In section 3(2) (16 U.S.C. 4402(2)), by striking “Committee on Merchant Marine and Fisheries of the United States House of Representatives” and inserting “Committee on Resources of the House of Representatives”.

(4) In section 3(5) (16 U.S.C. 4402(5)), by inserting “of 1973” after “Species Act”.

(5) In section 3(6) (16 U.S.C. 4402(6)), by inserting after “1986” the following: “, and by the Secretary of Sedesol for Mexico in 1994, and subsequent dates”.

(6) In section 4(a)(1)(B) (16 U.S.C. 4403(a)(1)(B)), by striking “section 3(2)(B)” and inserting “section 3(g)(2)(B)”.

(7) In section 4(c) (16 U.S.C. 4403(c)), in the matter preceding paragraph (1), by striking “Commission” and inserting “Council”.

(8) In section 5(a)(5) (16 U.S.C. 4404(a)(5)), by inserting “of 1973” after “Species Act”.

(9) In section 5(b) (16 U.S.C. 4404(b)), by striking “by January 1 of each year,” and inserting “each year”.

(10) In section 5(d) (16 U.S.C. 4404(d)), by striking “one Council member” and inserting “2 Council members”.

(11) In section 5(f) (16 U.S.C. 4404(f)), by striking “subsection (d)” and inserting “subsection (e)”.

(12) In section 10(1)(C) (16 U.S.C. 4409(1)(C)), by striking “western hemisphere pursuant to section 17 of this Act” and inserting “Western Hemisphere pursuant to section 16”.

(13) In section 10(1)(D) (16 U.S.C. 4409(1)(D)), by striking the period and inserting “; and”.

(14) In section 16(a) (16 U.S.C. 4413), by striking “western hemisphere” and inserting “Western Hemisphere”.

(b)(1) Section 112(1) of Public Law 101-593 (104 Stat. 2962) is amended by striking “and before the period”.

(2) Paragraph (1) of this subsection shall be effective on and after the effective date of section 112(1) of Public Law 101-593 (104 Stat. 2962).

16 USC 4403.

Effective date.  
16 USC 4403  
note.

#### SEC. 9. CHESAPEAKE BAY INITIATIVE.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking “2003” and inserting “2008”.

Approved December 2, 2002.

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#### LEGISLATIVE HISTORY—H.R. 3908:

HOUSE REPORTS: No. 107-421 (Comm. on Resources).

SENATE REPORTS: No. 107-304 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 148 (2002):

May 7, considered and passed House.

Nov. 14, considered and passed Senate, amended. House concurred in Senate amendments.

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

Dec. 2, Presidential remarks.



Public Law 107-314  
107th Congress

An Act

Dec. 2, 2002  
(H.R. 4546)

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Bob Stump  
National Defense  
Authorization  
Act for Fiscal  
Year 2003.

**SECTION 1. SHORT TITLE; FINDINGS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Bob Stump National Defense Authorization Act for Fiscal Year 2003”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Representative Bob Stump of Arizona was elected to the House of Representatives in 1976 for service in the 95th Congress, after serving in the Arizona legislature for 18 years and serving as President of the Arizona State Senate from 1975 to 1976, and he has been reelected to each subsequent Congress.

(2) A World War II combat veteran, Representative Stump entered service in the United States Navy in 1943, just after his 16th birthday, and served aboard the USS LUNGA POINT and the USS TULAGI, which participated in the invasions of Luzon, Iwo Jima, and Okinawa.

(3) Representative Stump was elected to the Committee on Armed Services in 1978 and has served on nearly all of its subcommittees and panels during 25 years of distinguished service on the committee. He has served as chairman of the committee during the 107th Congress and has championed United States national security as the paramount function of the Federal Government.

(4) Also serving on the Committee on Veterans’ Affairs of the House of Representatives, chairing that committee from 1995 to 2000, and serving on the Permanent Select Committee on Intelligence of the House of Representatives, including service as the ranking minority member in 1985 and 1986, Representative Stump has dedicated his entire congressional career to steadfastly supporting America’s courageous men and women in uniform both on and off the battlefield.

(5) Representative Stump’s tireless efforts on behalf of those in the military and veterans have been recognized with numerous awards for outstanding service from active duty and reserve military, veterans’ service, military retiree, and industry organizations.

\* \* \* \* \*

- Sec. 1402. Comprehensive plan for improving the preparedness of military installations for terrorist incidents.
- Sec. 1403. Additional Weapons of Mass Destruction Civil Support Teams.
- Sec. 1404. Report on the role of the Department of Defense in supporting homeland security.
- Sec. 1405. Sense of Congress on Department of Defense assistance to local first responders.

**TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR THE WAR ON TERRORISM**

- Sec. 1501. Authorization of appropriations for continued operations for the war on terrorism.
- Sec. 1502. Mobilization and personnel.
- Sec. 1503. Operations.
- Sec. 1504. Equipment replacement and enhancement.
- Sec. 1505. Classified activities.
- Sec. 1506. Procurement of munitions.
- Sec. 1507. Discretionary restoration of authorizations of appropriations reduced for management efficiencies.
- Sec. 1508. General provisions applicable to transfers.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

- Sec. 2001. Short title.

**TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2002 projects.
- Sec. 2106. Modification of authority to carry out certain fiscal year 2001 project.

**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2002 projects.

**TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Authority for use of military construction funds for construction of public road near Aviano Air Base, Italy, to replace road closed for force protection purposes.

**TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2000 project.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
- Sec. 2407. Modification of authority to carry out certain fiscal year 1997 project.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

**TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

- Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.  
 Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Lease of military family housing in Korea.  
 Sec. 2802. Modification of alternative authority for acquisition and improvement of military housing.  
 Sec. 2803. Pilot housing privatization authority for acquisition or construction of military unaccompanied housing.  
 Sec. 2804. Repeal of source requirements for family housing construction overseas.  
 Sec. 2805. Availability of energy cost savings realized at military installations.

**Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Agreements to limit encroachments and other constraints on military training, testing, and operations.  
 Sec. 2812. Conveyance of surplus real property for natural resource conservation purposes.  
 Sec. 2813. Modification of demonstration program on reduction in long-term facility maintenance costs.  
 Sec. 2814. Expanded authority to transfer property at military installations to be closed to persons who construct or provide military family housing.

**Subtitle C—Land Conveyances**

**PART I—ARMY CONVEYANCES**

- Sec. 2821. Transfer of jurisdiction, Fort McClellan, Alabama, to establish Mountain Longleaf National Wildlife Refuge.  
 Sec. 2822. Land conveyances, lands in Alaska no longer required for National Guard purposes.  
 Sec. 2823. Land conveyance, Sunflower Army Ammunition Plant, Kansas.  
 Sec. 2824. Land conveyances, Bluegrass Army Depot, Richmond, Kentucky.  
 Sec. 2825. Land conveyance, Fort Campbell, Kentucky.  
 Sec. 2826. Land conveyance, Army Reserve Training Center, Buffalo, Minnesota.  
 Sec. 2827. Land conveyance, Fort Monmouth, New Jersey.  
 Sec. 2828. Land conveyance, Fort Bliss, Texas.  
 Sec. 2829. Land conveyance, Fort Hood, Texas.  
 Sec. 2830. Land conveyances, Engineer Proving Ground, Fort Belvoir, Virginia.

**PART II—NAVY CONVEYANCES**

- Sec. 2831. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.  
 Sec. 2832. Modification of authority for land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.  
 Sec. 2833. Land conveyance, Westover Air Reserve Base, Massachusetts.  
 Sec. 2834. Land conveyance, Naval Station, Newport, Rhode Island.  
 Sec. 2835. Land exchange and boundary adjustments, Marine Corps Base, Quantico, and Prince William Forest Park, Virginia.

**PART III—AIR FORCE CONVEYANCES**

- Sec. 2841. Modification of land conveyance, Los Angeles Air Force Base, California.  
 Sec. 2842. Land exchange, Buckley Air Force Base, Colorado.  
 Sec. 2843. Land conveyances, Wendover Air Force Base Auxiliary Field, Nevada.

**Subtitle D—Other Matters**

- Sec. 2851. Master plan for use of Navy Annex, Arlington, Virginia.  
 Sec. 2852. Sale of excess treated water and wastewater treatment capacity, Marine Corps Base, Camp Lejeune, North Carolina.  
 Sec. 2853. Conveyance of real property, Adak Naval Complex, Alaska, and related land conveyances.  
 Sec. 2854. Special requirement for adding military installation to closure list.

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## TITLE XXVIII—GENERAL PROVISIONS

### Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Lease of military family housing in Korea.  
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 Sec. 2803. Pilot housing privatization authority for acquisition or construction of military unaccompanied housing.  
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 Sec. 2805. Availability of energy cost savings realized at military installations.

### Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Agreements to limit encroachments and other constraints on military training, testing, and operations.  
 Sec. 2812. Conveyance of surplus real property for natural resource conservation purposes.  
 Sec. 2813. Modification of demonstration program on reduction in long-term facility maintenance costs.  
 Sec. 2814. Expanded authority to transfer property at military installations to be closed to persons who construct or provide military family housing.

### Subtitle C—Land Conveyances

#### PART I—ARMY CONVEYANCES

- Sec. 2821. Transfer of jurisdiction, Fort McClellan, Alabama, to establish Mountain Longleaf National Wildlife Refuge.  
 Sec. 2822. Land conveyances, lands in Alaska no longer required for National Guard purposes.  
 Sec. 2823. Land conveyance, Sunflower Army Ammunition Plant, Kansas.  
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 Sec. 2825. Land conveyance, Fort Campbell, Kentucky.  
 Sec. 2826. Land conveyance, Army Reserve Training Center, Buffalo, Minnesota.  
 Sec. 2827. Land conveyance, Fort Monmouth, New Jersey.  
 Sec. 2828. Land conveyance, Fort Bliss, Texas.  
 Sec. 2829. Land conveyance, Fort Hood, Texas.  
 Sec. 2830. Land conveyances, Engineer Proving Ground, Fort Belvoir, Virginia.

#### PART II—NAVY CONVEYANCES

- Sec. 2831. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.  
 Sec. 2832. Modification of authority for land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.  
 Sec. 2833. Land conveyance, Westover Air Reserve Base, Massachusetts.  
 Sec. 2834. Land conveyance, Naval Station, Newport, Rhode Island.  
 Sec. 2835. Land exchange and boundary adjustments, Marine Corps Base, Quantico, and Prince William Forest Park, Virginia.

#### PART III—AIR FORCE CONVEYANCES

- Sec. 2841. Modification of land conveyance, Los Angeles Air Force Base, California.  
 Sec. 2842. Land exchange, Buckley Air Force Base, Colorado.  
 Sec. 2843. Land conveyances, Wendover Air Force Base Auxiliary Field, Nevada.

