

106TH CONGRESS
2D SESSION

H. R. 5666

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2000

Mr. YOUNG of Florida introduced the following bill; which was referred to the Committee on Appropriations

A BILL

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

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

1 DIVISION A

2 CHAPTER 1

3 GENERAL PROVISIONS—THIS CHAPTER

4 SEC. 101. The Agriculture, Rural Development, Food
5 and Drug Administration, and Related Agencies Appro-
6 priations Act, 2001, is amended—

7 (1) In title III, under the heading “Rural Utili-
8 ties Service, Rural Electrification and Telecommuni-
9 cations Loans Program Account”, after “per year”
10 insert “: *Provided further*, That not more than
11 \$100,000 shall be available for guarantees of private
12 sector loans”.

13 (2) In title III, at the end of the first proviso
14 under the “Rural Housing Assistance Grants” ac-
15 count, insert “in Mississippi and Alaska”.

16 (3) In section 724, by striking “to Hispanic-
17 serving institutions” and all that follows through
18 “maintained by such institutions” and inserting “to
19 eligible grantees specified in subsection (d)(3) of
20 that section”;

21 (4) In title VIII, under the heading “Rural
22 Community Advancement Program”, by striking
23 “January 1, 2001” and inserting “January 1,
24 2000”;

1 (5) In section 806, by inserting “: *Provided fur-*
2 *ther*, That of the funds made available by this sec-
3 tion, the Secretary shall transfer \$5,000,000 to the
4 State of Alabama to be used in conjunction with the
5 program administered by the Alabama Department
6 of Agriculture and Industries: *Provided further*, That
7 of the funds made available by this section, the Sec-
8 retary shall transfer not more than \$300,000 to the
9 State of Montana for transportation needs associ-
10 ated with emergency haying and feeding: *Provided*
11 *further*, That of the funds made available by this
12 section, the Secretary shall use not more than
13 \$2,000,000 to carry out a program for income losses
14 sustained before April 30, 2001, by individuals who
15 raise poultry owned by other individuals as a result
16 of Poultry Enteritis Mortality Syndrome control pro-
17 grams, as determined by the Secretary” after
18 “American Indian Livestock Feed Program”;

19 (6) In section 815(d)(3), by inserting “af-
20 fected” after “all”;

21 (7) In section 830, by striking “section 401”
22 and inserting “title IV”.

23 (8) In section 843, by striking “were unable to
24 market the crops” and all that follows through “in
25 this section:” and inserting “suffered a loss because

1 of the insolvency of an agriculture cooperative in the
2 State of California: *Provided*, That the amount of a
3 payment made to a producer under this section shall
4 not exceed 50 percent of the loss referred to in this
5 section.”;

6 (9) In section 844—

7 (A) in the section heading, by inserting “,
8 FLUE-CURED, AND CIGAR BINDER
9 TYPE 54–55” after “BURLEY”; and

10 (B) in subsection (a)—

11 (i) in paragraph (1)—

12 (I) by inserting “, without fur-
13 ther cost to the association,” after
14 “settle”; and

15 (II) by inserting “, Flue-cured,
16 or Cigar Binder Type 54–55” after
17 “Burley” each place it appears;

18 (ii) in paragraph (2)(B), by inserting
19 “, Flue-cured, Cigar Binder Type 54–55,”
20 after “Burley”; and

21 (iii) in paragraph (3), by striking sub-
22 paragraph (A) and inserting the following:

23 “(A) counted for the purpose of deter-
24 mining the Burley, Flue-cured, or Cigar Binder
25 Type 54–55 tobacco quota or allotment for any

1 year under part I of subtitle B of title III of
2 the Agricultural Adjustment Act of 1938 (7
3 U.S.C. 1311 et seq.); or”;

4 (10) Notwithstanding any other provision of
5 law, section 204(b)(10)(B) of Public Law 106–224
6 shall not be effective until July 1, 2001; and

7 (11) The effective date of this section is the
8 date of enactment of the Agriculture, Rural Develop-
9 ment, Food and Drug Administration, and Related
10 Agencies Appropriations Act, 2001.

11 SEC. 102. The second sentence of section 520 of the
12 Housing Act of 1949 (42 U.S.C. 1490) is amended by
13 striking “1990 decennial census” and inserting “1990 or
14 2000 decennial census”, and by striking “year 2000” and
15 inserting “year 2010”.

16 SEC. 103. The Secretary of Agriculture, in collabora-
17 tion with the Secretaries of Energy and Interior, shall un-
18 dertake a study of the feasibility of including ethanol, bio-
19 diesel, and other bio-based fuels as part of the Strategic
20 Petroleum Reserve. This study shall include a review of
21 legislative and regulatory changes needed to allow this in-
22 clusion, and those elements necessary to design and imple-
23 ment such a program, including cost. The Secretary shall
24 provide this study to the House and Senate Appropria-
25 tions Committees by February 15, 2001.

1 SEC. 104. Notwithstanding section 730 of the Agri-
2 culture, Rural Development, Food and Drug Administra-
3 tion, and Related Agencies Appropriations Act, 2000
4 (Public Law 106–78), the City of Wilson, North Carolina,
5 shall be eligible in fiscal year 2001 for the community fa-
6 cility loan guarantee program under section 306(a)(1) of
7 the Consolidated Farm and Rural Development Act.

8 SEC. 105. Title VIII of the Agriculture, Rural Devel-
9 opment, Food and Drug Administration, and Related
10 Agencies Appropriations Act, 2001, is amended by insert-
11 ing at the end the following new section:

12 “SEC. 778. Notwithstanding section 723 of this Act
13 or any other provision of law, there are hereby appro-
14 priated \$26,000,000, to remain available until expended,
15 for the program authorized under section 334 of the Fed-
16 eral Agriculture Improvement and Reform Act of 1996:
17 *Provided*, That the entire amount shall be available only
18 to the extent an official budget request for \$26,000,000,
19 that includes designation of the entire amount of the re-
20 quest as an emergency requirement as defined in the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985,
22 as amended, is transmitted by the President to the Con-
23 gress: *Provided further*, That the entire amount is des-
24 ignated by the Congress as an emergency requirement
25 pursuant to section 251(b)(2)(A) of such Act.”.

1 SEC. 106. In carrying out the bovine tuberculosis
2 eradication program covered by the Secretary of Agri-
3 culture's emergency declaration effective as of October 11,
4 2000, the Secretary of Agriculture shall pay 100 percent
5 of the amounts of approved claims for materials affected
6 by or exposed to bovine tuberculosis, and of approved
7 claims growing out of the destruction of animals: *Pro-*
8 *vided*, That in calculating the net present value of the fu-
9 ture income portion of any claim, the Secretary shall use
10 a discount rate of 7 percent: *Provided further*, That the
11 entire amount necessary to carry out this section shall be
12 available only to the extent that an official budget request
13 for the entire amount, that includes designation of the en-
14 tire amount of the request as an emergency requirement
15 as defined in the Balanced Budget and Emergency Deficit
16 Control Act of 1985, as amended, is transmitted by the
17 President to the Congress: *Provided further*, That the en-
18 tire amount is designated by the Congress as an emer-
19 gency requirement pursuant to section 251(b)(2)(A) of
20 such Act.

21 SEC. 107. Section 820(b) of the Agriculture, Rural
22 Development, Food and Drug Administration, and Re-
23 lated Agencies Appropriations Act, 2001, is amended by
24 striking "of 1996" and inserting the following: "of 1996,
25 and for the Farmland Protection Program established

1 under section 388 of the Federal Agriculture Improvement
2 and Reform Act of 1996”.

3 SEC. 108. For an additional amount for the United
4 States Department of Agriculture, Office of the General
5 Counsel, \$500,000: *Provided*, That the entire amount
6 shall be available only to the extent an official budget re-
7 quest for \$500,000, that includes designation of the entire
8 amount of the request as an emergency requirement as
9 defined in the Balanced Budget and Emergency Deficit
10 Control Act of 1985, as amended, is transmitted by the
11 President to the Congress: *Provided further*, That the en-
12 tire amount is designated by the Congress as an emer-
13 gency requirement pursuant to section 251(b)(2)(A) of
14 such Act.

15 SEC. 109. For an additional amount for Grain In-
16 spection, Packers and Stockyards Administration, Salaries
17 and Expenses, \$200,000: *Provided*, That the entire
18 amount shall be available only to the extent an official
19 budget request for \$200,000, that includes designation of
20 the entire amount of the request as an emergency require-
21 ment as defined in the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended, is transmitted
23 by the President to the Congress: *Provided further*, That
24 the entire amount is designated by the Congress as an

1 emergency requirement pursuant to section 251(b)(2)(A)
2 of such Act.

3 SEC. 110. Notwithstanding any other provision of
4 law, the Natural Resources Conservation Service may pro-
5 vide financial and technical assistance to the Hamakua
6 Ditch project in Hawaii from funds available for the
7 Emergency Watershed Program, not to exceed
8 \$3,000,000.

9 CHAPTER 2

10 DEPARTMENT OF JUSTICE

11 FEDERAL PRISON SYSTEM

12 SALARIES AND EXPENSES

13 For an additional amount for “Salaries and Ex-
14 penses”, \$500,000, to remain available until expended:
15 *Provided*, That these funds are to be expended by the Na-
16 tional Institute of Corrections (NIC) for a comprehensive
17 assessment of medical care and incidents of inmate mor-
18 tality in the Wisconsin State Prison System.

19 OFFICE OF JUSTICE PROGRAMS

20 JUSTICE ASSISTANCE

21 For an additional amount for “Justice Assistance”,
22 \$300,000, to remain available until expended: *Provided*,
23 That these funds are to be expended to expand the collec-
24 tion of data on prisoner deaths while in law enforcement
25 custody.

1 COMMUNITY ORIENTED POLICING SERVICES

2 For an additional amount for “Community Oriented
3 Policing Services”, \$3,080,000, to remain available until
4 expended, of which \$1,880,000 shall be for a grant to the
5 Pasadena, California, Police Department for equipment;
6 of which \$200,000 shall be for a grant to the City of Sig-
7 nal Hill, California, for equipment and technology for an
8 emergency operations center; and of which \$1,000,000
9 shall be for a grant to the State of Alabama Department
10 of Forensic Sciences for equipment.

11 JUVENILE JUSTICE PROGRAMS

12 For an additional amount for “Juvenile Justice Pro-
13 grams”, \$1,000,000, to remain available until expended,
14 for a grant to Mobile County, Alabama, for a juvenile
15 court network program.

16 GENERAL PROVISIONS

17 SEC. 201. Chapter 2 of title II of division B of Public
18 Law 106–246 (114 Stat. 542) is amended in the matter
19 immediately under the first heading—

20 (1) by inserting, “(or the State, in the case of New
21 Mexico)” before “only”; and

22 (2) by inserting, “detention costs,” after “court
23 costs,”.

24 SEC. 202. For an additional amount under the head-
25 ing “United States Attorneys, Salaries and Expenses” in
26 the Departments of Commerce, Justice, and State, the Ju-

1 diciary, and Related Agencies Appropriations Act, 2001,
2 \$10,000,000 for the State of Texas and \$2,000,000 for
3 the State of Arizona, to reimburse county and municipal
4 governments only for Federal costs associated with the
5 handling and processing of illegal immigration and drug
6 and alien smuggling cases, such reimbursements being
7 limited to court costs, detention costs, courtroom tech-
8 nology, the building of holding spaces, administrative
9 staff, and indigent defense costs.

10 SEC. 203. In addition to amounts appropriated under
11 the heading “State and Local Law Enforcement Assist-
12 ance, Office of Justice Programs” in the Departments of
13 Commerce, Justice, and State, the Judiciary, and Related
14 Agencies Appropriations Act, 2001, \$9,000,000 is for an
15 award to the Alliance of Boys & Girls of South Carolina
16 for the establishment of the Strom Thurmond Boys &
17 Girls Club National Training Center.

18 SEC. 204. In addition to any amounts made available
19 for “State and Local Law Enforcement Assistance” within
20 the Department of Justice, \$500,000 shall be made avail-
21 able only for the New Hampshire Department of Safety
22 to investigate and support the prosecution of violations of
23 Federal trucking laws.

24 SEC. 205. In addition to other amounts made avail-
25 able for the COPS technology program of the Department

1 of Justice, \$4,000,000 shall be available to the State of
2 South Dakota to establish a regional radio system to facili-
3 tate communications between Federal, State, and local law
4 enforcement agencies, firefighting agencies, and other
5 emergency services agencies.

6 DEPARTMENT OF COMMERCE

7 ECONOMIC AND STATISTICAL ANALYSIS

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses”, \$200,000, to remain available until expended, for
11 the establishment of satellite accounts for the travel and
12 tourism industry.