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- Sec. 2851. Master plan for use of Navy Annex, Arlington, Virginia.  
 Sec. 2852. Sale of excess treated water and wastewater treatment capacity, Marine Corps Base, Camp Lejeune, North Carolina.  
 Sec. 2853. Conveyance of real property, Adak Naval Complex, Alaska, and related land conveyances.  
 Sec. 2854. Special requirement for adding military installation to closure list.

## Subtitle A—Military Construction Program and Military Family Housing Changes

### SEC. 2801. LEASE OF MILITARY FAMILY HOUSING IN KOREA.

(a) INCREASE IN NUMBER OF UNITS AUTHORIZED FOR LEASE AT CURRENT MAXIMUM AMOUNT.—Paragraph (3) of section 2828(e)

\* \* \* \* \*

States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by the Secretary, of the property conveyed under such subsection.

(2) In-kind consideration under paragraph (1) may include the maintenance, improvement, alteration, repair, remodeling, restoration (including environmental restoration), or construction of facilities for the Department of the Army at Fort Belvoir or at any other site or sites designated by the Secretary.

(3) If in-kind consideration under paragraph (1) includes the construction of facilities, the grantee shall also convey to the United States—

(A) title to such facilities, free of all liens and other encumbrances; and

(B) if the United States does not have fee simple title to the land underlying such facilities, convey to the United States all right, title, and interest in and to such lands not held by the United States.

(4) If the value of in-kind consideration to be provided under paragraph (1) exceeds \$1,500,000, the Secretary may not accept such consideration until after the end of the 21-day period beginning on the date the Secretary notifies the congressional defense committees of the decision of the Secretary to accept in-kind consideration in excess of that amount.

(5) The Secretary shall deposit any cash received as consideration under this subsection in the special account established pursuant to section 572(b) of title 40, United States Code.

(d) EFFECT OF TRANSFER OF ADMINISTRATIVE JURISDICTION.—If all or a portion of the real property authorized to be conveyed by this section is transferred to the administrative jurisdiction of the Administrator of General Services, the Administrator, rather than the Secretary of the Army, shall have the authority to convey such property under this section.

(e) REPEAL OF SUPERSEDED AUTHORITY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 568), is repealed.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of each such survey shall be borne by the grantee.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

## PART II—NAVY CONVEYANCES

### SEC. 2831. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the ENPEX Corporation, Incorporated (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including

\* \* \* \* \*

(2) The consideration received under paragraph (1) shall be deposited in the account established pursuant to section 572(b) of title 40, United States Code, and shall be available as provided for in that section.

(c) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Secretary may require the conveyee of the real property under subsection (a) to reimburse the Secretary for any costs incurred by the Secretary in carrying out the conveyance.

(2) Any reimbursement for costs that is received under paragraph (1) shall be credited to the fund or account providing funds for such costs. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2835. LAND EXCHANGE AND BOUNDARY ADJUSTMENTS, MARINE CORPS BASE, QUANTICO, AND PRINCE WILLIAM FOREST PARK, VIRGINIA.**

(a) LAND EXCHANGE.—Administrative jurisdiction over certain lands at Prince William Forest Park, Virginia, and at the Marine Corps Base, Quantico, Virginia, shall be adjusted through the following actions:

(1) The Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior approximately 352 acres of land, depicted as “Lands Transferred from Department of the Navy to Department of the Interior” on the map entitled “Boundary Adjustments Between Prince William Forest Park and Marine Corps Base, Quantico”, numbered 860/80283, and dated May 1, 2002.

(2) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Navy approximately 3,398 acres of land, depicted as “Lands Transferred from Department of the Interior to Department of the Navy” on the map described in paragraph (1).

(b) RETENTION OF CERTAIN LAND.—The Secretary of the Interior shall continue to administer approximately 1,346 acres of land, depicted as “Lands Retained by Department of the Interior” on the map described in subsection (a)(1). Effective on the date of the enactment of this Act, the special use permit dated March 16, 1972, which provides for the use of part of this land by the Marine Corps, shall no longer be in effect.

(c) SUBSEQUENT DISPOSAL OF LAND.—(1) If any of the land described in subsection (a)(1) or (b) is determined to be excess to the needs of the Department of the Interior, the Secretary of the Interior shall offer to transfer, without reimbursement, administrative jurisdiction over the land to the Secretary of the Navy.

(2) If any of the land described in subsection (a)(2) is determined to be excess to the needs of the Department of the Navy, the

Secretary of the Navy shall offer to transfer, without reimbursement, administrative jurisdiction over the land to the Secretary of the Interior.

(3) If an offer made under this subsection is not accepted within 90 days, the land covered by the offer may be disposed of in accordance with the laws and regulations governing the disposal of excess property.

(d) BOUNDARY MODIFICATION AND ADMINISTRATION.—(1) The boundaries of Prince William Forest Park and the Marine Corps Base, Quantico, shall be modified to reflect the land exchanges or disposals made under this section.

(2) Land transferred to the Secretary of the Interior under subsection (a)(1) or retained under subsection (b) shall be administered as part of Prince William Forest Park in accordance with applicable laws and regulations.

(e) AVAILABILITY OF MAP.—The map described in subsection (a)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(f) CONFORMING AMENDMENTS.—The Act of June 22, 1948 (Chapter 596; 62 Stat. 571), is amended—

(1) by striking the first section and inserting the following new section:

**“SECTION 1. PRINCE WILLIAM FOREST PARK, VIRGINIA.**

“Chopawamsic Park, which was established in 1933 as Chopawamsic Recreational Demonstration Area, shall be known as ‘Prince William Forest Park’.”;

(2) in section 2—

(A) by striking “That all” and inserting “All”; and

(B) by striking “the Chopawamsic Park” and inserting “Prince William Forest Park”; and

(3) in section 3—

(A) by striking “That the Secretary of the Interior and the Secretary of the Navy be, and they are hereby” and inserting “The Secretary of the Interior is”; and

(B) by striking “the Chopawamsic Park” both places it appears and inserting “Prince William Forest Park”.

**PART III—AIR FORCE CONVEYANCES**

**SEC. 2841. MODIFICATION OF LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.**

Section 2861(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-433) is amended in the first sentence by striking “10 years” and inserting “30 years”.

**SEC. 2842. LAND EXCHANGE, BUCKLEY AIR FORCE BASE, COLORADO.**

(a) EXCHANGE AUTHORIZED.—For the purpose of facilitating the acquisition of real property suitable for the construction of military family housing for Buckley Air Force Base, Colorado, the Secretary of the Air Force may convey to the State of Colorado (in this section referred to as the “State”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of all or part of the Watkins Communications Site in Arapahoe County, Colorado.

\* \* \* \* \*

(1) The term “program or project” means, with respect to a field office of the Department of Energy, a program or project that is for weapons activities necessary for national security programs of the Department, that is being carried out by that office, and for which weapons activities funds have been authorized and appropriated.

(2) The term “weapons activities funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out weapons activities necessary for national security programs.

42 USC 7386k.

**SEC. 3631. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.**

Subject to the provisions of appropriation Acts and section 3621, amounts appropriated pursuant to a DOE national security authorization for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

Approved December 2, 2002.

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**LEGISLATIVE HISTORY—H.R. 4546 (S. 2514) (S. 2515):**

**HOUSE REPORTS:** Nos. 107-436, Pts. 1 and 2 (Comm. on Armed Services) and 107-772 (Comm. of Conference).

**SENATE REPORTS:** No. 107-151 accompanying S. 2514 (Comm. on Armed Services).

**CONGRESSIONAL RECORD, Vol. 148 (2002):**

May 9, considered and passed House.

June 27, considered and passed Senate, amended, in lieu of S. 2514.

July 25, House concurred in Senate amendment with an amendment.

Nov. 12, House agreed to conference report.

Nov. 13, Senate agreed to conference report.

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

Dec. 2, Presidential remarks and statement.



Public Law 107-315  
107th Congress

Joint Resolution

Approving the location of the commemorative work in the District of Columbia  
honoring former President John Adams.

Dec. 2, 2002  
(H.J. Res. 117)

Whereas section 8908 of title 40, United States Code, provides that the location of a commemorative work in the area described as Area I shall be deemed disapproved unless approved by law not later than 150 days after notification to Congress that the commemorative work should be located in Area I;

Whereas Public Law 107-62 (115 Stat. 411) authorized the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia to honor former President John Adams and his legacy; and

Whereas the Secretary of the Interior has notified Congress of her determination that a memorial to former President John Adams should be located in Area I: Now, therefore, be it

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

**SECTION 1. APPROVAL OF COMMEMORATIVE WORK.**

Congress approves the location for the commemorative work to honor former President John Adams and his legacy, as authorized by Public Law 107-62 (115 Stat. 411), within Area I as described in section 8908 of title 40, United States Code, subject to the limitation in section 2.

**SEC. 2. LIMITATION.**

The commemorative work approved in section 1 shall not be located within the Reserve.

**SEC. 3. DEFINITION OF RESERVE.**

In this resolution the term "Reserve" means the area of The National Mall extending from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map entitled "Commemorative Areas Washington, DC and Environs," numbered 869/86501A and dated May 1, 2002.

Approved December 2, 2002.

**LEGISLATIVE HISTORY—H.J. Res. 117:**

CONGRESSIONAL RECORD, Vol. 148 (2002):  
Nov. 14, considered and passed House.  
Nov. 20, considered and passed Senate.



Public Law 107-323  
107th Congress

An Act

To require the display of the POW/MIA flag at the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

Dec. 4, 2002  
[S. 1226]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “POW/MIA Memorial Flag Act of 2002”.

POW/MIA  
Memorial Flag  
Act of 2002.  
36 USC 101 note.

**SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.**

(a) **REQUIREMENT FOR DISPLAY.**—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking “The Korean War Veterans Memorial and the Vietnam Veterans Memorial” and inserting “The World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial”.

(b) **DAYS FOR DISPLAY.**—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) in the case of display at the World War II Memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (d)(3) of this section), any day on which the United States flag is displayed;”.

116 STAT. 2788

PUBLIC LAW 107-323—DEC. 4, 2002

36 USC 902 note.

(c) **DISPLAY ON EXISTING FLAGPOLE.**—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

Approved December 4, 2002.

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**LEGISLATIVE HISTORY—S. 1226:**

CONGRESSIONAL RECORD, Vol. 148 (2002):

Oct. 2, considered and passed Senate.

Nov. 14, considered and passed House.



Public Law 107-325  
107th Congress

An Act

Dec. 4, 2002  
[S. 1946]

To amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Old Spanish  
Trail Recognition  
Act of 2002.  
New Mexico.  
California.  
16 USC 1241  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Old Spanish Trail Recognition Act of 2002”.