13 NATIONAL OCEANIC AND ATMOSPHERIC

14 ADMINISTRATION

15 OPERATIONS, RESEARCH, AND FACILITIES

16 For an additional amount for “Operations, Research,
17 and Facilities”, \$750,000, to remain available until ex-
18 pended, for a study by the National Academy of Sciences
19 pursuant to H.R. 2090, as passed by the House of Rep-
20 resentatives on September 12, 2000.

21 GENERAL PROVISIONS

22 SEC. 206. The Departments of Commerce, Justice,
23 and State, the Judiciary, and Related Agencies Appropria-
24 tions Act, 2001, as enacted by section 1(a)(2) of the Act
25 entitled “An Act making appropriations for the govern-

1 ment of the District of Columbia and other activities
2 chargeable in whole or in part against revenues of said
3 District for the fiscal year ending September 30, 2001,
4 and for other purposes” is amended by inserting before
5 the period at the end of the paragraph under the heading
6 “National Oceanic and Atmospheric Administration, Op-
7 erations, Research, and Facilities” the following new pro-
8 viso: “: *Provided further*, That, of the amounts made avail-
9 able for the National Marine Fisheries Service under this
10 heading, \$10,000,000 shall be available only for research
11 regarding litigation concerning the Alaska Steller sea lion
12 and Bering Sea/Aleutian Islands and Gulf of Alaska
13 groundfish fisheries, of which \$6,000,000 shall be avail-
14 able only for the Office of Oceanic and Atmospheric Re-
15 search to study the impact of ocean climate shifts on the
16 North Pacific and Bering Sea fish and marine mammal
17 species composition, of which \$2,000,000 shall be available
18 only for the National Ocean Service to study predator/prey
19 relationships as they relate to the decline of the western
20 population of Steller sea lions, and of which \$2,000,000
21 shall be available only for the North Pacific Fishery Man-
22 agement Council for an independent analysis of Steller sea
23 lion science and other work related to such litigation”.

24 SEC. 207. (a) In addition to amounts appropriated
25 or otherwise made available under the heading “Oper-

1 ations, Research, and Facilities, National Oceanic and At-
2 mospheric Administration” in the Departments of Com-
3 merce, Justice, and State, the Judiciary, and Related
4 Agencies Appropriations Act, 2001, \$7,500,000 is appro-
5 priated for disaster assistance for communities affected by
6 the 2000 western Alaska salmon disaster for which the
7 Secretary of Commerce declared a fishery failure under
8 section 312(a) of the Magnuson Stevens Fisheries Con-
9 servation and Management Act.

10 (b) Funds appropriated by this section shall be made
11 available as direct lump sum payments no later than 30
12 days after the date of enactment of this Act, as follows:
13 \$3,500,000 to the Tanana Chiefs Conference, \$3,500,000
14 to the Association of Village Council Presidents, and
15 \$500,000 to Kawerak.

16 (c) Such funds shall be used to provide personal as-
17 sistance with priority given to: (1) food; (2) energy needs;
18 (3) housing assistance; (4) transportation fuel including
19 for subsistence activities; and (5) other urgent community
20 needs.

21 (d) Not more than 5 percent of such funds may be
22 used for administrative expenses.

23 (e) The President of the Tanana Chiefs Conference,
24 the President of the Association of Village Council Presi-
25 dents, and the President of Kawerak shall disburse all

1 funds no later than May 1, 2000 and shall submit a report
2 to the Secretary of Commerce detailing the expenditure
3 of funds, including the number of persons and households
4 served and the amount of administrative costs, by the end
5 of the fiscal year.

6 SEC. 208. In addition to amounts appropriated or
7 otherwise made available by this or any other Act,
8 \$3,000,000 is appropriated to enable the Secretary of
9 Commerce to provide economic assistance to fishermen
10 and fishing communities affected by Federal closures and
11 fishing restrictions in the Hawaii long line fishery, to re-
12 main available until expended.

13 SEC. 209. IMPLEMENTATION OF STELLER SEA LION
14 PROTECTIVE MEASURES.—

15 (a) FINDINGS.—The Congress finds that—

16 (1) the western population of Steller sea lions
17 has substantially declined over the last 25 years.

18 (2) scientists should closely research and ana-
19 lyze all possible factors relating to such decline, in-
20 cluding the possible interactions between commercial
21 fishing and Steller sea lions and the localized deple-
22 tion hypothesis;

23 (3) the authority to manage commercial fish-
24 eries in Federal waters lies with the regional coun-
25 cils and the Secretary of Commerce (hereafter in

1 this section “Secretary”) pursuant to the Magnuson-
2 Stevens Fishery Conservation and Management Act
3 (hereafter in this section “Magnuson-Stevens Act”);
4 and

5 (4) the Secretary of Commerce shall comply
6 with the Magnuson-Stevens Act when using fishery
7 management plans and regulations to implement the
8 decisions made pursuant to findings under the En-
9 dangered Species Act, and shall utilize the processes
10 and procedures of the regional fishery management
11 councils as required by the Magnuson-Stevens Act.

12 (b) INDEPENDENT SCIENTIFIC REVIEW.—The North
13 Pacific Fishery Management Council (hereafter in this
14 section “North Pacific Council) shall utilize the expertise
15 of the National Academy of Sciences to conduct an inde-
16 pendent scientific review of the November 30, 2000 Bio-
17 logical Opinion for the Bering Sea/Aleutian Islands and
18 Gulf of Alaska groundfish fisheries (hereafter in this sec-
19 tion “Biological Opinion”), its underlying hypothesis, and
20 the Reasonable and Prudent Alternatives (hereafter in this
21 section “Alternatives”) contained therein. The Secretary
22 shall cooperate with the independent scientific review, and
23 the National Academy of Sciences is requested to give its
24 highest priority to this review.

1 (c) PREPARATION OF FISHERY MANAGEMENT PLANS
2 AND REGULATIONS TO IMPLEMENT PROTECTIVE MEAS-
3 URES IN THE NOVEMBER 30, 2000 BIOLOGICAL OPIN-
4 ION.—

5 (1) The Secretary of Commerce shall submit to
6 the North Pacific Council proposed conservation and
7 management measures to implement the Alternatives
8 contained in the November 30, 2000 Biological
9 Opinion for the Bering Sea/Aleutian Islands and
10 Gulf of Alaska groundfish fisheries. The North Pa-
11 cific Council shall prepare and transmit to the Sec-
12 retary a fishery management plan amendment or
13 amendments to implement such Alternatives that are
14 consistent with the Magnuson-Stevens Act (including
15 requirements in such Act relating to best available
16 science, bycatch reduction, impacting on fishing
17 communities, the safety of life at sea, and public
18 comment and hearings.)

19 (2) The Bering Sea/Aleutian Islands and Gulf
20 of Alaska groundfish fisheries shall be managed in
21 a manner consistent with the Alternatives contained
22 in the Biological Opinion, except as otherwise pro-
23 vided in this section. The Alternatives shall become
24 fully effective no later than January 1, 2002, as re-
25 vised if necessary and appropriate based on the inde-

1 pendent scientific review referred to in subsection
2 (b) and other new information, and shall be phased
3 in in 2001 as described in paragraph (3).

4 (3) The 2001 Bering Sea/Aleutian Islands and
5 Gulf of Alaska groundfish fisheries shall be managed
6 in accordance with the fishery management plan and
7 Federal regulations in effect for such fisheries prior
8 to July 15, 2000, including—

9 (A) conservative total allowable catch lev-
10 els;

11 (B) no entry zones within three miles of
12 rookeries;

13 (C) restricted harvest levels near rookeries
14 and haul-outs;

15 (D) federally-trained observers;

16 (E) spatial and temporal harvest restric-
17 tions;

18 (F) federally-mandated bycatch reduction
19 programs; and

20 (G) additional conservation benefits pro-
21 vided through cooperative fishing arrangements,

22 and said regulations are hereby restored to full force
23 and effect.

24 (4) The Secretary shall amend these regulations
25 by January 20, 2001, after consultation with the

1 North Pacific Council and in a manner consistent
2 with all law, including the Magnuson-Stevens Act,
3 and consistent with the Alternatives to the maximum
4 extent practicable, subject to the other provisions of
5 this subsection.

6 (5) The harvest reduction requirement (“Global
7 Control Rule”) shall take effect immediately in any
8 2001 groundfish fishery in which it applies, but shall
9 not cause a reduction in the total allowable catch of
10 any fishery of more than 10 percent.

11 (6) In enforcing regulations for the 2001 fish-
12 eries, the Secretary, upon recommendation of the
13 North Pacific Council, may open critical habitat
14 where needed, adjust seasonal catch levels, and take
15 other measures as needed to ensure that harvest lev-
16 els are sufficient to provide income from these fish-
17 eries for small boats and Alaskan on-shore proc-
18 essors that is no less than in 1999.

19 (7) The regulations that are promulgated pur-
20 suant to paragraph (4) shall not be modified in any
21 way other than upon recommendation of the North
22 Pacific Council, before March 15, 2001.

23 (d) SEA LION PROTECTION MEASURES.—
24 \$20,000,000 is hereby appropriated to the Secretary of
25 Commerce to remain available until expended to develop

1 and implement a coordinated, comprehensive research and
2 recovery program for the Steller sea lion, which shall be
3 designed to study—

4 (1) available prey species;

5 (2) predator/prey relationships;

6 (3) predation by other marine mammals;

7 (4) interactions between fisheries and Steller
8 sea lions, including the localized depletion theory;

9 (5) regime shift, climate change, and other im-
10 pacts associated with changing environmental condi-
11 tions in the North Pacific and Bering Sea;

12 (6) disease;

13 (7) juvenile and pup survival rates;

14 (8) population counts;

15 (9) nutritional stress;

16 (10) foreign commercial harvest of sealions out-
17 side the exclusive economic zone;

18 (11) the residual impacts of former govern-
19 ment-authorized Steller sea lion eradication bounty
20 programs; and

21 (12) the residual impacts of intentional lethal
22 takes of Steller sea lions.

23 Within available funds the Secretary shall implement on
24 a pilot basis innovative non-lethal measures to protect

1 Steller sea lions from marine mammal predators including
2 killer whales.

3 (e) ECONOMIC DISASTER RELIEF.—\$30,000,000 is
4 hereby appropriated to the Secretary of Commerce to
5 make available as a direct payment to the Southwest Alas-
6 ka Municipal Conference to distribute to fishing commu-
7 nities, businesses, community development quota groups,
8 individuals, and other entities to mitigate the economic
9 losses caused by Steller sea lion protection measures here-
10 tofore incurred; provided that the President of such orga-
11 nization shall provide a written report to the Secretary
12 and the House and Senate Appropriations Committee
13 within 6 months of receipt of these funds.

14 DEPARTMENT OF STATE AND RELATED

15 AGENCY

16 GENERAL PROVISIONS

17 SEC. 210. In addition to any amounts made available
18 for “Educational and Cultural Exchange Programs within
19 the Department of State”, \$500,000 shall be made avail-
20 able only for the Irish Institute.

21 SEC. 211. In addition to amounts appropriated under
22 the heading “International Broadcasting Operations,
23 Broadcasting Board of Governors” in the Departments of
24 Commerce, Justice, and State, the Judiciary, and Related
25 Agencies Appropriations Act, 2001, \$10,000,000 to re-

1 main available until expended, for increased broadcasting
2 to Russia and surrounding areas, and to China, by Radio
3 Free Europe/Radio Liberty, Radio Free Asia, and the
4 Voice of America: *Provided*, That any amount of such
5 funds may be transferred to the “Broadcasting Capital
6 Improvements” account to carry out such purposes.

7 RELATED AGENCIES

8 COMMISSION ON ONLINE CHILD PROTECTION

9 For necessary expenses of the Commission on Online
10 Child Protection, \$750,000, to remain available until ex-
11 pended.

12 SMALL BUSINESS ADMINISTRATION

13 SALARIES AND EXPENSES

14 For an additional amount for “Salaries and Ex-
15 penses”, \$1,000,000 shall be available for a grant to the
16 Electronic Commerce Resource Center in Scranton, Penn-
17 sylvania, to establish an electronic commerce technology
18 distribution center.

19 GENERAL PROVISION

20 SEC. 212. For an additional amount for “Small Busi-
21 ness Administration, Salaries and Expenses”, \$1,000,000
22 shall be made available only for a grant to the National
23 Museum of Jazz in New York, New York.

1 GENERAL PROVISION—THIS CHAPTER

2 SEC. 213. (a) The provisions of H.R. 5548 (as en-
3 acted into law by H.R. 4942 of the 106th Congress) are
4 amended as follows:

5 (1) In title I, under the heading “Salaries and
6 Expenses, United States Marshals Service”, by
7 striking “3,947” and inserting “4,034”.

8 (2) In title I, by redesignating sections 114
9 through 119 as sections 113 through 118, respec-
10 tively.

11 (3) In title II, under the heading “National
12 Oceanic and Atmospheric Administration—Oper-
13 ations, Research, and Facilities”, by striking
14 “\$31,439,000” and inserting “\$32,054,000”.

15 (4) In title II, under the heading “National
16 Oceanic and Atmospheric Administration—Coastal
17 and Ocean Activities”—

18 (A) by striking “non-contiguous States ex-
19 cept Hawaii” and inserting “Alaska”;

20 (B) by striking “Inc,” and inserting
21 “Inc.”;

22 (C) by striking “scrup;” and inserting
23 “scrub;”; and

1 (D) by striking “watershed for lower
2 Rouge River restoration:” and inserting “water-
3 shed:”.

4 (5) In title IV, by striking section 406 and by
5 redesignating sections 407 and 408 as sections 406
6 and 407, respectively.

7 (6) In title VI, by striking sections 635 and
8 636.

9 (7) In title IX, in the first proviso of section
10 901, by striking “, territory or an Indian Tribe” and
11 inserting “or territory”.

12 (b) The amendments made by this section shall take
13 effect as if included in H.R. 4942 of the 106th Congress
14 on the date of its enactment.

15 CHAPTER 3

16 DEPARTMENT OF DEFENSE

17 GENERAL PROVISIONS—THIS CHAPTER

18 SEC. 301. In the event that award of the full funding
19 contract for low-rate initial production of the F-22 air-
20 craft is delayed beyond December 31, 2000 because of in-
21 ability to complete the requirements specified in section
22 8124 of the Department of Defense Appropriations Act,
23 2001 (Public Law 106-259), the Secretary of the Air
24 Force may obligate up to \$353,000,000 of the funds ap-
25 propriated in title III of Public Law 106-259 to continue

1 F-22 Lot 1 (10 aircraft) advance procurement to protect
2 the supplier base and preserve program costs and sched-
3 ule.

4 SEC. 302. (a) Consistent with Executive Order Num-
5 ber 1733, dated March 3, 1913, and notwithstanding sec-
6 tion 303 of the Alaska National Interest Lands Conserva-
7 tion Act, Public Law 96-487, or any other law, the De-
8 partment of the Air Force shall have primary jurisdiction,
9 custody, and control over Shemya Island and its appur-
10 tenant waters (including submerged lands). In exercising
11 such primary jurisdiction, custody, and control, the Sec-
12 retary of the Air Force may utilize and apply such authori-
13 ties as are generally applicable to a military installation,
14 base, camp, post, or station. Shemya Island and its appur-
15 tenant waters (including submerged lands) shall continue
16 to be included within the Alaska Maritime National Wild-
17 life Refuge and the National Wildlife Refuge System and
18 the Secretary of the Interior shall have jurisdiction sec-
19 ondary to that of the Department of the Air Force. Noth-
20 ing in this section shall prohibit the transfer of jurisdic-
21 tion, custody, and control over Shemya Island by the De-
22 partment of the Air Force to another military department.
23 In the event the military department exercising such pri-
24 mary jurisdiction, custody, and control no longer has a
25 need to exercise such primary jurisdiction, custody, and

1 control of Shemya Island and its appurtenant waters (in-
2 cluding submerged lands), such jurisdiction, custody, and
3 control shall terminate and the Secretary of the Interior
4 shall then exercise sole jurisdiction, custody, and control
5 over Shemya Island and its appurtenant waters (including
6 submerged lands) as part of the Alaska Maritime National
7 Wildlife Refuge.

8 (b) Any environmental contamination of Shemya Is-
9 land caused by a military department shall be the respon-
10 sibility of that military department and not the responsi-
11 bility of the Department of the Interior. Any money rent-
12 als received by a military department from outgrants on
13 Shemya Island will be applied to the environmental res-
14 toration of the island in accordance with 10 U.S.C. 2667.

15 (c) This section shall not be construed as altering any
16 existing property rights of the State of Alaska or any pri-
17 vate person.

18 (d) The military department exercising primary juris-
19 diction, custody, and control over Shemya Island shall,
20 consistent with the accomplishment of the military mission
21 and subject to section 21 of the Internal Security Act of
22 1950, Public Law 81–831 (50 U.S.C. 797) (also known
23 as the Subversive Activities Control Act of 1950)—

1 amounts in the central fund to which transferred and shall
2 be available without fiscal year limitation for the purposes
3 for which amounts in that fund are available.

4 SEC. 306. FUNDING FOR CERTAIN COSTS OF VESSEL
5 TRANSFERS. There is hereby appropriated into the De-
6 fense Vessels Transfer Program Account such sums as
7 may be necessary for the costs (as defined in section 502
8 of the Congressional Budget Act of 1974 (2 U.S.C. 661a))
9 of the lease-sale transfers authorized by the National De-
10 fense Authorization Act, 2001. Funds in that account are
11 available only for the purpose of covering those costs.

12 SEC. 307. Of the total amount appropriated by title
13 IV of the Department of Defense Appropriations Act,
14 2001 (Public Law 106–259) under the heading “Re-
15 search, Development, Test and Evaluation, Defense-
16 Wide”, not less than \$5,000,000 shall be made available
17 only for support of a Gulf War illness research program
18 at the University of Texas Southwestern Medical Center.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 308. In addition to amounts appropriated for
21 the Department of Defense in the Department of Defense
22 Appropriations Act, 2001 (Public Law 106–259),
23 \$150,000,000 is hereby appropriated for “Operation and
24 Maintenance, Navy” and shall remain available until ex-
25 pended, only for costs associated with the repair of the
26 U.S.S. COLE: *Provided*, That the Secretary of Defense

1 may transfer these funds to appropriations accounts for
2 procurement: *Provided further*, That the funds transferred
3 shall be merged with and shall be available for the same
4 purposes and for the same time period, as the appropria-
5 tion to which transferred: *Provided further*, That the
6 transfer authority provided in this section is in addition
7 to any other transfer authority available to the Depart-
8 ment of Defense: *Provided further*, That the welfare of the
9 crew, and of the families of the crew, of the U.S.S. COLE
10 shall be considered in the Navy's selection of the process
11 and location for the repair of the U.S.S. COLE: *Provided*
12 *further*, That the entire amount made available in this sec-
13 tion is designated by the Congress as an emergency re-
14 quirement pursuant to section 251(b)(2)(A) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985,
16 as amended.

17 SEC. 309. Notwithstanding any other provision of
18 law, the Administrator of the General Services Adminis-
19 tration may utilize funds available to the National Science
20 and Technology Council (authorized by Executive Order
21 No. 12881), or any successor entity to the council, under
22 section 635 of the Treasury and General Government Ap-
23 propriations Act, 2001, for payment of any expenses of,
24 and shall ensure that administrative services, facilities,
25 staff and other support are provided for, the Commission

1 1999 (Public Law 106–115; 113 Stat. 1540): *Provided*,
2 That the transfer authority provided in this section is in
3 addition to any other transfer authority available to the
4 Department of Defense for fiscal year 2001.

5 SEC. 312. (a) The Secretary of the Air Force is au-
6 thorized to convey to the Roosevelt General Hospital,
7 Portales, New Mexico, without consideration, and without
8 regard to title II of the Federal Property and Administra-
9 tive Services Act of 1949, all right, title, and interest of
10 the United States in any personal property of the Air
11 Force that the Secretary determines—

12 (1) is appropriate for use by the Roosevelt Gen-
13 eral Hospital in the operation of that hospital; and

14 (2) is excess to the needs of the Air Force.

15 (b) The Secretary may require any additional terms
16 and conditions in connection with any conveyance under
17 subsection (a) that the Secretary considers appropriate to
18 protect the interests of the United States.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 313. In addition to amounts appropriated for
21 the Department of Defense in the Department of Defense
22 Appropriations Act, 2001 (Public Law 106–259),
23 \$100,000,000 is hereby appropriated for “Overseas Con-
24 tingency Operations Transfer Fund” and shall remain
25 available until expended: *Provided*, That the Secretary of
26 Defense may transfer the funds provided herein only to

1 appropriations for military personnel; operation and main-
2 tenance; procurement; research, development, test and
3 evaluation; and working capital funds: *Provided further*,
4 That the funds transferred shall be merged with and shall
5 be available for the same purposes and for the same time
6 period, as the appropriation to which transferred: *Pro-*
7 *vided further*, That upon a determination that all or part
8 of the funds transferred from this appropriation are not
9 necessary for the purposes provided herein, such amounts
10 may be transferred back to this appropriation: *Provided*
11 *further*, That the transfer authority provided in this sec-
12 tion is in addition to any other transfer authority con-
13 tained elsewhere in this Act: *Provided further*, That funds
14 appropriated by this section, or made available by the
15 transfer of funds in this section, for intelligence activities
16 are deemed to be specifically authorized by the Congress
17 for the purposes of section 504 of the National Security
18 Act of 1947 (50 U.S.C. 414) during fiscal year 2001: *Pro-*
19 *vided further*, That the entire amount made available in
20 this section is designated by the Congress as an emergency
21 requirement pursuant to section 251(b)(2)(A) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985,
23 as amended.

24 SEC. 314. Of the total amount appropriated by title
25 IV of the Department of Defense Appropriations Act,

1 2001 (Public Law 106–259) under the heading “Re-
2 search, Development, Test and Evaluation, Navy”, up to
3 \$3,000,000 shall be made available to the Marine Corps
4 to pursue research in Nanotechnology for Consequence
5 Management.

6 SEC. 315. Of the total amount appropriated by title
7 IV of the Department of Defense Appropriations Act,
8 2001 (Public Law 106–259) under the heading “Re-
9 search, Development, Test and Evaluation, Army”, not
10 less than \$1,500,000 shall be made available only for in-
11 stallation of the Medical Area Network for Virtual Tech-
12 nologies at Fort Detrick and Walter Reed Army Hospital,
13 and not less than \$1,000,000 shall be made available only
14 to conduct a pilot study to determine the feasibility of es-
15 tablishing a Department of Defense Information Analysis
16 Center for telemedicine.

17 SEC. 316. The Secretary of the Navy shall acquire
18 50 acres of real property located on Reed Island, along
19 the south shore of the St. John’s River across from Blount
20 Island Command, Jacksonville, Florida. The Secretary of
21 the Navy shall pay not more than the fair market value
22 of the property, to be determined pursuant to an appraisal
23 acceptable to the Secretary of the Navy; but in no case
24 shall the price exceed \$4,200,000: *Provided*, That the
25 exact acreage and legal description of the real property

1 to be acquired pursuant to this section shall be determined
2 by a survey satisfactory to the Secretary of the Navy: *Pro-*
3 *vided further*, That the Secretary of the Navy may require
4 such additional terms and conditions in connection with
5 the land acquisition pursuant to this section as the Sec-
6 retary considers appropriate to protect the interests of the
7 United States.

8 SEC. 317. Of the total amount appropriated by title
9 IV of the Department of Defense Appropriations Act,
10 2001 (Public Law 106–259) under the heading “Re-
11 search, Development, Test, and Evaluation, Navy” the
12 Secretary of the Navy may establish Marine Fire Training
13 Centers at the Marine and Environmental Research and
14 Training Station and Barbers Point by grants or con-
15 tracts.

16 SEC. 318. Notwithstanding any other provision of
17 law, and notwithstanding the provisions in section 7306
18 of title 10, United States Code, of the funds provided in
19 the Department of Defense Appropriations Act, 2001
20 (Public Law 106–259) for “Operation and Maintenance,
21 Navy”, \$750,000 shall be available only for repair of ex-
22 Turner Joy.

23 SEC. 319. In addition to amounts appropriated or
24 otherwise made available for the Department of Defense
25 elsewhere in this Act or in the Department of Defense Ap-

1 appropriations Act, 2001 (Public Law 106–259), \$2,000,000
2 is hereby appropriated under the heading “Operation and
3 Maintenance, Defense-Wide”, to remain available for obli-
4 gation until September 30, 2001, only for the Defense Im-
5 agery and Mapping Agency Program.

6 SEC. 320. None of the funds available in the Depart-
7 ment of Defense Appropriations Act, 2001 (Public Law
8 106–259) shall be used to consolidate or incorporate Air
9 Force radar operations maintenance and support pro-
10 grams or contracts into an Air Force SENSOR or a simi-
11 lar acquisition program.