**SEC. 2. AUTHORIZATION AND ADMINISTRATION.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) as paragraph (22); and

(2) by adding at the end the following:

“(23) OLD SPANISH NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Old Spanish National Historic Trail, an approximately 2,700 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848, as generally depicted on the maps numbered 1 through 9, as contained in the report entitled ‘Old Spanish Trail National Historic Trail Feasibility Study’, dated July 2001, including the Armijo Route, Northern Route, North Branch, and Mojave Road.

“(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior (referred to in this paragraph as the ‘Secretary’).

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

“(E) CONSULTATION.—The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

“(F) ADDITIONAL ROUTES.—The Secretary may designate additional routes to the trail if—

“(i) the additional routes were included in the Old Spanish Trail National Historic Trail Feasibility Study, but were not recommended for designation as a national historic trail; and

“(ii) the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.”.

Approved December 4, 2002.

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**LEGISLATIVE HISTORY—S. 1946:**

HOUSE REPORTS: No. 107-670 (Comm. on Resources).

SENATE REPORTS: No. 107-203 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Aug. 1, considered and passed Senate.

Nov. 14, considered and passed House.



Public Law 107-329  
107th Congress

An Act

To provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes.

Dec. 6, 2002  
[S. 1240]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE I—TIMPANOGOS INTERAGENCY  
LAND EXCHANGE**

16 USC 431 note.

**SEC. 101. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the facility that houses the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest can no longer properly serve the purpose of the facility;

(2) a fire destroyed the Timpanogos Cave National Monument Visitor Center and administrative office in 1991, and the temporary structure that is used for a visitor center cannot adequately serve the public; and

(3) combining the administrative office of the Pleasant Grove Ranger District with a new Timpanogos Cave National Monument visitor center and administrative office in one facility would—

- (A) facilitate interagency coordination;
- (B) serve the public better; and
- (C) improve cost effectiveness.

(b) **PURPOSES.**—The purposes of this title are—

(1) to authorize the Secretary of Agriculture to acquire by exchange non-Federal land located in Highland, Utah as the site for an interagency administrative and visitor facility;

(2) to direct the Secretary of the Interior to construct an administrative and visitor facility on the non-Federal land acquired by the Secretary of Agriculture; and

(3) to direct the Secretary of Agriculture and the Secretary of the Interior to cooperate in the development, construction, operation, and maintenance of the facility.

**SEC. 102. DEFINITIONS.**

In this title:

(1) **FACILITY.**—The term “facility” means the facility constructed under section 106 to house—

- (A) the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest; and

(B) the visitor center and administrative office of the Timpanogos Cave National Monument.

(2) **FEDERAL LAND.**—The term “Federal land” means the parcels of land and improvements to the land in the Salt Lake Meridian comprising—

(A) approximately 237 acres located in T. 5 S., R. 3 E., sec. 13, lot 1, SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , E $\frac{1}{2}$ , NW $\frac{1}{4}$  and E $\frac{1}{2}$ , SW $\frac{1}{4}$ , as depicted on the map entitled “Long Hollow-Provo Canyon Parcel”, dated March 12, 2001;

(B) approximately 0.18 acre located in T. 7 S., R. 2 E., sec. 12, NW $\frac{1}{4}$ , as depicted on the map entitled “Provo Sign and Radio Shop”, dated March 12, 2001;

(C) approximately 20 acres located in T. 3 S., R. 1 E., sec. 33, SE $\frac{1}{4}$ , as depicted on the map entitled “Corner Canyon Parcel”, dated March 12, 2001;

(D) approximately 0.18 acre located in T. 29 S., R. 7 W., sec. 15, S $\frac{1}{2}$ , as depicted on the map entitled “Beaver Administrative Site”, dated March 12, 2001;

(E) approximately 7.37 acres located in T. 7 S., R. 3 E., sec. 28, NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , as depicted on the map entitled “Springville Parcel”, dated March 12, 2001; and

(F) approximately 0.83 acre located in T. 5 S., R. 2 E., sec. 20, as depicted on the map entitled “Pleasant Grove Ranger District Parcel”, dated March 12, 2001.

(3) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of land in the Salt Lake Meridian comprising approximately 37.42 acres located at approximately 4,400 West, 11,000 North (SR-92), Highland, Utah in T. 4 S., R. 2 E., sec. 31, NW $\frac{1}{4}$ , as depicted on the map entitled “The Highland Property”, dated March 12, 2001.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

#### **SEC. 103. MAPS AND LEGAL DESCRIPTIONS.**

(a) **AVAILABILITY OF MAPS.**—The maps described in paragraphs (2) and (3) of section 102 shall be on file and available for public inspection in the Office of the Chief of the Forest Service until the date on which the land depicted on the maps is exchanged under this title.

(b) **TECHNICAL CORRECTIONS TO LEGAL DESCRIPTIONS.**—The Secretary may correct minor errors in the legal descriptions in paragraphs (2) and (3) of section 102.

#### **SEC. 104. EXCHANGE OF LAND FOR FACILITY SITE.**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary may, under such terms and conditions as the Secretary may prescribe, convey by quitclaim deed all right, title, and interest of the United States in and to the Federal land in exchange for the conveyance of the non-Federal land.

(b) **TITLE TO NON-FEDERAL LAND.**—Before the land exchange takes place under subsection (a), the Secretary shall determine that title to the non-Federal land is acceptable based on the approval standards applicable to Federal land acquisitions.

(c) **VALUATION OF NON-FEDERAL LAND.**—

(1) **DETERMINATION.**—The fair market value of the land and the improvements on the land exchanged under this title shall be determined by an appraisal that—

(A) is approved by the Secretary; and

(B) conforms with the Federal appraisal standards, as defined in the publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions".

(2) SEPARATE APPRAISALS.—

(A) IN GENERAL.—Each parcel of Federal land described in subparagraphs (A) through (F) of section 102(2) shall be appraised separately.

(B) INDIVIDUAL PROPERTY VALUES.—The property values of each parcel shall not be affected by the unit rule described in the Uniform Appraisal Standards for Federal Land Acquisitions.

(d) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may, as the circumstances require, either make or accept a cash equalization payment in excess of 25 percent of the total value of the lands or interests transferred out of Federal ownership.

(e) ADMINISTRATION OF LAND ACQUISITION BY UNITED STATES.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—On acceptance of title by the Secretary—

(i) the non-Federal land conveyed to the United States shall become part of the Uinta National Forest; and

(ii) the boundaries of the national forest shall be adjusted to include the land.

(B) ALLOCATION OF LAND AND WATER CONSERVATION FUND MONEYS.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-099), the boundaries of the national forest, as adjusted under this section, shall be considered to be boundaries of the national forest as of January 1, 1965.

(2) APPLICABLE LAW.—Subject to valid existing rights, the Secretary shall manage any land acquired under this section in accordance with—

(A) the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the "Weeks Act"); and

(B) other laws (including regulations) that apply to National Forest System land.

**SEC. 105. DISPOSITION OF FUNDS.**

(a) DEPOSIT.—The Secretary shall deposit any cash equalization funds received in the land exchange in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF FUNDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further appropriation, for the acquisition of land and interests in land for administrative sites in the State of Utah and land for the National Forest System.

**SEC. 106. CONSTRUCTION AND OPERATION OF FACILITY.**

(a) CONSTRUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after funds are made available to carry out this title, the Secretary of the Interior shall construct, and bear responsibility for all costs of construction of, a facility and all necessary infrastructure on non-Federal land acquired under section 104.

(2) **DESIGN AND SPECIFICATIONS.**—Prior to construction, the design and specifications of the facility shall be approved by the Secretary and the Secretary of the Interior.

(b) **OPERATION AND MAINTENANCE OF FACILITY.**—The facility shall be occupied, operated, and maintained jointly by the Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the National Park Service) under terms and conditions agreed to by the Secretary and the Secretary of the Interior.

**SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title.

**TITLE II—UTAH PUBLIC LANDS  
ARTIFACT PRESERVATION**

**SEC. 201. FINDINGS.**

Congress finds that—

(1) the collection of the Utah Museum of Natural History in Salt Lake City, Utah, includes more than 1,000,000 archaeological, paleontological, zoological, geological, and botanical artifacts;

(2) the collection of items housed by the Museum contains artifacts from land managed by—

(A) the Bureau of Land Management;

(B) the Bureau of Reclamation;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service; and

(E) the Forest Service;

(3) more than 75 percent of the Museum's collection was recovered from federally managed public land; and

(4) the Museum has been designated by the legislature of the State of Utah as the State museum of natural history.

**SEC. 202. DEFINITIONS.**

In this title:

(1) **MUSEUM.**—The term "Museum" means the University of Utah Museum of Natural History in Salt Lake City, Utah.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

**SEC. 203. ASSISTANCE FOR UNIVERSITY OF UTAH MUSEUM OF NATURAL HISTORY.**

Grants.

(a) **ASSISTANCE FOR MUSEUM.**—The Secretary shall make a grant to the University of Utah in Salt Lake City, Utah, to pay the Federal share of the costs of construction of a new facility for the Museum, including the design, planning, furnishing, and equipping of the Museum.

(b) **GRANT REQUIREMENTS.**—

(1) **IN GENERAL.**—To receive a grant under subsection (b), the Museum shall submit to the Secretary a proposal for the use of the grant.

(2) **FEDERAL SHARE.**—The Federal share of the costs described in subsection (a) shall not exceed 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000, to remain available until expended.

### **TITLE III—SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE BOUNDARY ADJUSTMENT**

#### **SEC. 301. BOUNDARY ADJUSTMENT.**

The first sentence of section 103(b) of the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Act of 1992 (16 U.S.C. 410tt-1(b)) is amended to read as follows: “The park shall consist of approximately 1015 acres of lands, waters, and interests in lands as generally depicted on the map entitled ‘Salt River Bay National Historical Park and Ecological Preserve, St. Croix, U.S.V.I.’, numbered 141/80002, and dated May 2, 2002.”.

Approved December 6, 2002.

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#### **LEGISLATIVE HISTORY—S. 1240 (H.R. 3928):**

HOUSE REPORTS: No. 107-669 (Comm. on Resources).

SENATE REPORTS: No. 107-178 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Aug. 1, considered and passed Senate.

Sept. 24, considered and passed House, amended.

Nov. 19, Senate concurred in House amendment.



Public Law 107-332  
107th Congress

An Act

To provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes.

Dec. 16, 2002

[H.R. 38]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Homestead National Monument of America Additions Act”.

Homestead  
National  
Monument of  
America  
Additions Act.  
16 USC 450u  
note.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Proposed Boundary Adjustment, Homestead National Monument of America, Gage County, Nebraska”, numbered 368/80036 and dated March 2000.