12 SEC. 321. In addition to amounts appropriated else-
13 where in this Act, or in the Department of Defense Appro-
14 priations Act, 2001 (Public Law 106–259), \$1,000,000 is
15 hereby appropriated to “Research, Development, Test and
16 Evaluation, Air Force”, only to develop rapid diagnostic
17 and fingerprinting techniques along with molecular moni-
18 toring systems for the detection of nosocomial infections.

19 SEC. 322. Of the total amount appropriated by title
20 IV of the Department of Defense Appropriations Act,
21 2001 (Public Law 106–259) under the heading “Re-
22 search, Development, Test and Evaluation, Navy”,
23 \$1,500,000 shall be made available by grant or contract
24 only to the California Central Coast Research Partnership
25 (C3RP).

1 SEC. 323. FORT IRWIN NATIONAL TRAINING CEN-
2 TER EXPANSION. (a) FINDINGS.—Congress makes the fol-
3 lowing findings:

4 (1) The National Training Center at Fort
5 Irwin, California, is the only instrumented training
6 area in the world suitable for live fire training of
7 heavy brigade-sized military forces and thus provides
8 the Army with essential training opportunities nec-
9 essary to maintain and improve military readiness
10 and promote national security.

11 (2) The National Training Center must be ex-
12 panded to meet the critical need of the Army for ad-
13 ditional training lands suitable for the maneuver of
14 large numbers of military personnel and equipment,
15 which is necessitated by advances in equipment, by
16 doctrinal changes, and by Force XXI doctrinal ex-
17 perimentation requirements.

18 (3) The lands being considered for expansion of
19 the National Training Center are home to the desert
20 tortoise and other species that are protected under
21 the Endangered Species Act of 1973, and the Sec-
22 retary of Defense and the Secretary of the Interior,
23 in developing a plan for expansion of the National
24 Training Center, must provide for such expansion in
25 a manner that complies with the Endangered Spe-

1 cies Act of 1973, the National Environmental Policy
2 Act of 1969, and other applicable laws.

3 (4) In order for the expansion of the National
4 Training Center to be implemented on an expedited
5 basis, the Secretaries should proceed without delay
6 to define with specificity the key elements of the ex-
7 pansion plan, including obtaining early input regard-
8 ing national security requirements, Endangered Spe-
9 cies Act of 1973 compliance and mitigation, and Na-
10 tional Environmental Policy Act of 1969 compliance.

11 (b) PURPOSE.—The purpose of this section is to ex-
12 pedite the expansion of the National Training Center at
13 Fort Irwin, California, in a manner that is fully compliant
14 with environmental laws.

15 (c) PREPARATION OF PROPOSED EXPANSION
16 PLAN.—

17 (1) PREPARATION REQUIRED.—The Secretary
18 of the Army and the Secretary of the Interior (in
19 this section referred to as the “Secretaries”) shall
20 jointly prepare a proposed plan for the expansion of
21 the National Training Center at Fort Irwin, Cali-
22 fornia.

23 (2) SUBMISSION AND AVAILABILITY.—The plan
24 required by paragraph (1) (in this section referred
25 to as the “proposed expansion plan”) shall be com-

1 pleted not later than 120 days after the date of the
2 enactment of this Act. When completed, the Secre-
3 taries shall make the proposed expansion plan avail-
4 able to the public and shall publish in the Federal
5 Register a “notice of availability” concerning the
6 proposed expansion plan.

7 (d) KEY ELEMENTS OF PROPOSED EXPANSION
8 PLAN.—

9 (1) JOINT REPORT.—Not later than 45 days
10 after the date of the enactment of this Act, the Sec-
11 retaries shall submit to Congress a joint report that
12 identifies the key elements of the proposed expansion
13 plan.

14 (2) LANDS WITHDRAWAL AND RESERVATION.—
15 The proposed expansion plan shall include the with-
16 drawal and reservation of an appropriate amount of
17 public lands for—

18 (A) the conduct of combined arms military
19 training at the National Training Center;

20 (B) the development and testing of mili-
21 tary equipment at the National Training Cen-
22 ter;

23 (C) other defense-related purposes; and

24 (D) conservation and research purposes.

1 (3) CONSERVATION MEASURES.—The proposed
2 expansion plan shall also include a general descrip-
3 tion of conservation measures, anticipated to cost
4 approximately \$75,000,000, that may be necessary
5 and appropriate to protect and promote the con-
6 servation of the desert tortoise and other endangered
7 or threatened species and their critical habitats in
8 designated wildlife management areas in the West
9 Mojave Desert. The conservation measures may
10 include—

11 (A) the establishment of one or more re-
12 search natural areas, which may include lands
13 both within and outside the National Training
14 Center;

15 (B) the acquisition of private and State
16 lands within the wildlife management areas in
17 the West Mojave Desert;

18 (C) the construction of barriers, fences,
19 and other structures that would promote the
20 conservation of endangered or threatened spe-
21 cies and their critical habitats;

22 (D) the funding of research studies; and

23 (E) other conservation measures.

24 (d) PRELIMINARY REVIEW OF EXPANSION PLAN.—

1 (1) REVIEW REQUIRED.—Not later than 90
2 days after the date of the enactment of this Act, the
3 Director of the United States Fish and Wildlife
4 Service shall submit to the Secretaries a preliminary
5 review of the proposed expansion plan (as developed
6 as of that date). In the preliminary review, the Di-
7 rector shall identify, with as much specificity as pos-
8 sible, an approach for implementing the proposed ex-
9 pansion plan consistent with the Endangered Species
10 Act of 1973 (16 U.S.C. 1531 et seq.).

11 (2) RELATION TO FORMAL REVIEW.—The pre-
12 liminary review under paragraph (1) shall not con-
13 stitute a formal consultation under section 7 of the
14 Endangered Species Act of 1973 (16 U.S.C. 1536),
15 but shall be used to assist the Secretaries in more
16 precisely defining the nature and scope of an expan-
17 sion plan for the National Training Center that is
18 likely to satisfy requirements of the Endangered
19 Species Act of 1973 and to expedite the formal con-
20 sultation process under section 7 of such Act.

21 (3) CONSIDERATION OF PRELIMINARY RE-
22 VIEW.—In preparing the proposed expansion plan,
23 the Secretaries shall take into account the content of
24 the preliminary review by the Director of the United

1 States Fish and Wildlife Service under paragraph
2 (1).

3 (e) DRAFT LEGISLATION.—The Secretaries shall sub-
4 mit to Congress with the proposed expansion plan a draft
5 of proposed legislation providing for the withdrawal and
6 reservation of public lands for the expansion of the Na-
7 tional Training Center. It is the sense of the Congress that
8 the proposed legislation should contain a provision that,
9 if enacted, would prohibit ground-disturbing military use
10 of the land to be withdrawn and reserved by the legislation
11 until the Secretaries have certified that there has been full
12 compliance with the appropriate provisions of the legisla-
13 tion, the Endangered Species Act of 1973, the National
14 Environmental Policy Act of 1969, and other applicable
15 laws.

16 (f) CONSULTATION UNDER ENDANGERED SPECIES
17 ACT OF 1973.—The Secretaries shall initiate the formal
18 consultation required under section 7 of the Endangered
19 Species Act of 1973 (16 U.S.C. 1536) with respect to ex-
20 pansion of the National Training Center as soon as prac-
21 ticable and shall complete such consultation not later than
22 2 years after the date of the enactment of this Act.

23 (g) ENVIRONMENTAL REVIEW.—Not later than 6
24 months following completion of the formal consultation re-
25 quired under section 7 of the Endangered Species Act of

1 1973 with respect to expansion of the National Training
2 Center, the Secretaries shall complete any analysis re-
3 quired under the National Environmental Policy Act of
4 1969 with respect to the proposed expansion of the Na-
5 tional Training Center. The analysis shall be coordinated,
6 to the extent practicable and appropriate, with the review
7 of the West Mojave Coordinated Management Plan that,
8 as of the date of the enactment of this Act, is being under-
9 taken by the Bureau of Land Management.

10 (h) FUNDING.—

11 (1) IMPLEMENTATION OF CONSERVATION MEAS-
12 URES.—There are authorized to be appropriated
13 \$75,000,000 to the Secretary of the Army for the
14 implementation of conservation measures necessary
15 for the final expansion plan for the National Train-
16 ing Center to comply with the Endangered Species
17 Act of 1973.

18 (2) IMPLEMENTATION OF SECTION.—The
19 amounts of \$2,500,000 for “Operation and Mainte-
20 nance, Army” and \$2,500,000 for “Management of
21 Lands and Resources, Bureau of Land Manage-
22 ment” are hereby appropriated to the Secretary of
23 the Army and the Secretary of the Interior, respec-
24 tively, only to undertake and complete on an expe-
25 dited basis the activities specified in this section.

1 (2) by adding at the end the following new
2 paragraph:

3 “(5) Not later than the 15th day of the month fol-
4 lowing each quarter (beginning with the first quarter of
5 fiscal year 2001), the inspector general of each Federal
6 department, establishment, or agency receiving water serv-
7 ices from the District of Columbia shall submit a report
8 to the Committees on Appropriations of the House of Rep-
9 resentatives and Senate analyzing the promptness of pay-
10 ment with respect to the services furnished to such depart-
11 ment, establishment, or agency.”.

12 (b) Section 212(b) of the District of Columbia Public
13 Works Act of 1954 (sec. 43–1612(b), D.C. Code), as
14 amended by section 133 of the District of Columbia Ap-
15 propriations Act, 1990, is amended—

16 (1) in the third sentence of paragraph (1), by
17 striking “United States Treasury and” and all that
18 follows through “by the”; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(5) Not later than the 15th day of the month fol-
22 lowing each quarter (beginning with the first quarter of
23 fiscal year 2001), the inspector general of each Federal
24 department, establishment, or agency receiving sanitary
25 sewer services from the District of Columbia shall submit

1 a report to the Committees on Appropriations of the
2 House of Representatives and Senate analyzing the
3 promptness of payment with respect to the services fur-
4 nished to such department, establishment, or agency.”.

5 (c) The amendments made by this section shall take
6 effect as if included in the enactment of section 133 of
7 the District of Columbia Appropriations Act, 1990.

8 SEC. 402. (a) The Act entitled “An Act donating cer-
9 tain Lots in the City of Washington for Schools for Col-
10 ored Children in the District of Columbia”, approved July
11 28, 1866 (14 Stat. 343), is amended by striking the sec-
12 ond sentence.

13 (b) Section 319 of the Revised Statutes of the United
14 States relating to the District of Columbia and Post Roads
15 (sec. 31–206, D.C. Code) is repealed.

16 SEC. 403. RESTRICTIONS ON USE OF ANNUAL UNOBLI-
17 GATED BALANCE IN D.C. CRIME VICTIMS COMPENSA-
18 TION FUND. (a) IN GENERAL.—Section 16(d) of the Vic-
19 tims of Violent Crime Compensation Act of 1996 (sec. 3–
20 435(d), D.C. Code), as added by section 160(d) of the Dis-
21 trict of Columbia Appropriations Act, 2000, is amended
22 to read as follows:

23 “(d) Any unobligated balance existing in the Fund
24 in excess of \$250,000 as of the end of each fiscal year
25 (beginning with fiscal year 2000) may be used only in ac-

1 cordance with a plan developed by the District of Colum-
2 bia and approved by the Committees on Appropriations
3 of the Senate and House of Representatives, the Com-
4 mittee on Government Reform of the House of Represent-
5 atives, and the Committee on Governmental Affairs of the
6 Senate, and not less than 80 percent of such balance shall
7 be used for direct compensation payments to crime victims
8 through the Fund under this section and in accordance
9 with this Act.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect September 30, 2000.

12 SEC. 404. (a) Notwithstanding any provision of the
13 District of Columbia Appropriations Act, 2001, the Dis-
14 trict of Columbia may fund the programs identified under
15 the heading “Reserve” in H.R. 4942, One Hundred Sixth
16 Congress, as introduced, subject to the conditions de-
17 scribed under such heading and upon certification by the
18 District of Columbia Financial Responsibility and Man-
19 agement Assistance Authority to the Committees on Ap-
20 propriations of the Senate and House of Representatives
21 that the Chief Financial Officer of the District of Colum-
22 bia, the Mayor of the District of Columbia, and the Coun-
23 cil of the District of Columbia have identified and imple-
24 mented such spending reductions as may be necessary to

1 ensure that the District of Columbia will not have a budg-
2 et deficit for fiscal year 2001.

3 (b)(1) Notwithstanding any provision of the District
4 of Columbia Appropriations Act, 2001, the use by the Dis-
5 trict of the funds described in paragraph (2) for Pay-As-
6 You-Go Capital Funds shall be optional.