(2) **MONUMENT.**—The term “Monument” means the Homestead National Monument of America, Nebraska.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 3. ADDITIONS TO HOMESTEAD NATIONAL MONUMENT OF AMERICA.**

(a) **IN GENERAL.**—The Secretary may acquire, by donation or by purchase with appropriated or donated funds, from willing sellers only, the privately-owned property described in paragraphs (1) and (2) of subsection (b). The Secretary may acquire, by donation only, the State-owned property described in paragraphs (3) and (4) of subsection (b).

(b) **PARCELS.**—The parcels referred to in subsection (a) are the following:

(1) **GRAFF PROPERTY.**—The parcel consisting of approximately 15.98 acres of privately-owned land, as depicted on the map.

(2) **PIONEER ACRES GREEN.**—The parcel consisting of approximately 3 acres of privately-owned land, as depicted on the map.

(3) **SEGMENT OF STATE HIGHWAY 4.**—The parcel consisting of approximately 5.6 acres of State-owned land including Nebraska State Highway 4, as depicted on the map.

(4) **STATE TRIANGLE.**—The parcel consisting of approximately 8.3 acres of State-owned land, as depicted on the map.

(c) **BOUNDARY ADJUSTMENT.**—Upon acquisition of a parcel described in subsection (b), the Secretary shall modify the boundary of the Monument to include the parcel. Any parcel included within

the boundary shall be administered by the Secretary as part of the Monument.

(d) **DEADLINE FOR ACQUISITION OF CERTAIN PROPERTY.**—If the property described in subsection (b)(1) is not acquired by the Secretary from a willing seller within 5 years after the date of the enactment of this Act, the Secretary shall no longer be authorized to acquire such property pursuant to this Act and such property shall not become part of the Monument pursuant to this Act.

(e) **AVAILABILITY OF MAP.**—The map shall be on file in the appropriate offices of the National Park Service.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this Act \$400,000.

#### **SEC. 4. COOPERATIVE AGREEMENTS.**

The Secretary may enter into cooperative agreements with the State of Nebraska, Gage County, local units of government, private groups, and individuals for operation, maintenance, interpretation, recreation, and other purposes related to the proposed Homestead Heritage Highway to be located in the general vicinity of the Monument.

Approved December 16, 2002.

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#### **LEGISLATIVE HISTORY—H.R. 38:**

**HOUSE REPORTS:** No. 107-325 (Comm. on Resources).

**SENATE REPORTS:** No. 107-260 (Comm. on Energy and Natural Resources).

#### **CONGRESSIONAL RECORD:**

Vol. 147 (2001): Dec. 11, considered and passed House.

Vol. 148 (2002): Nov. 19, considered and passed Senate.



Public Law 107-336  
107th Congress

An Act

Dec. 16, 2002  
[H.R. 1712]

To authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BOUNDARY ADJUSTMENT OF THE NATIONAL PARK OF AMERICAN SAMOA.**

Section 2(b) of the Act entitled “An Act to establish the National Park of American Samoa” (16 U.S.C. 410qq-1(b)), approved October 31, 1988, is amended—

(1) by striking “(1)”, “(2)”, and “(3)” and inserting “(A)”, “(B)”, and “(C)”, respectively;

(2) by inserting “(1)” after “INCLUDED.—”; and

(3) by adding at the end the following new paragraph:

“(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled ‘National Park of American Samoa, Proposed Boundary Adjustment’, numbered 82,035 and dated February 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.”.

Approved December 16, 2002.

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**LEGISLATIVE HISTORY—H.R. 1712:**

HOUSE REPORTS: No. 107-372 (Comm. on Resources).

SENATE REPORTS: No. 107-270 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Mar. 19, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-337  
107th Congress

An Act

To authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

Dec. 16, 2002

[H.R. 1776]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Buffalo Bayou  
National  
Heritage Area  
Study Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Buffalo Bayou National Heritage Area Study Act”.

**SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING BUFFALO BAYOU, TEXAS.**

(a) **FINDINGS.**—The Congress finds the following:

(1) The area beginning at Shepherd Drive in west Houston, Texas, and extending to the Turning Basin, commonly referred to as the “Buffalo Bayou”, made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Buffalo Bayou is distinctive as the first spine of modern industrial development in Texas and one of the first along the Gulf of Mexico coast.

(3) The Buffalo Bayou played a significant role in the struggle for Texas independence.

(4) The Buffalo Bayou developed a prosperous and productive shipping industry that survives today.

(5) The Buffalo Bayou led in the development of Texas’ petrochemical industry that made Houston the center of the early oil boom in America.

(6) The Buffalo Bayou developed a sophisticated shipping system, leading to the formation of the modern day Houston Ship Channel.

(7) The Buffalo Bayou developed a significant industrial base, and served as the focal point for the new city of Houston.

(8) There is a longstanding commitment by the Buffalo Bayou Partnership, Inc., to complete the Buffalo Bayou Trail along the 12-mile segment of the Buffalo Bayou.

(9) There is a need for assistance for the preservation and promotion of the significance of the Buffalo Bayou as a system for transportation, industry, commerce, and immigration.

(10) The Department of the Interior is responsible for protecting the Nation’s cultural and historical resources. There are significant examples of such resources within the Buffalo

Bayou region to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Buffalo Bayou Partnership, Inc., the State of Texas, and other local and governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Texas, the City of Houston, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of sites in Houston, Texas, in an area roughly bounded by Shepherd Drive and extending to the Turning Basin, commonly referred to as the "Buffalo Bayou".

(d) SUBMISSION OF STUDY RESULTS.—Not later than 3 years after funds are first made available for this section, the Secretary

Deadline.  
Reports.

shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

Approved December 16, 2002.

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**LEGISLATIVE HISTORY—H.R. 1776:**

**HOUSE REPORTS:** No. 107-256 (Comm. on Resources).

**SENATE REPORTS:** No. 107-262 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Oct. 30, considered and passed House.

Vol. 148 (2002): Nov. 19, considered and passed Senate.



Public Law 107-338  
107th Congress

An Act

Dec. 16, 2002  
[H.R. 1814]

Metacomet-  
Monadnock-  
Mattabesett Trail  
Study Act of  
2002.  
16 USC 1241  
note.

Deadline.  
16 USC 1244  
note.

To amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Metacomet-Monadnock-Mattabesett Trail Study Act of 2002”.

**SEC. 2. DESIGNATION OF METACOMET-MONADNOCK-MATTABESETT TRAIL FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM.**

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

“( ) METACOMET-MONADNOCK-MATTABESETT TRAIL.—The Metacomet-Monadnock-Mattabesett Trail, a system of trails and potential trails extending southward approximately 180 miles through western Massachusetts on the Metacomet-Monadnock Trail, across central Connecticut on the Metacomet Trail and the Mattabesett Trail, and ending at Long Island Sound.”

**SEC. 3. EXPEDITED REPORT TO CONGRESS.**

Notwithstanding the fourth sentence of section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), the Secretary of the Interior shall submit the study required by the amendment made by section 2 to Congress not later than 2 years after the date of the enactment of this Act.

Approved December 16, 2002.

**LEGISLATIVE HISTORY—H.R. 1814:**

HOUSE REPORTS: No. 107-224 (Comm. on Resources).

SENATE REPORTS: No. 107-263 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Oct. 23, considered and passed House.

Vol. 148 (2002): Nov. 19, considered and passed Senate.



Public Law 107-340  
107th Congress

An Act

To amend the Act that established the Pu'uhonua o Hōnaunau National Historical Park to expand the boundaries of that park.

Dec. 16, 2002  
[H.R. 1906]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Pu'uhonua o Hōnaunau National Historical Park Addition Act of 2002”.

**SEC. 2. ADDITIONS TO PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.**

The first section of the Act of July 26, 1955 (69 Stat. 376, ch. 385; 16 U.S.C. 397), is amended—

(1) by striking “That, when” and inserting the following:

“SECTION 1. (a) When”; and

(2) by adding at the end thereof the following new subsections:

“(b) The boundaries of Pu'uhonua o Hōnaunau National Historical Park are hereby modified to include approximately 238 acres of lands and interests therein within the area identified as ‘Parcel A’ on the map entitled ‘Pu'uhonua o Hōnaunau National Historical Park Proposed Boundary Additions, Ki'īlae Village’, numbered PUHO-P 415/82,013 and dated May, 2001.

“(c) The Secretary of the Interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as ‘Parcel B’ on the map referenced in subsection (b). Upon the acquisition of such lands or interests therein, the Secretary shall modify the boundaries of Pu'uhonua o Hōnaunau National Historical Park to include such lands or interests therein.”.

**SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved December 16, 2002.

**LEGISLATIVE HISTORY—H.R. 1906 (S. 1057):**

**HOUSE REPORTS:** Nos. 107-435 and 107-614, accompanying S. 1057, (both from Comm. on Resources).

**SENATE REPORTS:** Nos. 107-272 and 107-71, accompanying S. 1057, (both from Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD, Vol. 148 (2002):**

June 17, considered and passed House.

Nov. 19, considered and passed Senate.



Pu'uhonua o  
Hōnaunau  
National  
Historical Park  
Addition Act of  
2002  
16 USC 397 note.

Public Law 107-341  
107th Congress

An Act

Dec. 16, 2002  
[H.R. 1925]

To direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STUDY AND REPORT REGARDING WACO MAMMOTH SITE AREA.**

(a) **STUDY.**—The Secretary of the Interior, in consultation with the State of Texas, the city of Waco, and other appropriate organizations, shall carry out a special resource study regarding the national significance, suitability, and feasibility of designating the Waco Mammoth Site Area located in the city of Waco, Texas, as a unit of the National Park System.

Applicability.

(b) **STUDY PROCESS AND COMPLETION.**—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study required by this section.

Deadline.

**SEC. 2. SUBMISSION OF STUDY RESULTS.**

Not later than 3 years after funds are first made available for this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

Approved December 16, 2002.

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**LEGISLATIVE HISTORY—H.R. 1925:**

HOUSE REPORTS: No. 107-317 (Comm. on Resources).

SENATE REPORTS: No. 107-264 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

May 14, considered and passed House.  
Nov. 19, considered and passed Senate.



Public Law 107-342  
107th Congress

An Act

To amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve.

Dec. 17, 2002  
[H.R. 2099]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCREASE IN AUTHORIZATION FOR RESERVE.**

Section 502(d) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 461 note; 110 Stat. 4154) is amended by striking “\$5,000,000” and all that follows through the period and inserting “\$15,000,000 for development costs associated with capital projects consistent with the cooperative management plan, except that the Federal share of such development costs shall not exceed 50 percent of the total costs.”.

Approved December 17, 2002.

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**LEGISLATIVE HISTORY—H.R. 2099 (S. 1649):**

**HOUSE REPORTS:** No. 107-627 (Comm. on Resources).

**SENATE REPORTS:** No. 107-193 accompanying S. 1649 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD,** Vol. 148 (2002):

Sept. 24, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-343  
107th Congress

An Act

Dec. 17, 2002  
[H.R. 2109]

To authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STUDY AND CRITERIA.**

(a) **STUDY.**—The Secretary of the Interior (in this Act referred to as “the Secretary”) shall conduct a study of Virginia Key Beach Park in Biscayne Bay, Florida, which was used for recreation by African Americans at a time when public beaches were racially segregated by law. The study shall evaluate the national significance of the site and the suitability and feasibility of establishing the site as a unit of the National Park System.

(b) **CRITERIA.**—In conducting the study required by subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5; popularly known as the National Park System General Authorities Act).

**SEC. 2. REPORT.**

Upon completion of the study, the Secretary shall transmit to the Congress a report on the findings of the study and the conclusions and recommendations of the Secretary.

Approved December 17, 2002.

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**LEGISLATIVE HISTORY—H.R. 2109:**

HOUSE REPORTS: No. 107-390 (Comm. on Resources).

SENATE REPORTS: No. 107-273 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Apr. 30, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-348  
107th Congress

An Act

To direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes.

Dec. 17, 2002  
[H.R. 2628]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Muscle Shoals National Heritage Area Study Act of 2002”.

Muscle Shoals  
National  
Heritage Area  
Study Act of  
2002.

**SEC. 2. STUDY.**

The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in section 3 as the Muscle Shoals National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

- (1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;
- (2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;
- (3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;
- (4) provides outstanding recreational and educational opportunities;
- (5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;
- (6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;
- (7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage

area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

**SEC. 3. BOUNDARIES OF THE STUDY AREA.**

The study area referred to in section 2 shall be comprised of the following:

(1) The part of the Tennessee River's watershed in northern Alabama.

(2) The cities of Florence, Sheffield, Tuscumbia, and Muscle Shoals City, Alabama.

(3) The towns of Anderson, Cherokee, Courtland, Leighton, Lexington, Littleville, Red Bay, Rogersville, Russellville, Town Creek, and Waterloo, Alabama, and their environs.

(4) Colbert, Lauderdale, Franklin, and Lawrence Counties, Alabama.

(5) Other areas that have heritage aspects that are similar to those aspects that are in the areas described in paragraphs (1) through (4) and which are adjacent to or in the vicinity of those areas.

Deadline.

**SEC. 4. REPORT.**

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

Approved December 17, 2002.

**LEGISLATIVE HISTORY—H.R. 2628:**

HOUSE REPORTS: No. 107-398 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Apr. 30, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-354  
107th Congress

An Act

Dec. 17, 2002  
[H.R. 3449]

To revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 442 note.

**SECTION 1. ADDITION TO NATIONAL MONUMENT.**

The boundaries of the George Washington Birthplace National Monument (hereinafter referred to as the "National Monument") are hereby modified to include the area comprising approximately 115 acres, as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 332/80,023 and dated October 2001, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

16 USC 442 note.

**SEC. 2. ACQUISITION OF LANDS.**

Within the boundaries of the National Monument, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, or interests therein, from willing owners by donation, purchase with donated money or appropriated funds, or exchange.

16 USC 442 note.

**SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.**

In administering the National Monument, the Secretary shall take actions necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity and their contemporaries, and 18th century plantation life and society.

Approved December 17, 2002.

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**LEGISLATIVE HISTORY—H.R. 3449 (S. 1943):**

HOUSE REPORTS: No. 107-631 (Comm. on Resources).

SENATE REPORTS: No. 107-267 accompanying S. 1943 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Sept. 24, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-356  
107th Congress

An Act

To modify the boundaries of the New River Gorge National River, West Virginia.

Dec. 17, 2002

[H.R. 3858]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

New River Gorge  
Boundary Act of  
2002.  
16 USC 460m-15  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “New River Gorge Boundary Act of 2002”.

**SEC. 2. NEW RIVER GORGE NATIONAL RIVER BOUNDARY MODIFICATIONS.**

(a) **BOUNDARY MODIFICATION.**—Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-15) is amended by striking “NERI-80,028A, dated March 1996” and inserting “NERI 80,034, dated May 2001”.

(b) **LAND EXCHANGE.**—

16 USC 460m-15  
note.

(1) **IN GENERAL.**—The Secretary of the Interior shall complete a fee simple land exchange in the vicinity of Beauty Mountain, Fayette County, West Virginia, to acquire a tract of land identified as NERI Tract Number 150-07 that lies adjacent to the boundary of the New River Gorge National River in exchange for a tract of land identified as NERI Tract Number 150-08 located within such boundary.

(2) **TREATMENT OF EXCHANGED LANDS.**—Upon the completion of such land exchange—

(A) the land acquired by the United States in the exchange shall be included in the boundaries, and administered as part, of the New River Gorge National River; and

(B) the land conveyed by the United States in the exchange shall be excluded from the boundaries, and shall not be administered as part, of the New River Gorge National River.

Approved December 17, 2002.

**LEGISLATIVE HISTORY—H.R. 3858:**

HOUSE REPORTS: No. 107-509 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

June 24, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-357  
107th Congress

An Act

Dec. 17, 2002  
[H.R. 4692]

To amend the Act entitled "An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", to provide for the addition of certain donated lands to the Andersonville National Historic Site.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL LANDS AUTHORIZED TO BE ADDED TO HISTORIC SITE.**

The first section of the Act entitled "An Act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", approved October 16, 1970, is amended by striking "five hundred acres" and inserting "520 acres".

16 USC 461 note.

Approved December 17, 2002.

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**LEGISLATIVE HISTORY—H.R. 4692:**

HOUSE REPORTS: No. 107-712 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Oct. 1, considered and passed House.

Nov. 20, considered and passed Senate.



Public Law 107-359  
107th Congress

An Act

Dec. 17, 2002  
[H.R. 5125]

To amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

Civil War  
Battlefield  
Preservation Act  
of 2002.  
16 USC 469k  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Civil War Battlefield Preservation Act of 2002”.

16 USC 469k  
note.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.

(2) According to the Report on the Nation’s Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

**SEC. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM.**

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) by redesignating subsection (d) as paragraph (3) of subsection (c), and indenting appropriately;

(2) in paragraph (3) of subsection (c) (as redesignated by paragraph (1))—

(A) by striking “APPROPRIATIONS” and inserting “APPROPRIATIONS”; and

(B) by striking “section” and inserting “subsection”;

(3) by inserting after subsection (c) the following:

**“(d) BATTLEFIELD ACQUISITION GRANT PROGRAM.—****“(1) DEFINITIONS.—**In this subsection:**“(A) BATTLEFIELD REPORT.—**The term ‘Battlefield Report’ means the document entitled ‘Report on the Nation’s Civil War Battlefields’, prepared by the Civil War Sites Advisory Commission, and dated July 1993.**“(B) ELIGIBLE ENTITY.—**The term ‘eligible entity’ means a State or local government.**“(C) ELIGIBLE SITE.—**The term ‘eligible site’ means a site—

“(i) that is not within the exterior boundaries of a unit of the National Park System; and

“(ii) that is identified in the Battlefield Report.

**“(D) SECRETARY.—**The term ‘Secretary’ means the Secretary of the Interior, acting through the American Battlefield Protection Program.**“(2) ESTABLISHMENT.—**The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.**“(3) NONPROFIT PARTNERS.—**An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.**“(4) NON-FEDERAL SHARE.—**The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.**“(5) LIMITATION ON LAND USE.—**An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).**“(6) REPORTS.—**

Deadlines.

**“(A) IN GENERAL.—**Not later than 5 years after the date of the enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.**“(B) UPDATE OF BATTLEFIELD REPORT.—**Not later than 2 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect—

“(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;

“(ii) changes in the condition of the battlefields during that period; and

“(iii) any other relevant developments relating to the battlefields during that period.

**“(7) AUTHORIZATION OF APPROPRIATIONS.—****“(A) IN GENERAL.—**There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection \$10,000,000 for each of fiscal years 2004 through 2008.**“(B) UPDATE OF BATTLEFIELD REPORT.—**There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), \$500,000.”; and

(4) in subsection (e)—

116 STAT. 3018

PUBLIC LAW 107-359—DEC. 17, 2002

(A) in paragraph (1), by striking “as of” and all that follows through the period and inserting “on September 30, 2008.”; and

(B) in paragraph (2), by inserting “and provide battle-field acquisition grants” after “studies”.

Approved December 17, 2002.

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**LEGISLATIVE HISTORY—H.R. 5125:**

**HOUSE REPORTS:** No. 107-710 (Comm. on Resources).

**CONGRESSIONAL RECORD,** Vol. 148 (2002):

Oct. 1, considered and passed House.

Nov. 20, considered and passed Senate.

○

Public Law 107-363  
107th Congress

An Act

Dec. 19, 2002  
[H.R. 3747]

To direct the Secretary of the Interior to conduct a study of the site commonly known as Eagledale Ferry Dock at Taylor Avenue in the State of Washington for potential inclusion in the National Park System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Bainbridge  
Island Japanese-  
American  
Memorial Study  
Act of 2002.

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “Bainbridge Island Japanese-American Memorial Study Act of 2002”.

(b) FINDINGS.—The Congress finds the following:

(1) During World War II on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066, setting in motion the forced exile of more than 110,000 Japanese Americans.

(2) In Washington State, 12,892 men, women and children of Japanese ancestry experienced three years of incarceration, an incarceration violating the most basic freedoms of American citizens.

(3) On March 30, 1942, 227 Bainbridge Island residents were the first Japanese Americans in United States history to be forcibly removed from their homes by the U.S. Army and sent to internment camps. They boarded the ferry Kehloken from the former Eagledale Ferry Dock, located at the end of Taylor Avenue, in the city of Bainbridge Island, Washington State.

(4) The city of Bainbridge Island has adopted a resolution stating that this site should be a National Memorial, and similar resolutions have been introduced in the Washington State Legislature.

(5) Both the Minidoka National Monument and Manzanar National Historic Site can clearly tell the story of a time in our Nation’s history when constitutional rights were ignored. These camps by design were placed in very remote places and are not easily accessible. Bainbridge Island is a short ferry ride from Seattle and the site would be within easy reach of many more people.

(6) This is a unique opportunity to create a site that will honor those who suffered, cherish the friends and community who stood beside them and welcomed them home, and inspire all to stand firm in the event our nation again succumbs to similar fears.

(7) The site should be recognized by the National Park Service based on its high degree of national significance, association with significant events, and integrity of its location

and setting. This site is critical as an anchor for future efforts to identify, interpret, serve, and ultimately honor the Nikkei—persons of Japanese ancestry—influence on Bainbridge Island.