7 (2) The funds described in this paragraph are funds
8 set aside for the reserve established by section 202(j) of
9 the District of Columbia Financial Responsibility and
10 Management Assistance Act of 1995 (as amended by sec-
11 tion 148 of the District of Columbia Appropriations Act,
12 2000) which are not used for purposes of any reserve
13 funds established under the District of Columbia Appro-
14 priations Act, 2001, or any amendments made by such
15 Act.

16 (c)(1) The Mayor of the District of Columbia shall
17 deposit the annual interest savings resulting from debt re-
18 ductions using the proceeds of the tobacco securitization
19 program into the emergency reserve fund established
20 under section 450A of the District of Columbia Home
21 Rule Act (as added by section 159 of the District of Co-
22 lumbia Appropriations Act, 2001).

23 (2) This subsection shall apply with respect to fiscal
24 year 2001 and each succeeding fiscal year until the re-

1 requirements of section 450A of the District of Columbia
2 Home Rule Act have been met.

3 SEC. 405. (a) Notwithstanding any provision of the
4 District of Columbia Appropriations Act, 2001, quarterly
5 disbursements shall be calculated and paid to District of
6 Columbia public charter schools during fiscal year 2001
7 in accordance with section 107a(b) of the Uniform Per
8 Student Funding Formula for Public Schools and Public
9 Charter Schools and Tax Conformity Clarification Amend-
10 ment Act of 1998 (sec. 31–2906.1(b), D.C. Code), as
11 amended by the Enrollment Integrity Act.

12 SEC. 406. (a) The provisions of H.R. 5547 (as en-
13 acted into law by H.R. 4942 of the 106th Congress) are
14 repealed and shall be deemed for all purposes (including
15 section 1(b) of H.R. 4942) to have never been enacted.

16 (b) The repeal made by this section shall take effect
17 as if included in H.R. 4942 of the 106th Congress on the
18 date of its enactment.

1 shall be available for a Limited Reevaluation Report for
2 the Central Boca Raton segment of the Palm Beach Coun-
3 ty, Florida, shore protection project; and \$75,000 shall be
4 available to conduct research on the eradication of Eur-
5 asian water milfoil at Houghton Lake, Michigan: *Provided*
6 *further*, That the Secretary of the Army, acting through
7 the Chief of Engineers, is authorized and directed to use
8 \$2,000,000 of the funds appropriated herein to initiate de-
9 sign and construction of the Hawaii Water Management
10 Project, including Waiahole Ditch on Oahu, Kau Ditch on
11 Maui, Pioneer Mill Ditch on Hawaii, and the complex sys-
12 tem on the west side of Kauai: *Provided further*, That the
13 Secretary of the Army may use up to \$5,000,000 of pre-
14 viously appropriated funds to carry out the Abandoned
15 and Inactive Noncoal Mine Restoration program author-
16 ized by section 560 of Public Law 106-53.

17 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
18 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
19 SSISSIPPI, MISSOURI, AND TENNESSEE

20 For an additional amount for “Flood Control, Mis-
21 sissippi River and Tributaries, Arkansas, Illinois, Ken-
22 tucky, Louisiana, Mississippi, Missouri, and Tennessee”,
23 \$3,500,000, to remain available until expended, for pros-
24 ecuting work of repair, restoration or maintenance of the
25 Mississippi River levees, and for the correction of defi-
26 ciencies in the mainline Mississippi River levees.

1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 For an additional amount for “Water and Related
5 Resources”, \$2,000,000, to remain available until ex-
6 pended, for construction of the Mid-Dakota Rural Water
7 System, in addition to amounts made available under the
8 Energy and Water Appropriations Development Act,
9 2001.

10 DEPARTMENT OF ENERGY

11 ENERGY PROGRAMS

12 ENERGY SUPPLY

13 For an additional amount for “Energy Supply”,
14 \$800,000, to remain available until expended, for the
15 Prime, LLC, of central South Dakota, for final engineer-
16 ing and project development of the integrated ethanol
17 complex, including an ethanol unit, waste treatment sys-
18 tem, and enclosed cattle feed lot.

19 SCIENCE

20 For an additional amount for “Science”, \$1,000,000,
21 to remain available until expended, for high temperature
22 superconducting research and development at Boston Col-
23 lege.

CHAPTER 6

1

2 GENERAL PROVISIONS—THIS CHAPTER

2

3 SEC. 601. Of the funds appropriated under the head-
4 ing Department of State, International Narcotics Control
5 and Law Enforcement, in the Foreign Operations, Export
6 Financing, and Related Programs Appropriations Act,
7 2001, not less than \$1,350,000 shall be available only for
8 the Protection Project to continue its study of inter-
9 national trafficking, prostitution, slavery, debt bondage,
10 and other abuses of women and children.

11 SEC. 602. EMBASSY COMPENSATION AUTHORITY.
12 Funds made available under the heading “Other Bilateral
13 Economic Assistance, Economic Support Fund” included
14 in the Foreign Operations, Export Financing, and Related
15 Programs Appropriations Act, 2001 (Public Law 106–
16 429) may be made available, notwithstanding any other
17 provision of law, to provide payment to the Government
18 of the People’s Republic of China for property loss and
19 damage arising out of the May 7, 1999 incident in Bel-
20 grade, Federal Republic of Yugoslavia.

1 NATIONAL PARK SERVICE

2 OPERATION OF THE NATIONAL PARK SYSTEM

3 For an additional amount for “Operation of the Na-
4 tional Park System”, \$100,000 for completion of studies
5 related to the Arlington Boathouse in Virginia.

6 NATIONAL RECREATION AND PRESERVATION

7 For an additional amount for “National Recreation
8 and Preservation”, \$1,600,000, to remain available until
9 expended, of which \$500,000 is for the National Constitu-
10 tion Center in Philadelphia, Pennsylvania and \$1,100,000
11 is for a grant to the Historic New Bridge Landing Park
12 Commission.

13 HISTORIC PRESERVATION FUND

14 For an additional amount for the “Historic Preserva-
15 tion Fund”, \$100,000 for a grant to the Massillon Herit-
16 age Foundation, Inc. in Massillon, Ohio.

17 CONSTRUCTION

18 For an additional amount for “Construction”,
19 \$3,500,000, to remain available until expended, of which
20 \$1,500,000 is for the Stones River National Battlefield
21 and \$2,000,000 is for the Millennium Cultural Coopera-
22 tive Park.

23 DEPARTMENT OF ENERGY

24 ENERGY CONSERVATION

25 For an additional amount for “Energy Conserva-
26 tion”, \$300,000, to remain available until expended, for

1 a grant to the Oak Ridge National Laboratory/Nevada
2 Test Site Development Corporation for the development
3 of: (1) cooling, refrigeration, and thermal energy manage-
4 ment equipment capable of using natural gas or hydrogen
5 fuels; and (2) improvement of the reliability of heat-acti-
6 vated cooling, refrigeration, and thermal energy manage-
7 ment equipment used in combined heating, cooling, and
8 power applications.

9 RELATED AGENCY

10 WOODROW WILSON INTERNATIONAL CENTER FOR

11 SCHOLARS

12 PAYMENT TO ENDOWMENT FUND

13 For payment to the endowment fund of the Woodrow
14 Wilson International Center for Scholars \$5,000,000: *Pro-*
15 *vided*, That such funds may be invested in investments
16 approved by the Board of Trustees of the Woodrow Wilson
17 International Center for Scholars and the income from
18 such investments may be used to support the programs
19 of the Center that the Board of Trustees and the Director
20 of the Center determine appropriate.

21 GENERAL PROVISION—THIS CHAPTER

22 SEC. 701. In addition to amounts appropriated in
23 Public Law 106–291 to the Indian Health Service under
24 the heading “Indian Health Services”, \$30,000,000, to re-
25 main available until expended, is appropriated as follows:

1 (1) \$15,000,000 shall be provided to the Alaska
2 Federation of Natives as a direct lump sum payment
3 within 30 days of enactment of this Act for its Alas-
4 ka Native Sobriety and Alcohol Control Program:
5 *Provided*, That the President of the Alaska Federa-
6 tion of Natives shall make grants to each Alaska
7 Native regional non-profit corporation (as listed in
8 section 103(a)(2) of Public Law 104–193 (110 Stat.
9 2159)) in which there are villages, including estab-
10 lished villages and organized cities under State law,
11 that have voted to ban the sale, importation, or pos-
12 session of alcohol pursuant to local option State law:
13 *Provided further*, That such grants shall be used to:
14 (1) employ Village Public Safety Officers (herein-
15 after referred to as “VPSO’s”) under such terms
16 and conditions that encourage retention of such
17 VPSO’s and that are consistent with agreements
18 with the State of Alaska for the provision of such
19 VPSO services; (2) acquisition of law enforcement
20 equipment or services; or (3) develop and implement
21 restorative justice programs recognized under State
22 sentencing law as a community-based complement or
23 alternative to incarceration or other penalty: *Pro-*
24 *vided further*, That funds may also be used for ac-
25 tivities and programs to further the sobriety move-

1 ment including education and treatment. The Presi-
2 dent of the Alaska Federation of Natives shall sub-
3 mit a report on its activities and those of its grant-
4 ees including administrative costs and persons
5 served by December 31, 2001; and

6 (2) \$15,000,000 shall be provided to the Indian
7 Health Service for drug and alcohol prevention and
8 treatment services for non-Alaska tribes.

9 CHAPTER 8

10 GENERAL PROVISIONS—THIS CHAPTER

11 SEC. 801. There are appropriated to the Health Re-
12 sources and Services Administration in the Department of
13 Health and Human Services, for the construction of the
14 Biotechnology Science Center at the Marshall University
15 in Huntington, West Virginia, \$25,000,000, to remain
16 available until expended.

17 SEC. 802. There are appropriated to the Health Re-
18 sources and Services Administration in the Department of
19 Health and Human Services, for the construction of the
20 Christian Nurses Hospice in Brentwood, New York,
21 \$400,000.

22 SEC. 803. There are appropriated to the Institute of
23 Museum and Library Services, for expansion of the marine
24 biology program at the Long Island Maritime Museum,
25 \$250,000.

1 an emergency requirement pursuant to section
2 251(b)(2)(A) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985, as amended.

4 LIBRARY OF CONGRESS

5 SALARIES AND EXPENSES

6 For the Library of Congress, \$25,000,000, to remain
7 available until expended, for necessary salaries and ex-
8 penses of the National Digital Information Infrastructure
9 and Preservation Program; and an additional
10 \$75,000,000, to remain available until expended, for such
11 purposes: *Provided*, That the portion of such additional
12 \$75,000,000, which may be expended shall not exceed an
13 amount equal to the matching contributions (including
14 contributions other than money) for such purposes that:
15 (1) are received by the Librarian of Congress for the pro-
16 gram from non-Federal sources; and (2) are received be-
17 fore March 31, 2003: *Provided further*, That such program
18 shall be carried out in accordance with a plan or plans
19 approved by the Committee on House Administration of
20 the House of Representatives, the Committee on Rules
21 and Administration of the Senate, the Committee on Ap-
22 propriations of the House of Representatives, and the
23 Committee on Appropriations of the Senate: *Provided fur-*
24 *ther*, That of the total amount appropriated, \$5,000,000
25 may be expended before the approval of a plan to develop

1 such a plan, and to collect or preserve essential digital in-
2 formation which otherwise would be uncollectible: *Provided*
3 *further*, That the balance in excess of such \$5,000,000
4 shall not be expended without approval in advance by the
5 Committee on Appropriations of the House of Representa-
6 tives and the Committee on Appropriations of the Senate:
7 *Provided further*, That the plan under this heading shall
8 be developed by the Librarian of Congress jointly with en-
9 tities of the Federal Government with expertise in tele-
10 communications technology and electronic commerce pol-
11 icy (including the Secretary of Commerce and the Director
12 of the White House Office of Science and Technology Pol-
13 icy) and the National Archives and Records Administra-
14 tion, and with the participation of representatives of other
15 Federal, research, and private libraries and institutions
16 with expertise in the collection and maintenance of ar-
17 chives of digital materials (including the National Library
18 of Medicine, the National Agricultural Library, the Na-
19 tional Institute of Standards and Technology, the Re-
20 search Libraries Group, the Online Computer Library
21 Center, and the Council on Library and Information Re-
22 sources) and representatives of private business organiza-
23 tions which are involved in efforts to preserve, collect, and
24 disseminate information in digital formats (including the
25 Open e-Book Forum): *Provided further*, That notwith-

1 standing any other provision of law, effective with the One
 2 Hundred Seventh Congress and each succeeding Congress
 3 the chair of the Subcommittee on the Legislative Branch
 4 of the Committee on Appropriations of the House of Rep-
 5 resentatives shall serve as a member of the Joint Com-
 6 mittee on the Library with respect to the Library's finan-
 7 cial management, organization, budget development and
 8 implementation, and program development and adminis-
 9 tration, as well as any other element of the mission of the
 10 Library of Congress which is subject to the requirements
 11 of Federal law.