**SEC. 2. EAGLEDALE FERRY DOCK LOCATION AT TAYLOR AVENUE STUDY AND REPORT.**

(a) **STUDY.**—The Secretary of the Interior shall carry out a special resource study regarding the national significance, suitability, and feasibility of designating as a unit of the National Park System the property commonly known as the Eagledale Ferry Dock at Taylor Avenue and the historical events associated with it, located in the town of Bainbridge Island, Kitsap County, Washington.

(b) **REPORT.**—Not later than 1 year after funds are first made available for the study under subsection (a), the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study. Deadline.

(c) **REQUIREMENTS FOR STUDY.**—Except as otherwise provided in this section, the study under subsection (a) shall be conducted in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

Approved December 19, 2002.

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**LEGISLATIVE HISTORY—H.R. 3747: (S. 1894) (S. 1959)**

**HOUSE REPORTS:** No. 107-690 (Comm. on Resources).

**SENATE REPORTS:** No. 107-196 accompanying S. 1894 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD,** Vol. 148 (2002):

Nov. 14, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-369  
107th Congress

An Act

To revise the boundary of the Allegheny Portage Railroad National Historic Site,  
and for other purposes.

Dec. 19, 2002

[H.R. 4682]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

Allegheny  
Portage Railroad  
National Historic  
Site Boundary  
Revision Act.  
Pennsylvania.  
16 USC 461 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Allegheny Portage Railroad  
National Historic Site Boundary Revision Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **HISTORIC SITE.**—The term “historic site” means the  
Allegheny Portage Railroad National Historic Site in Blair and  
Cambria Counties, Pennsylvania, established pursuant to  
Public Law 88-546 (78 Stat. 752; 16 U.S.C. 461 note).

(2) **MAP.**—The term “Map” means the map entitled “Alle-  
gheny Portage Railroad National Historic Site, Blair and  
Cambria Counties, Pennsylvania”, numbered NERO 423/80,014  
and dated May 01.

(3) **SECRETARY.**—The term “Secretary” means the Secretary  
of the Interior, acting through the Director of the National  
Park Service.

**SEC. 3. REVISION OF HISTORIC SITE BOUNDARIES.**

(a) **LANDS EXCLUDED FROM AND ADDED TO HISTORIC SITE.**—  
The boundary of the historic site is hereby revised—

(1) by deleting—

(A) the approximately 3.09 acres depicted on the Map  
as tracts 105-21 and 105-15; and

(B) the approximately 7.26 acres depicted on the Map  
as tract 102-42; and

(2) by adding—

(A) the approximately 42.42 acres depicted on the map  
as tract 101-09; and

(B) the approximately 15 acres depicted on the map  
as tract 104-07.

(b) **AUTHORIZATION FOR ACQUISITIONS.**—

(1) **ACQUISITION 1.**—

(A) **IN GENERAL.**—The Secretary is authorized to  
acquire, from willing owners only, the approximately 98  
acres depicted on the Map as tract 103-07 in exchange  
for the approximately 108 acres depicted on the Map as  
tracts 102-38 and 103-04.

(B) **EQUALIZATION OF VALUES.**—If the values of the tracts to be exchanged under subparagraph (A) are not equal, the difference may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional land.

(2) **ACQUISITION 2.**—The Secretary is authorized to acquire by exchange or donation, from willing owners only, the lands included within the boundary of the tract described in subsection (a)(2)(B).

(c) **REVISION OF BOUNDARIES AFTER ACQUISITIONS.**—Upon completion of the exchange under subsection (b)(1), the boundaries of the historic site shall be revised, as appropriate—

(1) by adding the land acquired by the United States; and

(2) by deleting the land that is no longer owned by the United States.

**SEC. 4. AVAILABILITY OF MAP.**

A copy of the Map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

**SEC. 5. ADMINISTRATION OF ACQUIRED LANDS.**

Lands and interests in lands added to the historic site under this Act shall be administered by the Secretary as part of the historic site in accordance with applicable laws and regulations.

Approved December 19, 2002.

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**LEGISLATIVE HISTORY—H.R. 4682:**

HOUSE REPORTS: No. 107-634 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Sept. 24, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-370  
107th Congress

An Act

To designate certain lands in the State of California as components of the National Wilderness Preservation System, and for other purposes.

Dec. 19, 2002  
[H.R. 4750]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Big Sur  
Wilderness and  
Conservation Act  
of 2002.

**SECTION 1. SHORT TITLE AND DEFINITIONS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Big Sur Wilderness and Conservation Act of 2002”.

(b) **DEFINITIONS.**—As used in this Act, the term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

**SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.**

(a) **ADDITIONS TO VENTANA WILDERNESS.**—

16 USC 1132  
note.

(1) **IN GENERAL.**—The areas described in paragraph (2)—

(A) are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System; and

(B) are hereby incorporated in and shall be deemed to be a part of the Ventana Wilderness designated by Public Law 91-58.

(2) **AREAS DESCRIBED.**—The areas referred to in paragraph

(1) are the following lands in the State of California administered by the Bureau of Land Management or the United States Forest Service:

(A) Certain lands which comprise approximately 995 acres, as generally depicted on a map entitled “Anastasia Canyon Proposed Wilderness Additions to the Ventana Wilderness” and dated March 22, 2002.

(B) Certain lands which comprise approximately 3,530 acres, as generally depicted on a map entitled “Arroyo Seco Corridor Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(C) Certain lands which comprise approximately 14,550 acres, as generally depicted on a map entitled “Bear Canyon Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(D) Certain lands which comprise approximately 855 acres, as generally depicted on a map entitled “Black Rock Proposed Wilderness Additions to the Ventana Wilderness” and dated March 22, 2002.

(E) Certain lands which comprise approximately 6,550 acres, as generally depicted on a map entitled “Chalk Peak

Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(F) Certain lands which comprise approximately 1,345 acres, as generally depicted on a map entitled “Chews Ridge Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(G) Certain lands which comprise approximately 2,130 acres, as generally depicted on a map entitled “Coast Ridge Proposed Wilderness Additions to the Ventana Wilderness” and dated March 22, 2002.

(H) Certain lands which comprise approximately 2,270 acres, as generally depicted on a map entitled “Horse Canyon Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(I) Certain lands which comprise approximately 755 acres, as generally depicted on a map entitled “Little Sur Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

(J) Certain lands which comprise approximately 4,130 acres, as generally depicted on a map entitled “San Antonio Proposed Wilderness Addition to the Ventana Wilderness” and dated March 22, 2002.

16 USC 1132  
note.

(b) ADDITIONS TO SILVER PEAK WILDERNESS.—

(1) IN GENERAL.—The areas described in paragraph (2)—

(A) are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System; and

(B) are hereby incorporated in and shall be deemed to be a part of the Silver Peak Wilderness designated by Public Law 102-301.

(2) AREAS DESCRIBED.—The areas referred to in paragraph (1) are the following lands in the State of California administered by the United States Forest Service:

(A) Certain lands which comprise approximately 8,235 acres, as generally depicted on a map entitled “San Carpofofo Proposed Wilderness Addition to the Silver Peak Wilderness” and dated March 22, 2002.

(B) Certain lands which comprise approximately 8,820 acres, as generally depicted on a map entitled “Willow Creek Proposed Wilderness Addition to the Silver Peak Wilderness” and dated March 22, 2002.

16 USC 1132  
note.

→(c) ADDITIONS TO PINNACLES WILDERNESS.—

(1) IN GENERAL.—The areas described in paragraph (2)—

(A) are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System; and

(B) are hereby incorporated in and shall be deemed to be a part of the Pinnacles Wilderness designated by Public Law 94-567.

(2) AREAS DESCRIBED.—The areas referred to in paragraph (1) are the lands in the State of California administered by the National Park Service which comprise approximately 2,715 acres, as generally depicted on a map entitled “Pinnacles Proposed Wilderness Additions” and dated October 30, 2001.

(d) MAPS AND DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map

and a boundary description of each area designated as wilderness by this Act with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps.

(3) AVAILABILITY.—Such maps and boundary descriptions shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the Office of the Chief of the Forest Service, as appropriate.

(e) STATE AND PRIVATE LANDS.—Lands within the exterior boundaries of any area added to a wilderness area under this section that are owned by the State or by a private entity shall be included within such wilderness area if such lands are acquired by the United States. Such lands may be acquired by the United States only as provided in the Wilderness Act (16 U.S.C. 1131 and following).

### SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(b) GRAZING.—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and, the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(c) STATE JURISDICTION.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of California with respect to wildlife and fish in California.

(d) WATER.—

(1) RESERVATION OF WATER.—With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved rights shall be the date of enactment of this Act.

(2) REQUIREMENT TO PROTECT RIGHTS.—The appropriate Secretary and all other officers of the United States shall take steps necessary to protect the rights reserved by paragraph (1), including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with the McCarran Amendment (43 U.S.C. 666).

(3) NO REDUCTION OR RELINQUISHMENT.—Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States

\* \* \* \* \*

**SEC. 8. SILVER PEAK WILDERNESS WATER SYSTEM SPLIT.**

The Secretary of Agriculture may authorize the construction and maintenance of a new water line and corresponding spring box improvements adjacent to an existing domestic water service in the Silver Peak Wilderness.

Approved December 19, 2002.

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**LEGISLATIVE HISTORY—H.R. 4750:**

**CONGRESSIONAL RECORD**, Vol. 148 (2002):

Nov. 14, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 107-373  
107th Congress

An Act

Dec. 19, 2002  
[H.R. 4944]

To designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Cedar Creek and  
Belle Grove  
National  
Historical Park  
Act.  
Virginia.  
16 USC 410iii  
note.  
USC 410iii.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Cedar Creek and Belle Grove National Historical Park Act".

**SEC. 2. PURPOSE.**

The purpose of this Act is to establish the Cedar Creek and Belle Grove National Historical Park in order to—

(1) help preserve, protect, and interpret a nationally significant Civil War landscape and antebellum plantation for the education, inspiration, and benefit of present and future generations;

(2) tell the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond, and the Battle of Cedar Creek and its significance in the conduct of the war in the Shenandoah Valley;

(3) preserve the significant historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas through partnerships with local landowners and the community; and

(4) serve as a focal point to recognize and interpret important events and geographic locations within the Shenandoah Valley Battlefields National Historic District representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864.

16 USC 410iii-1. **SEC. 3. FINDINGS.**

Congress finds the following:

(1) The Battle of Cedar Creek, also known as the battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Civil War's Shenandoah Valley campaign of 1864 and contributed to the reelection of President Abraham Lincoln and the eventual outcome of the war.

(2) 2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their ability to illustrate and interpret important eras and events in the history of the United States. The Cedar Creek Battlefield, Belle Grove Manor House, the

Heater House, and Harmony Hall (a National Historic Landmark) are also listed on the Virginia Landmarks Register.