12 GENERAL PROVISIONS—THIS CHAPTER

13 SEC. 901. RETIREMENT CREDIT FOR CERTAIN LEG-
 14 ISLATIVE BRANCH EMPLOYEES. (a) FORMER EMPLOYEES
 15 OF CONGRESSIONAL CAMPAIGN COMMITTEES.—

16 (1) CSRS.—Section 8332(m) of title 5, United
 17 States Code, as amended by section 312 of the Leg-
 18 islative Branch Appropriations Act, 2000, is
 19 amended—

20 (A) by redesignating paragraphs (2) and
 21 (3) as paragraphs (3) and (4), respectively; and

22 (B) by inserting after paragraph (1) the
 23 following new paragraph:

24 “(2) Upon application to the Office of Personnel
 25 Management, any individual who was an employee on the

1 date of enactment of this paragraph, and who has on such
2 date or thereafter acquires 5 years or more of creditable
3 civilian service under this section (exclusive of service for
4 which credit is allowed under this subsection) shall be al-
5 lowed credit (as service as a congressional employee) for
6 service before December 31, 1990, while employed by the
7 Democratic Senatorial Campaign Committee, the Repub-
8 lican Senatorial Campaign Committee, the Democratic
9 National Congressional Committee, or the Republican Na-
10 tional Congressional Committee, if—

11 “(A) such employee has at least 4 years and 6
12 months of service on such committees as of Decem-
13 ber 31, 1990; and

14 “(B) such employee makes a deposit to the
15 Fund in an amount equal to the amount which
16 would be required under section 8334(c) if such
17 service were service as a congressional employee.”.

18 (2) FERS.—Section 8411 of title 5, United
19 States Code, is amended by adding at the end the
20 following new subsection:

21 “(i)(1) Upon application to the Office of Personnel
22 Management, any individual who was an employee on the
23 date of enactment of this paragraph, and who has on such
24 date or thereafter acquired 5 years or more of creditable
25 civilian service under this section (exclusive of service for

1 which credit is allowed under this subsection) shall be al-
2 lowed credit (as service as a congressional employee) for
3 service before December 31, 1990, while employed by the
4 Democratic Senatorial Campaign Committee, the Repub-
5 lican Senatorial Campaign Committee, the Democratic
6 National Congressional Committee, or the Republican Na-
7 tional Congressional Committee, if—

8 “(A) such employee has at least 4 years and 6
9 months of service on such committees as of Decem-
10 ber 31, 1990; and

11 “(B) such employee deposits to the Fund an
12 amount equal to 1.3 percent of the base pay for such
13 service, with interest.

14 “(2) The Office shall accept the certification of the
15 President of the Senate (or the President’s designee) or
16 the Speaker of the House of Representatives (or the
17 Speaker’s designee), as the case may be, concerning the
18 service of, and the amount of compensation received by,
19 an employee with respect to whom credit is to be sought
20 under this subsection.

21 “(3) An individual shall not be granted credit for
22 such service under this subsection if eligible for credit
23 under section 8332(m) for such service.”.

24 (b) FORMER EMPLOYEES OF LEGISLATIVE SERVICE
25 ORGANIZATIONS.—

1 (1) SERVICE OF EMPLOYEES OF LEGISLATIVE
2 SERVICE ORGANIZATIONS.—

3 (A) IN GENERAL.—Subject to succeeding
4 provisions of this paragraph, upon application
5 to the Office of Personnel Management in such
6 form and manner as the Office shall prescribe,
7 any individual who performed service as an em-
8 ployee of a legislative service organization of the
9 House of Representatives (as defined and au-
10 thorized in the One Hundred Third Congress)
11 and whose pay was paid in whole or in part by
12 a source other than the Clerk Hire account of
13 a Member of the House of Representatives
14 (other than an individual described in para-
15 graph (6)) shall be entitled—

16 (i) to receive credit under the provi-
17 sions of subchapter III of chapter 83 or
18 chapter 84 of title 5, United States Code
19 (whichever would be appropriate), as con-
20 gressional employee service, for all such
21 service; and

22 (ii) to have all pay for such service
23 which was so paid by a source other than
24 the Clerk Hire account of a Member in-
25 cluded (in addition to any amounts other-

1 wise included in basic pay) for purposes of
2 computing an annuity payable out of the
3 Civil Service Retirement and Disability
4 Fund.

5 (B) DEPOSIT REQUIREMENT.—In order to
6 be eligible for the benefits described in subpara-
7 graph (A), an individual shall be required to
8 pay into the Civil Service Retirement and Dis-
9 ability Fund an amount equal to the difference
10 between—

11 (i) the employee contributions that
12 were actually made to such Fund under
13 applicable provisions of law with respect to
14 the service described in subparagraph (A);
15 and

16 (ii) the employee contributions that
17 would have been required with respect to
18 such service if the amounts described in
19 subparagraph (A)(ii) had also been treated
20 as basic pay.

21 The amount required under this subparagraph
22 shall include interest, which shall be computed
23 under section 8334(e) of title 5, United States
24 Code.

1 (C) CERTAIN OFFSETS REQUIRED IN
2 ORDER TO PREVENT DOUBLE CONTRIBUTIONS
3 AND BENEFITS.—In the case of any period of
4 service as an employee of a legislative service
5 organization which constituted employment for
6 purposes of title II of the Social Security Act—

7 (i) any pay for such service (as de-
8 scribed in subparagraph (A)(ii)) with re-
9 spect to which the deposit under subpara-
10 graph (B) would otherwise be computed by
11 applying the first sentence of section
12 8334(a)(1) of title 5, United States Code,
13 shall instead be computed in a manner
14 based on section 8334(k) of such title; and

15 (ii) any retirement benefits under sub-
16 chapter III of chapter 83 of title 5, United
17 States Code, shall be subject to offset (to
18 reflect that portion of benefits under title
19 II of the Social Security Act attributable
20 to pay referred to in subparagraph (A))
21 similar to that provided for under section
22 8349 of such title.

23 (2) SURVIVOR ANNUITANTS.—For purposes of
24 survivor annuities, an application authorized by this
25 section may, in the case of an individual under para-

1 graph (1) who has died, be made by a survivor of
2 such individual.

3 (3) RECOMPUTATION OF ANNUITIES.—Any an-
4 nuity or survivor annuity payable as of when an in-
5 dividual makes the deposit required under paragraph
6 (1) shall be recomputed to take into account the
7 crediting of service under such paragraph for pur-
8 poses of amounts accruing for any period beginning
9 on or after the date on which the individual makes
10 the deposit.

11 (4) CERTIFICATION OF SPEAKER.—The Office
12 of Personnel Management shall accept the certifi-
13 cation of the Speaker of the House of Representa-
14 tives (or the Speaker's designee) concerning the
15 service of, and the amount of compensation received
16 by, an employee with respect to whom credit is to be
17 sought under this subsection.

18 (5) NOTIFICATION AND OTHER DUTIES OF THE
19 OFFICE OF PERSONNEL MANAGEMENT.—

20 (A) NOTICE.—The Office of Personnel
21 Management shall take such action as may be
22 necessary and appropriate to inform individuals
23 of any rights they might have as a result of en-
24 actment of this subsection.

1 (B) ASSISTANCE.—The Office shall, on re-
2 quest, assist any individual in obtaining from
3 any department, agency, or other instrumen-
4 tality of the United States any information in
5 the possession of such instrumentality which
6 may be necessary to verify the entitlement of
7 such individual to have any service credited
8 under this subsection or to have an annuity re-
9 computed under paragraph (3).

10 (C) INFORMATION.—Any department,
11 agency, or other instrumentality of the United
12 States which possesses any information with re-
13 spect to an individual’s performance of any
14 service described in paragraph (1) shall, at the
15 request of the office, furnish such information
16 to the Office.

17 (6) EXCLUSION OF CERTAIN EMPLOYEES.—An
18 individual is not eligible for credit under this sub-
19 section if the individual served as an employee of the
20 House of Representatives for an aggregate period of
21 5 years or longer after the individual’s final period
22 of service as an employee of a legislative service or-
23 ganization of the House of Representatives.

24 (7) MEMBER DEFINED.—In this subsection, the
25 term “Member of the House of Representatives” in-

1 includes a Delegate or Resident Commissioner to Con-
2 gress.

3 SEC. 902. (a) The Legislative Branch Appropriations
4 Act, 2001 is amended under the subheading “MISCELLA-
5 NEOUS ITEMS” under the heading “SENATE” under title
6 I by striking “\$8,655,000” and inserting “\$25,155,000”.

7 (b) The amendment made by subsection (a) shall take
8 effect as if included in the enactment of the Legislative
9 Branch Appropriations Act, 2001.

10 SEC. 903. Beginning on the first day of the 107th
11 Congress, the Presiding Officer of the Senate shall apply
12 all of the precedents of the Senate under Rule XXVIII
13 in effect at the conclusion of the 103d Congress. Further
14 that there is now in effect a Standing order of the Senate
15 that the reading of conference reports is no longer re-
16 quired, if the said conference report is available in the
17 Senate.

18 CHAPTER 10

19 GENERAL PROVISIONS—THIS CHAPTER

20 SEC. 1001. In addition to amounts appropriated or
21 otherwise made available in the Military Construction Ap-
22 propriations Act, 2001, \$43,500,000 is hereby appro-
23 priated to the Department of Defense, to remain available
24 until September 30, 2005, as follows:

25 “Military Construction, Army”, \$27,000,000;

1 “Military Construction, Air Force”,
2 \$12,000,000;

3 “Military Construction, Army National Guard”,
4 \$4,500,000:

5 *Provided*, That notwithstanding any other provision of
6 law, such funds may be obligated or expended to carry
7 out planning and design, military construction, and family
8 housing projects not otherwise authorized by law.

9 SEC. 1002. TRANSFER OF JURISDICTION, MELROSE
10 AIR FORCE RANGE, NEW MEXICO. (a) TRANSFER RE-
11 QUIRED.—(1) The Secretary of the Interior shall transfer,
12 without reimbursement, to the administrative jurisdiction
13 of the Secretary of the Air Force the surface estate in
14 the real property described in paragraph (2), which con-
15 sists of 6,713.90 acres of public domain lands in Roosevelt
16 County, New Mexico.

17 (2) The transfer of administrative jurisdiction under
18 paragraph (1) encompasses the following sections (or por-
19 tions thereof):

20 (A) In Township 1 North, Range 30 East, New
21 Mexico Prime Meridian:

22 (i) Sec. 2 (S¹/₂).

23 (ii) Sec. 11. All.

24 (iii) Sec. 20 (S¹/₂SE¹/₄).

25 (iv) Sec. 28. All.

1 (B) In Township 1 South, Range 30 East, New
 2 Mexico Prime Meridian:

3 (i) Sec. 2 (Lots 1–12, S¹/₂).

4 (ii) Sec. 3 (Lots 1–12, S¹/₂).

5 (iii) Sec. 4 (Lots 1–12, S¹/₂).

6 (iv) Sec. 6 (Lots 1 and 2).

7 (v) Sec. 9 (N¹/₂, N¹/₂S¹/₂).

8 (vi) Sec. 10 (N¹/₂, N¹/₂S¹/₂).

9 (vii) Sec. 11 (N¹/₂, N¹/₂S¹/₂).

10 (C) In Township 2 North, Range 30 East, New
 11 Mexico Prime Meridian:

12 (i) Sec. 20 (E¹/₂S¹/₄).

13 (ii) Sec. 21 (SW¹/₄, W¹/₂SE¹/₄).

14 (iii) Sec. 28 (W¹/₂E¹/₂, W¹/₂).

15 (iv) Sec. 29 (E¹/₂E¹/₂).

16 (v) Sec. 32 (E¹/₂E¹/₂).

17 (vi) Sec. 33 (W¹/₂E¹/₂, NW¹/₄, S¹/₂SW¹/₄).

18 (b) STATUS OF SURFACE ESTATE.—Upon transfer
 19 under subsection (a), the surface estate is deemed to be
 20 real property subject to the Federal Property and Admin-
 21 istrative Services Act of 1949 (40 U.S.C. 471 et seq.).

22 (c) WITHDRAWAL OF MINERAL ESTATE.—Subject to
 23 valid existing rights, the mineral estate of the lands de-
 24 scribed in subsection (a) are withdrawn from all forms of
 25 appropriation under the public land laws, including the

1 mining laws and the mineral and geothermal leasing laws,
2 but not the Act of July 31, 1947 (commonly known as
3 the Materials Act of 1947; 30 U.S.C. 601 et seq.).