(3) The Secretary of the Interior has approved the Shenandoah Valley Battlefields National Historic District Management Plan and the National Park Service Special Resource Study, both of which recognized Cedar Creek Battlefield as the most significant Civil War resource within the historic district. The management plan, which was developed with extensive public participation over a 3-year period and is administered by the Shenandoah Valley Battlefields Foundation, recommends that Cedar Creek Battlefield be established as a new unit of the National Park System.

(4) The Cedar Creek Battlefield Foundation, organized in 1988 to preserve and interpret the Cedar Creek Battlefield and the 1864 Valley Campaign, has acquired 308 acres of land within the boundaries of the National Historic Landmark. The foundation annually hosts a major reenactment and living history event on the Cedar Creek Battlefield.

(5) Belle Grove Plantation is a Historic Site of the National Trust for Historic Preservation that occupies 383 acres within the National Historic Landmark. The Belle Grove Manor House was built by Isaac Hite, a Revolutionary War patriot married to the sister of President James Madison, who was a frequent visitor at Belle Grove. President Thomas Jefferson assisted with the design of the house. During the Civil War Belle Grove was at the center of the decisive battle of Cedar Creek. Belle Grove is managed locally by Belle Grove, Incorporated, and has been open to the public since 1967. The house has remained virtually unchanged since it was built in 1797, offering visitors an experience of the life and times of the people who lived there in the 18th and 19th centuries.

(6) The panoramic views of the mountains, natural areas, and waterways provide visitors with an inspiring setting of great natural beauty. The historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas are nationally and regionally significant.

(7) The existing, independent, not-for-profit organizations dedicated to the protection and interpretation of the resources described above provide the foundation for public-private partnerships to further the success of protecting, preserving, and interpreting these resources.

(8) None of these resources, sites, or stories of the Shenandoah Valley are protected by or interpreted within the National Park System.

#### SEC. 4. DEFINITIONS.

16 USC 410iii-2.

In this Act:

(1) COMMISSION.—The term “Commission” means the Cedar Creek and Belle Grove National Historical Park Advisory Commission established by section 9.

(2) MAP.—The term “Map” means the map entitled “Boundary Map Cedar Creek and Belle Grove National Historical Park”, numbered CEBE-80,001, and dated September 2002.

(3) PARK.—The term “Park” means the Cedar Creek and Belle Grove National Historical Park established under section 5 and depicted on the Map.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

16 USC 410iii-3. **SEC. 5. ESTABLISHMENT OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.**

(a) ESTABLISHMENT.—There is established the Cedar Creek and Belle Grove National Historical Park, consisting of approximately 3,000 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

16 USC 410iii-4. **SEC. 6. ACQUISITION OF PROPERTY.**

(a) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly acquired land within the boundary; and

(2) administer newly acquired land subject to applicable laws (including regulations).

(c) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Park.

(d) CONSERVATION EASEMENTS AND COVENANTS.—The Secretary is authorized to acquire conservation easements and enter into covenants regarding lands in or adjacent to the Park from willing sellers only. Such conservation easements and covenants shall have the effect of protecting the scenic, natural, and historic resources on adjacent lands and preserving the natural or historic setting of the Park when viewed from within or outside the Park.

(e) SUPPORT FACILITIES.—The National Park Service is authorized to acquire from willing sellers, land outside the Park boundary but in close proximity to the Park, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

16 USC 410iii-5. **SEC. 7. ADMINISTRATION.**

The Secretary shall administer the Park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including—

(1) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

16 USC 410iii-6. **SEC. 8. MANAGEMENT OF PARK.**

(a) MANAGEMENT PLAN.—The Secretary, in consultation with the Commission, shall prepare a management plan for the Park. In particular, the management plan shall contain provisions to address the needs of owners of non-Federal land, including independent nonprofit organizations within the boundaries of the Park.

Deadline.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall

submit the management plan for the Park to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

**SEC. 9. CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK ADVISORY COMMISSION.** 16 USC 410iii-7.

(a) **ESTABLISHMENT.**—There is established the Cedar Creek and Belle Grove National Historical Park Advisory Commission.

(b) **DUTIES.**—The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 8; and

(2) advise the Secretary with respect to the identification of sites of significance outside the Park boundary deemed necessary to fulfill the purposes of this Act.

(c) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of 15 members appointed by the Secretary so as to include the following:

(A) 1 representative from the Commonwealth of Virginia.

(B) 1 representative each from the local governments of Strasburg, Middletown, Frederick County, Shenandoah County, and Warren County.

(C) 2 representatives of private landowners within the Park.

(D) 1 representative from a citizen interest group.

(E) 1 representative from the Cedar Creek Battlefield Foundation.

(F) 1 representative from Belle Grove, Incorporated.

(G) 1 representative from the National Trust for Historic Preservation.

(H) 1 representative from the Shenandoah Valley Battlefields Foundation.

(I) 1 ex-officio representative from the National Park Service.

(J) 1 ex-officio representative from the United States Forest Service.

(2) **CHAIRPERSON.**—The Chairperson of the Commission shall be elected by the members to serve a term of one year renewable for one additional year.

(3) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) **TERMS OF SERVICE.**—

(A) **IN GENERAL.**—Each member shall be appointed for a term of 3 years and may be reappointed for not more than 2 successive terms.

(B) **INITIAL MEMBERS.**—Of the members first appointed under paragraph (1), the Secretary shall appoint—

(i) 4 members for a term of 1 year;

(ii) 5 members for a term of 2 years; and

(iii) 6 members for a term of 3 years.

(5) **EXTENDED SERVICE.**—A member may serve after the expiration of that member's term until a successor has taken office.

(6) MAJORITY RULE.—The Commission shall act and advise by affirmative vote of a majority of its members.

(7) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or a majority of the members of the Commission.

(8) QUORUM.—8 members shall constitute a quorum.

(d) COMPENSATION.—Members shall serve without pay. Members who are full-time officers or employees of the United States, the Commonwealth of Virginia, or any political subdivision thereof shall receive no additional pay on account of their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) HEARINGS; PUBLIC INVOLVEMENT.—The Commission may, for purposes of carrying out this Act, hold such hearings, sit and act at such times and places, take such public testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

16 USC 410iii-8. **SEC. 10. CONSERVATION OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.**

(a) ENCOURAGEMENT OF CONSERVATION.—The Secretary and the Commission shall encourage conservation of the historic and natural resources within and in proximity of the Park by land-owners, local governments, organizations, and businesses.

(b) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to local governments, in cooperative efforts which complement the values of the Park.

(c) COOPERATION BY FEDERAL AGENCIES.—Any Federal entity conducting or supporting activities directly affecting the Park shall consult, cooperate, and, to the maximum extent practicable, coordinate its activities with the Secretary in a manner that—

(1) is consistent with the purposes of this Act and the standards and criteria established pursuant to the general management plan developed pursuant to section 8;

(2) is not likely to have an adverse effect on the resources of the Park; and

(3) is likely to provide for full public participation in order to consider the views of all interested parties.

16 USC 410iii-9. **SEC. 11. ENDOWMENT.**

(a) IN GENERAL.—In accordance with the provisions of subsection (b), the Secretary is authorized to receive and expend funds from an endowment to be established with the National Park Foundation, or its successors and assigns.

(b) CONDITIONS.—Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Secretary, in consultation with the Commission, may designate for the interpretation, preservation, and maintenance of the Park resources and public access areas. No expenditure shall be made pursuant to this section unless the Secretary determines that such expenditure is consistent with the purposes of this Act.

**SEC. 12. COOPERATIVE AGREEMENTS.**16 USC  
410iii-10.

(a) **IN GENERAL.**—In order to further the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with interested public and private entities and individuals (including the National Trust for Historic Preservation, Belle Grove, Inc., the Cedar Creek Battlefield Foundation, the Shenandoah Valley Battlefields Foundation, and the Counties of Frederick, Shenandoah, and Warren), through technical and financial assistance, including encouraging the conservation of historic and natural resources of the Park.

(b) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide to any person, organization, or governmental entity technical and financial assistance for the purposes of this Act, including the following:

- (1) Preserving historic structures within the Park.
- (2) Maintaining the natural or cultural landscape of the Park.
- (3) Local preservation planning, interpretation, and management of public visitation for the Park.
- (4) Furthering the goals of the Shenandoah Valley Battlefields Foundation related to the Park.

**SEC. 13. ROLES OF KEY PARTNER ORGANIZATIONS.**16 USC  
410iii-11.

(a) **IN GENERAL.**—In recognition that central portions of the Park are presently owned and operated for the benefit of the public by key partner organizations, the Secretary shall acknowledge and support the continued participation of these partner organizations in the management of the Park.

(b) **PARK PARTNERS.**—Roles of the current key partners include the following:

(1) **CEDAR CREEK BATTLEFIELD FOUNDATION.**—The Cedar Creek Battlefield Foundation may—

(A) continue to own, operate, and manage the lands acquired by the Foundation within the Park;

(B) continue to conduct reenactments and other events within the Park; and

(C) transfer ownership interest in portions of their land to the National Park Service by donation, sale, or other means that meet the legal requirements of National Park Service land acquisitions.

(2) **NATIONAL TRUST FOR HISTORIC PRESERVATION AND BELLE GROVE INCORPORATED.**—The National Trust for Historic Preservation and Belle Grove Incorporated may continue to own, operate, and manage Belle Grove Plantation and its structures and grounds within the Park boundary. Belle Grove Incorporated may continue to own the house and grounds known as Bowman's Fort or Harmony Hall for the purpose of permanent preservation, with a long-term goal of opening the property to the public.

(3) **SHENANDOAH COUNTY.**—Shenandoah County may continue to own, operate, and manage the Keister park site within the Park for the benefit of the public.

(4) **PARK COMMUNITY PARTNERS.**—The Secretary shall cooperate with the Park's adjacent historic towns of Strasburg and Middletown, Virginia, as well as Frederick, Shenandoah, and Warren counties in furthering the purposes of the Park.

(5) SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION.—The Shenandoah Valley Battlefields Foundation may continue to administer and manage the Shenandoah Valley Battlefields National Historic District in partnership with the National Park Service and in accordance with the Management Plan for the District in which the Park is located.

16 USC  
410iii-12.

**SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as are necessary to carry out this Act.

Approved December 19, 2002.

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**LEGISLATIVE HISTORY—H.R. 4944 (S. 2623):**

**HOUSE REPORTS:** No. 107-713 (Comm. on Resources).

**CONGRESSIONAL RECORD,** Vol. 148 (2002):

Oct. 1, considered and passed House.

Nov. 19, considered and passed Senate.