4 (d) USE OF MINERAL MATERIALS.—Notwithstanding
5 subsection (c) or the Act of July 31, 1947, the Secretary
6 of the Air Force may use, without application to the Sec-
7 retary of the Interior, the sand, gravel, or similar mineral
8 material resources on the lands described in subsection
9 (a), of the type subject to disposition under the Act of
10 July 31, 1947, when the use of such resources is required
11 for construction needs on the Melrose Air Force Range,
12 New Mexico.

13 SEC. 1003. TRANSFER OF JURISDICTION, YAKIMA
14 TRAINING CENTER, WASHINGTON. (a) TRANSFER RE-
15 QUIRED.—(1) The Secretary of the Interior shall transfer,
16 without reimbursement, to the administrative jurisdiction
17 of the Secretary of the Army the surface estate in the real
18 property described in paragraph (2), which consists of
19 6,640.02 acres of public domain lands in Kittitas County,
20 Washington.

21 (2) The transfer of administrative jurisdiction under
22 paragraph (1) encompasses the following sections (or por-
23 tions thereof):

24 (A) In Township 17 North, Range 20 East,
25 Willamette Meridian:

1 (i) Sec. 22 (S^{1/2}).

2 (ii) Sec. 24 (S^{1/2}SW^{1/4} and that portion of
3 the E^{1/2} lying south of the Interstate Highway
4 90 right-of-way).

5 (iii) Sec. 26. All.

6 (B) In Township 16 North, Range 21 East,
7 Willamette Meridian:

8 (i) Sec. 4 (SW^{1/4}SW^{1/4}).

9 (ii) Sec. 12 (SE^{1/4}).

10 (iii) Sec. 18 (Lots 1, 2, 3, and 4, E^{1/2} and
11 E^{1/2}W^{1/2}).

12 (C) In Township 17 North, Range 21 East,
13 Willamette Meridian:

14 (i) Sec. 30 (Lots 3 and 4).

15 (ii) Sec. 32 (NE^{1/4}SE^{1/4}).

16 (D) In Township 16 North, Range 22 East,
17 Willamette Meridian:

18 (i) Sec. 2 (Lots 1, 2, 3, and 4, S^{1/2}N^{1/2}
19 and S^{1/2}).

20 (ii) Sec. 4 (Lots 1, 2, 3, and 4, S^{1/2}N^{1/2}
21 and S^{1/2}).

22 (iii) Sec. 10. All.

23 (iv) Sec. 14. All.

24 (v) Sec. 20 (SE^{1/4}SW^{1/4}).

25 (vi) Sec. 22. All.

1 (vii) Sec. 26 (N¹/₂).

2 (viii) Sec. 28 (N¹/₂).

3 (E) In Township 16 North, Range 23 East,
4 Willamette Meridian:

5 (i) Sec. 18 (Lots 3 and 4, E¹/₂SW¹/₄,
6 W¹/₂SE¹/₄, and that portion of the E¹/₂SE¹/₄
7 lying westerly of the westerly right-of-way line
8 of Huntzinger Road).

9 (ii) Sec. 20 (That portion of the SW¹/₄
10 lying westerly of the easterly right-of-way line
11 of the railroad).

12 (iii) Sec. 30 (Lots 1 and 2, NE¹/₄ and
13 E¹/₂NW¹/₄).

14 (b) STATUS OF SURFACE ESTATE.—Upon transfer
15 under subsection (a), the surface estate is deemed to be
16 real property subject to the Federal Property and Admin-
17 istrative Services Act of 1949 (40 U.S.C. 471 et seq.).

18 (c) WITHDRAWAL OF MINERAL ESTATE.—(1) Sub-
19 ject to valid existing rights, the mineral estate of the lands
20 described in subsection (a), as well as the additional lands
21 described in paragraph (2), are withdrawn from all forms
22 of appropriation under the public land laws, including the
23 mining laws and the geothermal leasing laws, but not the
24 Act of July 31, 1947 (commonly known as the Materials

1 Act of 1947; 30 U.S.C. 601, et seq.) and the Mineral
2 Leasing Act (30 U.S.C. 181 et seq.).

3 (2) The additional lands referred to in paragraph (1)
4 consist of 3,090.80 acres in the following sections (or por-
5 tions thereof):

6 (A) In Township 16 North, Range 20 East,
7 Willamette Meridian:

8 (i) Sec. 12. All.

9 (ii) Sec. 18 (Lot 4 and SE $\frac{1}{4}$).

10 (iii) Sec. 20 (S $\frac{1}{2}$).

11 (B) In Township 16 North, Range 21 East,
12 Willamette Meridian:

13 (i) Sec. 4 (Lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$).

14 (ii) Sec. 8. All.

15 (C) In Township 16 North, Range 22 East,
16 Willamette Meridian:

17 (i) Sec. 12. All.

18 (D) In Township 17 North, Range 21 East,
19 Willamette Meridian:

20 (i) Sec. 32 (S $\frac{1}{2}$ SE $\frac{1}{4}$).

21 (ii) Sec. 34 (W $\frac{1}{2}$).

22 (d) USE OF MINERAL MATERIALS.—Notwithstanding
23 subsection (c) or the Act of July 31, 1947, the Secretary
24 of the Army may use, without application to the Secretary
25 of the Interior, the sand, gravel, or similar mineral mate-

1 rial resources on the lands described in subsections (a)
2 and (c), of the type subject to disposition under the Act
3 of July 31, 1947, when the use of such resources is re-
4 quired for construction needs on the Yakima Training
5 Center, Washington.

6

CHAPTER 11

7

DEPARTMENT OF TRANSPORTATION

8

GENERAL PROVISIONS—THIS CHAPTER

9 SEC. 1101. Section 5309(g)(4)(D)(2) of title 49,
10 United States Code, is amended by striking “light”.

11 SEC. 1102. Item number 630 of the table contained
12 in section 1602 of the Transportation Act for the 21st
13 Century (112 Stat. 280), relating to Buffalo, New York,
14 is amended by striking “Design and construct Outer Har-
15 bor Bridge in Buffalo” and inserting “Transportation in-
16 frastructure improvements, Inner Harbor/Redevelopment
17 project, Buffalo”.

18 SEC. 1103. If the State of Arkansas incorporates into
19 the relocation of U.S. Route 71 through Fort Chaffee, Ar-
20 kansas, land obtained by the State from the Federal Gov-
21 ernment as a result of the closure of a military installa-
22 tion, the Secretary of Transportation shall credit to the
23 State share of the cost of the relocation the fair market
24 value of such land .

1 SEC. 1104. For an additional amount to enable the
2 Secretary of Transportation to make a grant to the
3 Huntsville International Airport, \$2,500,000, to be de-
4 rived from the airport and airway trust fund, to remain
5 available until expended.

6 SEC. 1105. Notwithstanding any other provision of
7 law, for necessary expenses for the Southeast Light Rail
8 Extension Project in Dallas, Texas, \$1,000,000, to be de-
9 rived from the Mass Transit Account of the Highway
10 Trust Fund and to remain available until expended.

11 SEC. 1106. Section 1105(e) of the Intermodal Sur-
12 face Transportation Efficiency Act of 1991 (105 Stat.
13 2032–2033) is amended by striking paragraph (38) and
14 replacing it with the following—

15 “(38) The Ports-to-Plains Corridor from La-
16 redo, Texas, via I–27 to Denver, Colorado, shall in-
17 clude:

18 “(A) In the State of Texas the Ports-to-
19 Plains Corridor shall generally follow—

20 “(i) I–35 from Laredo to United
21 States Route 83 at Exit 18;

22 “(ii) United States Route 83 from
23 Exit 18 to Carrizo Springs;

24 “(iii) United States Route 277 from
25 Carrizo Springs to San Angelo;

1 “(iv) United States Route 87 from
2 San Angelo to Sterling City;

3 “(v) From Sterling City to Lamesa,
4 the Corridor shall follow United States
5 Route 87 and, the Corridor shall also fol-
6 low Texas Route 158 from Sterling City to
7 I-20, then via I-20 West to Texas Route
8 349 and, Texas Route 349 from Midland
9 to Lamesa;

10 “(vi) United States Route 87 from
11 Lamesa to Lubbock;

12 “(vii) I-27 from Lubbock to Amarillo;
13 and

14 “(viii) United States Route 287 from
15 Amarillo to Dumas.

16 “(B) The corridor designation contained in
17 paragraph (A) shall take effect only if the
18 Texas Transportation Commission has not des-
19 ignated the Ports-to-Plains Corridor in Texas
20 by June 30, 2001.”.

21 SEC. 1107. For an additional amount to enable the
22 Secretary of Transportation to make a grant for the New-
23 ark-Elizabeth rail link project, New Jersey, \$3,000,000,
24 to be derived from the Mass Transit Account of the High-
25 way Trust Fund and to remain available until expended.

1 SEC. 1108. Section 5309(m)(3)(C) of title 49 United
2 States Code, shall not apply to the funds made available
3 in the Department of Transportation and Related Agen-
4 cies Appropriations Act, 2001: *Provided*, That notwith-
5 standing any other provision of law, the 14th Street
6 Bridge, Virginia; Chouteau Bridge, Jackson County, Mis-
7 souri; Clement C. Clay Bridge replacement, Morgan/Madi-
8 son counties, Alabama; Fairfield-Benton-Kennebec River
9 Bridge, Maine; Florida Memorial Bridge, Florida; Historic
10 Woodrow Wilson Bridge, Mississippi; Missisquoi Bay
11 Bridge, Vermont; Oaklawn Bridge, South Pasadena, Cali-
12 fornia; Pearl Harbor Memorial Bridge replacement, Con-
13 necticut; Powell County Bridge, Montana; Santa Clara
14 Bridge, Oxnard, California; Star City Bridge, West Vir-
15 ginia; US 231 Bridge over Tennessee River, Alabama; US
16 54/US 69 Bridge, Kansas; Waimalu Bridge replacement
17 on I-1, Hawaii; Washington Bridge, Rhode Island are eli-
18 gible in fiscal year 2001 under section 144(g)(2) of title
19 23, United States Code: *Provided further*, That section
20 378 of Public Law 106-346 is amended by inserting after
21 “US 101” the following: “and Interstate 5 Trade Cor-
22 ridor”.

23 SEC. 1109. Notwithstanding any other provision of
24 law, in addition to funds otherwise appropriated in this
25 or any other Act for fiscal year 2001, \$4,000,000 is hereby

1 appropriated from the Highway Trust Fund for Commer-
2 cial Remote Sensing Products and Spatial Information
3 Technologies under section 5113 of Public Law 105–178,
4 as amended: *Provided*, That such funds are used to study
5 the creation of a new highway right-of-way south of I-
6 10 along the Mississippi Gulf Coast by relocating the ex-
7 isting railroad right-of-way out of downtown areas.

8 SEC. 1110. Amtrak is authorized to obtain services
9 from the Administrator of General Services, and the Ad-
10 ministrator is authorized to provide services to Amtrak,
11 under sections 201(b) and 211(b) of the Federal Property
12 and Administrative Services Act of 1949 (40 U.S.C.
13 481(b) and 491(b)) for fiscal year 2001 and each fiscal
14 year thereafter until the fiscal year that Amtrak operates
15 without Federal operating grant funds appropriated for its
16 benefit, as required by sections 24101(d) and 24104(a)
17 of title 49, United States Code.

18 SEC. 1111. Of the funds made available in the “Alter-
19 ation of bridges” account of the Department of Transpor-
20 tation and Related Agencies Appropriations Act, 2001 for
21 the Fox River Bridge, \$575,000 shall be transferred by
22 the Secretary of Transportation to the City of Oshkosh
23 for removal of the bridge located at mile point 56.9 of
24 the Fox River in Oshkosh, Wisconsin. The United States

1 shall assume no responsibility for project management re-
2 lating to removal of the bridge.

3 SEC. 1112. Notwithstanding section 27 of the Mer-
4 chant Marine Act, 1920 (46 App. U.S.C. 883), section 8
5 of the Act of June 19, 1886 (46 App. U.S.C. 289), and
6 section 12106 of title 46, United States Code, the Sec-
7 retary of Transportation may issue a certificate of docu-
8 mentation with appropriate endorsement for employment
9 in the coastwise trade for the following vessels:

10 (1) M/V WELLS GRAY (State of Alaska reg-
11 istration number AK 9452 N; former Canadian reg-
12 istration number 154661); and

13 (2) ANNANDALE (United States official num-
14 ber 519434).