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**Presidential Documents**

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Title 3—

Executive Order 13221 of July 31, 2001

The President

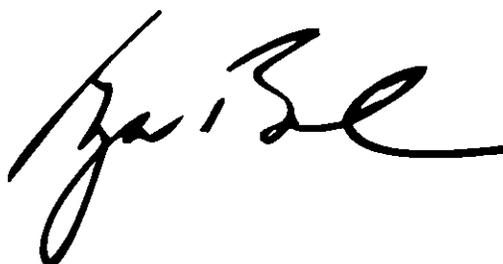
**Energy Efficient Standby Power Devices**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Energy Conservation Policy Act (Public Law 95-619, 92 Stat. 3206, 42 U.S.C. 8252 *et seq.*), as amended by the Energy Policy Act of 1992 (EPACT) (Public Law 102-486, 106 Stat. 2776), and section 301 of title 3, United States Code, and in order to further encourage energy conservation by the Federal Government, it is hereby ordered as follows:

**Section 1. *Energy Efficient Standby Power Devices.*** Each agency, when it purchases commercially available, off-the-shelf products that use external standby power devices, or that contain an internal standby power function, shall purchase products that use no more than one watt in their standby power consuming mode. If such products are not available, agencies shall purchase products with the lowest standby power wattage while in their standby power consuming mode. Agencies shall adhere to these requirements, when life-cycle cost-effective and practicable and where the relevant product's utility and performance are not compromised as a result. By December 31, 2001, and on an annual basis thereafter, the Department of Energy, in consultation with the Department of Defense and the General Services Administration, shall compile a preliminary list of products to be subject to these requirements. The Department of Energy shall finalize the list and may remove products deemed inappropriate for listing.

**Sec. 2. *Independent Agencies.*** Independent agencies are encouraged to comply with the provisions of this order.

**Sec. 3. *Definition.*** "Agency" means an executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered by the Department of Defense.



THE WHITE HOUSE,  
July 31, 2001.

## Presidential Documents

**Executive Order 13225 of September 28, 2001**

### Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

**Section 1.** Each advisory committee listed below is continued until September 30, 2003.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).

(c) President's Advisory Commission on Educational Excellence for Hispanic Americans; Executive Order 12900 (Department of Education).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13021, as amended, (Department of Education).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13021, as amended (Department of Education).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(i) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(j) President's Committee on Mental Retardation; Executive Order 12994 (Department of Health and Human Services).

(k) President's Council on Physical Fitness and Sports; Executive Order 12345, as amended (Department of Health and Human Services).

(l) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(m) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Defense).

(n) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

**Sec. 2.** Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

**Sec. 3.** The following Executive Orders, or sections thereof, which established committees that have terminated and whose work is completed, are revoked:

(a) Sections 3 and 4 of Executive Order 13134 pertaining to the establishment and administration of the Advisory Committee on Biobased Products

and Bioenergy, superseded by the Biomass Research and Development Technical Advisory Committee established pursuant to section 306 of the Biomass Research and Development Act of 2000 (Title III of Public Law 106-224);

(b) Executive Order 13080, establishing the American Heritage Rivers Initiative Advisory Committee;

(c) Executive Order 13090, as amended by Executive Order 13136, establishing the President's Commission on the Celebration of Women in American History;

(d) Executive Order 13168, establishing the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health; and

(e) Executive Order 13075, establishing the Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents.

Sec. 4. Sections 1 through 4 of Executive Order 13138 are superseded.

Sec. 5. This order shall be effective September 30, 2001.



THE WHITE HOUSE,  
*September 28, 2001.*

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**Presidential Documents**

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Title 3—

Executive Order 13258 of February 26, 2002

The President

**Amending Executive Order 12866 on Regulatory Planning and Review**

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 12866, of September 30, 1993, is amended as follows:

**Section 1.** Section (2)(b) is amended by striking “, the Vice President, and other regulatory policy advisors” and inserting in lieu thereof “and regulatory policy advisors”.

**Sec. 2.** Section (2)(c) is amended by:

(a) striking in the heading the words “The Vice President” and inserting in lieu thereof “Assistance”;

(b) striking the sentence that begins “The Vice President is”;

(c) striking “In fulfilling their responsibilities” and inserting in lieu thereof “In fulfilling his responsibilities”; and

(d) striking “and the Vice President” both times it appears.

**Sec. 3.** Section 3(a) is amended by:

(a) striking “and Vice President”;

(b) striking “the Assistant to the President for Science and Technology” and inserting in lieu thereof “the Director of the Office of Science and Technology Policy”;

(c) striking “the Assistant to the President for Intergovernmental Affairs” and inserting in lieu thereof “the Deputy Assistant to the President and Director for Intergovernmental Affairs”;

(d) striking “the Deputy Assistant to the President and Director of the White House Office of Environmental Policy” and inserting in lieu thereof “the Chairman of the Council on Environmental Quality and Director of the Office of Environmental Quality”; and

(e) striking “and (12)” and inserting in lieu thereof “(12) the Assistant to the President for Homeland Security; and (13)”.

**Sec. 4.** Section 4(a) is amended by striking “the Vice President shall convene” and inserting in lieu thereof “the Director shall convene”.

**Sec. 5.** Section 4(c)(3) is amended by striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”.

**Sec. 6.** Section 4(c)(4) is amended by striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”.

**Sec. 7.** Section 4(c)(5) is amended by striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”.

**Sec. 8.** Section 4(c)(6) is amended by striking “Vice President, with the Advisors’ assistance,” and inserting in lieu thereof “Director”.

**Sec. 9.** Section 4(d) is amended by:

(a) striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”; and

(b) striking “periodically advise the Vice President” and inserting in lieu thereof “periodically advise the Director”.

**Sec. 10.** Section 5(c) is amended by striking "Vice President" and inserting in lieu thereof "Director".

**Sec. 11.** Section 6(b)(4)(C)(i) is amended by striking "Vice Presidential and".

**Sec. 12.** Section 7 is amended by:

(a) striking "resolved by the President, or by the Vice President acting at the request of the President" and inserting in lieu thereof "resolved by the President, with the assistance of the Chief of Staff to the President ("Chief of Staff")";

(b) striking "Vice Presidential and Presidential consideration" and inserting in lieu thereof "Presidential consideration";

(c) striking "recommendations developed by the Vice President" and inserting in lieu thereof "recommendations developed by the Chief of Staff";

(d) striking "Vice Presidential and Presidential review period" and inserting in lieu thereof "Presidential review period";

(e) striking "or to the staff of the Vice President" and inserting in lieu thereof "or to the staff of the Chief of Staff";

(f) striking "the President, or the Vice President acting at the request of the President, shall notify" and insert in lieu thereof "the President, or the Chief of Staff acting at the request of the President, shall notify".

**Sec. 13.** Section 7 is also amended in the first paragraph by inserting the designation "(a)" after the words "Resolution of Conflicts.", and by designating the following three paragraphs as "(b)", "(c)", and "(d)" in order.

**Sec. 14.** Section 8 is amended by striking "Vice President" both times it appears and inserting in lieu thereof "Director".



THE WHITE HOUSE,  
February 26, 2002.

# Presidential Documents

Title 3—

Executive Order 13272 of August 13, 2002

The President

## Proper Consideration of Small Entities in Agency Rulemaking

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. *General Requirements.*** Each agency shall establish procedures and policies to promote compliance with the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*) (the "Act"). Agencies shall thoroughly review draft rules to assess and take appropriate account of the potential impact on small businesses, small governmental jurisdictions, and small organizations, as provided by the Act. The Chief Counsel for Advocacy of the Small Business Administration (Advocacy) shall remain available to advise agencies in performing that review consistent with the provisions of the Act.

**Sec. 2. *Responsibilities of Advocacy.*** Consistent with the requirements of the Act, other applicable law, and Executive Order 12866 of September 30, 1993, as amended, Advocacy:

(a) shall notify agency heads from time to time of the requirements of the Act, including by issuing notifications with respect to the basic requirements of the Act within 90 days of the date of this order;

(b) shall provide training to agencies on compliance with the Act; and

(c) may provide comment on draft rules to the agency that has proposed or intends to propose the rules and to the Office of Information and Regulatory Affairs of the Office of Management and Budget (OIRA).

**Sec. 3. *Responsibilities of Federal Agencies.*** Consistent with the requirements of the Act and applicable law, agencies shall:

(a) Within 180 days of the date of this order, issue written procedures and policies, consistent with the Act, to ensure that the potential impacts of agencies' draft rules on small businesses, small governmental jurisdictions, and small organizations are properly considered during the rulemaking process. Agency heads shall submit, no later than 90 days from the date of this order, their written procedures and policies to Advocacy for comment. Prior to issuing final procedures and policies, agencies shall consider any such comments received within 60 days from the date of the submission of the agencies' procedures and policies to Advocacy. Except to the extent otherwise specifically provided by statute or Executive Order, agencies shall make the final procedures and policies available to the public through the Internet or other easily accessible means;

(b) Notify Advocacy of any draft rules that may have a significant economic impact on a substantial number of small entities under the Act. Such notifications shall be made (i) when the agency submits a draft rule to OIRA under Executive Order 12866 if that order requires such submission, or (ii) if no submission to OIRA is so required, at a reasonable time prior to publication of the rule by the agency; and

(c) Give every appropriate consideration to any comments provided by Advocacy regarding a draft rule. Consistent with applicable law and appropriate protection of executive deliberations and legal privileges, an agency shall include, in any explanation or discussion accompanying publication in the *Federal Register* of a final rule, the agency's response to any written comments submitted by Advocacy on the proposed rule that preceded the

final rule; provided, however, that such inclusion is not required if the head of the agency certifies that the public interest is not served thereby. Agencies and Advocacy may, to the extent permitted by law, engage in an exchange of data and research, as appropriate, to foster the purposes of the Act.

**Sec. 4. Definitions.** Terms defined in section 601 of title 5, United States Code, including the term "agency," shall have the same meaning in this order.

**Sec. 5. Preservation of Authority.** Nothing in this order shall be construed to impair or affect the authority of the Administrator of the Small Business Administration to supervise the Small Business Administration as provided in the first sentence of section 2(b)(1) of Public Law 85-09536 (15 U.S.C. 633(b)(1)).

**Sec. 6. Reporting.** For the purpose of promoting compliance with this order, Advocacy shall submit a report not less than annually to the Director of the Office of Management and Budget on the extent of compliance with this order by agencies.

**Sec. 7. Confidentiality.** Consistent with existing law, Advocacy may publicly disclose information that it receives from the agencies in the course of carrying out this order only to the extent that such information already has been lawfully and publicly disclosed by OIRA or the relevant rulemaking agency.

**Sec. 8. Judicial Review.** This order is intended only to improve the internal management of the Federal Government. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,  
August 13, 2002.