15 SEC. 1113. CONVEYANCE OF COAST GUARD PROP-
16 erty IN MIDDLETOWN, CALIFORNIA. (a) AUTHORITY TO
17 CONVEY.—

18 (1) IN GENERAL.—The Administrator of Gen-
19 eral Services (in this section referred to as the “Ad-
20 ministrator”) may promptly convey to Lake County,
21 California (in this section referred to as the “Coun-
22 ty”), without consideration, all right, title, and inter-
23 est of the United States (subject to subsection (c))
24 in and to the property described in subsection (b).

1 (2) IDENTIFICATION OF PROPERTY.—The Ad-
2 ministrator, in consultation with the Commandant of
3 the Coast Guard, may identify, describe, and deter-
4 mine the property to be conveyed under this section.

5 (b) PROPERTY DESCRIBED.—

6 (1) IN GENERAL.—The property referred to in
7 subsection (a) is such portion of the Coast Guard
8 LORAN Station Middletown as has been reported to
9 the General Services Administration to be excess
10 property, consisting of approximately 733.43 acres,
11 and is comprised of all or part of tracts A-101, A-
12 102, A-104, A-105, A-106, A-107, A-108, and A-
13 111.

14 (2) SURVEY.—The exact acreage and legal de-
15 scription of the property conveyed under subsection
16 (a), and any easements or rights-of-way reserved by
17 the United States under subsection (c)(1), shall be
18 determined by a survey satisfactory to the Adminis-
19 trator. The cost of the survey shall be borne by the
20 County.

21 (c) CONDITIONS.—

22 (1) IN GENERAL.—In making the conveyance
23 under subsection (a), the Administrator shall—

24 (A) reserve for the United States such ex-
25 isting rights-of-way for access and such ease-

1 ments as are necessary for continued operation
2 of the LORAN station;

3 (B) preserve other existing easements for
4 public roads and highways, public utilities, irri-
5 gation ditches, railroads, and pipelines; and

6 (C) impose such other restrictions on use
7 of the property conveyed as are necessary to
8 protect the safety, security, and continued oper-
9 ation of the LORAN station.

10 (2) FIREBREAKS AND FENCE.—(A) The Admin-
11 istrator may not convey any property under this sec-
12 tion unless the County and the Commandant of the
13 Coast Guard enter into an agreement with the Ad-
14 ministrators under which the County is required, in
15 accordance with design specifications and mainte-
16 nance standards established by the Commandant—

17 (i) to establish and construct within 6
18 months after the date of the conveyance, and
19 thereafter to maintain, firebreaks on the prop-
20 erty to be conveyed; and

21 (ii) construct within 6 months after the
22 date of conveyance, and thereafter maintain, a
23 fence approved by the Commandant along the
24 property line between the property conveyed
25 and adjoining Coast Guard property.

1 (B) The agreement shall require that—

2 (i) the County shall pay all costs of estab-
3 lishment, construction, and maintenance of
4 firebreaks under subparagraph (A)(i); and

5 (ii) the Commandant shall provide all ma-
6 terials needed to construct a fence under sub-
7 paragraph (A)(ii), and the County shall pay all
8 other costs of construction and maintenance of
9 the fence.

10 (3) COVENANTS APPURTENANT.—The Adminis-
11 trator shall take actions necessary to render the re-
12 quirement to establish, construct, and maintain
13 firebreaks and a fence under paragraph (2) and
14 other requirements and conditions under paragraph
15 (1), under the deed conveying the property to the
16 County, covenants that run with the land for the
17 benefit of land retained by the United States.

18 (d) REVERSIONARY INTEREST.—During the 5-year
19 period beginning on the date the Administrator makes the
20 conveyance authorized by subsection (a), the real property
21 conveyed pursuant to this section, at the option of the Ad-
22 ministrator, shall revert to the United States and be
23 placed under the administrative control of the Adminis-
24 trator, if—

1 (1) the County sells, conveys, assigns, ex-
2 changes, or encumbers the property conveyed or any
3 part thereof;

4 (2) the County fails to maintain the property
5 conveyed in a manner consistent with the terms and
6 conditions in subsection (c);

7 (3) the County conducts any commercial activi-
8 ties at the property conveyed, or any part thereof,
9 without approval of the Secretary; or

10 (4) at least 30 days before the reversion, the
11 Administrator provides written notice to the owner
12 that the property or any part thereof is needed for
13 national security purposes.

14 SEC. 1114. CONVEYANCE OF COAST GUARD PROP-
15 erty TO TOWN OF NANTUCKET, MASSACHUSETTS. (a)
16 AUTHORITY TO CONVEY.—

17 (1) IN GENERAL.—Notwithstanding any other
18 law, the Administrator of the General Services Ad-
19 ministration (Administrator) or the Commandant of
20 the Coast Guard (Commandant), as appropriate,
21 shall convey to the Town of Nantucket, Massachu-
22 setts (Town), without monetary consideration, all
23 right, title, and interest of the United States of
24 America (United States) in and to a certain parcel
25 of land located in Nantucket, Massachusetts, and

1 part of the United States Coast Guard LORAN Sta-
2 tion Nantucket, together with any improvements
3 thereon in their then current condition.

4 (2) IDENTIFICATION OF PROPERTY.—The Ad-
5 ministrator or the Commandant, as appropriate,
6 shall identify, describe, and determine the property
7 to be conveyed under this section. The Town shall
8 bear all monetary costs associated with any survey
9 required to describe the property to be conveyed
10 under this section and any easements reserved by
11 the United States under subsection (b)(1).

12 (b) TERMS AND CONDITIONS OF CONVEYANCE.—

13 (1) The conveyance of property under this sec-
14 tion shall be made subject to any terms and condi-
15 tions the Administrator or the Commandant, as ap-
16 propriate, considers necessary, including the reserva-
17 tion of easements and other rights on behalf of the
18 United States, to ensure that—

19 (A) there is reserved to the United States
20 the right to remove, relocate, or replace any aid
21 to navigation located upon, or install or con-
22 struct any aid to navigation upon, property con-
23 veyed under this section as may be necessary
24 for navigational purposes;

1 (B) the United States shall have the right
2 to enter property conveyed under this section at
3 any time, without notice, for purposes of oper-
4 ating, maintaining, and inspecting any aid to
5 navigation and for the purposes of exercising
6 any of the rights set forth in paragraph (1)(A)
7 of this subsection; and

8 (C) the Town shall not interfere or allow
9 interference, in any manner, with any aid to
10 navigation, whether located upon the property
11 conveyed under this section or upon any portion
12 of LORAN Station Nantucket retained by the
13 United States, nor hinder activities required for
14 the inspection, operation, and maintenance of
15 any such aid to navigation without the Com-
16 mandant's express written permission.

17 (2) The Town shall not convey, assign, ex-
18 change, or in any way encumber the property con-
19 veyed under this section, unless approved by the Ad-
20 ministrator.

21 (3) The Town shall not conduct any commercial
22 activities at or upon the property conveyed under
23 this section, unless approved by the Administrator.

24 (4) The Town shall not be required to maintain
25 any active aid to navigation associated with the

1 property conveyed under this section except for pri-
2 vate aids to navigation permitted under 14 U.S.C.
3 83.

4 (5) The United States shall not convey any
5 property under this section, nor grant any real prop-
6 erty license under subsection (d), until the Town en-
7 ters into an agreement with the United States to re-
8 locate the Coast Guard receiving antenna and associ-
9 ated equipment, as identified by the Commandant,
10 at the Town's sole cost and expense, and subject to
11 the Commandant's design specifications, project
12 schedule, and final project approval.

13 (6) The United States shall not convey any
14 property under this section, nor grant any real prop-
15 erty license under subsection (d), until the Town en-
16 ters into an agreement with the United States that
17 provides that the Town will immediately cease con-
18 struction or operation of the waste water treatment
19 facility upon notification by the Commandant that
20 the Town's construction or operation of the facility
21 interferes with any Coast Guard aid to navigation.
22 The agreement shall provide that construction or op-
23 eration shall not be resumed until the conditions
24 causing the interference are corrected, and the Com-

1 mandant authorizes the construction or operation to
2 resume.

3 (7) All conditions placed with the deed of title
4 shall be construed as covenants running with the
5 land.

6 (c) REVERSIONARY INTEREST.—In addition to any
7 term or condition established pursuant to this section, the
8 conveyance of property under this section shall include a
9 condition that the property conveyed, at the option of the
10 Administrator, shall revert to the United States and be
11 placed under the administrative control of the Adminis-
12 trator, if—

13 (1) the Town conveys, assigns, exchanges, or in
14 any manner encumbers the property conveyed for
15 consideration, unless otherwise approved by the Ad-
16 ministrator;

17 (2) the Town conducts any commercial activi-
18 ties at or upon the property conveyed, unless other-
19 wise approved by the Administrator;

20 (3) the Town interferes or allows interference,
21 in any manner, with any aid to navigation, whether
22 located upon the property conveyed under this sec-
23 tion or upon any portion of LORAN Station Nan-
24 tucket retained by the United States, nor hinder ac-
25 tivities required for the inspection, operation, and

1 maintenance of any such aid to navigation without
2 the Commandant's express written permission; or

3 (4) at least 30 days before the reversion, the
4 Administrator provides written notice to the grantee
5 that property conveyed under this section, or any
6 portion thereof, is needed for national security pur-
7 poses.

8 (d) REAL PROPERTY LICENSE.—Prior to the convey-
9 ance of any property under this section, the Commandant
10 may grant a real property license to the Town for the pur-
11 pose of allowing the Town to enter upon LORAN Station
12 Nantucket and commence construction of a waste water
13 treatment facility and for other site preparation activities.

14 (e) DEFINITIONS.—For purposes of this section:

15 (1) AID TO NAVIGATION.—The term “aid to
16 navigation” means equipment used for navigation
17 purposes, including but not limited to, a light, an-
18 tenna, sound signal, electronic and radio navigation
19 equipment and signals, cameras, sensors, or other
20 equipment operated or maintained by the United
21 States.

22 (2) TOWN.—The term “Town” includes the
23 successors and assigns of the Town of Nantucket,
24 Massachusetts.

1 SEC. 1115. CONVEYANCE OF PLUM ISLAND LIGHT-
2 HOUSE, NEWBURYPORT, MASSACHUSETTS. (a) AUTHOR-
3 ITY TO CONVEY.—

4 (1) IN GENERAL.—Notwithstanding any other
5 law, the Administrator of the General Services Ad-
6 ministration (Administrator) or the Commandant of
7 the Coast Guard (Commandant), as appropriate,
8 shall convey to the City of Newburyport, Massachu-
9 setts (City), without monetary consideration, all
10 right, title, and interest of the United States of
11 America (United States) in and to two certain par-
12 cels of land upon which the Plum Island Boat House
13 and the Plum Island Lighthouse (also known as the
14 Newburyport Harbor Light), are situated, respec-
15 tively, located in Essex County, Massachusetts, to-
16 gether with any improvements thereon in their then
17 current condition.

18 (2) IDENTIFICATION OF PROPERTY.—The Ad-
19 ministrator or the Commandant, as appropriate,
20 shall identify, describe, and determine the property
21 to be conveyed under this section, including the right
22 to retain all right, title, and interest of the United
23 States to any portion of either parcel described in
24 paragraph (a)(1) of this section. The Administrator
25 or Commandant, as appropriate, may retain all

1 right, title, and interest of the United States in and
2 to any historical artifact, including any lens or lan-
3 tern, that is associated with and located at the prop-
4 erty conveyed under this section at the time of con-
5 veyance. Artifacts associated with, but not located
6 at, the property conveyed under this section at the
7 time of conveyance, shall remain the personal prop-
8 erty of the United States under the administrative
9 control of the Commandant. No submerged lands
10 shall be conveyed under this section.

11 (b) TERMS AND CONDITIONS OF CONVEYANCE.—

12 (1) The conveyance of property under this sec-
13 tion shall be made subject to any terms and condi-
14 tions the Administrator or the Commandant, as ap-
15 ropriate, considers necessary, including but not lim-
16 ited to, the reservation of easements and other
17 rights on behalf of the United States, to ensure
18 that—

19 (A) the aids to navigation located at prop-
20 erty conveyed under this section shall remain
21 the personal property of the United States and
22 continue to be operated and maintained by the
23 United States for as long as needed for naviga-
24 tional purposes;

1 (B) there is reserved to the United States
2 the right to remove, relocate, or replace any aid
3 to navigation located upon, or install or con-
4 struct any aid to navigation upon, property con-
5 veyed under this section as may be necessary
6 for navigational purposes;

7 (C) the United States shall have the right
8 to enter property conveyed under this section at
9 any time, without notice, for purposes of oper-
10 ating, maintaining, and inspecting any aid to
11 navigation, for the purposes of exercising any of
12 the rights set forth in paragraph (1)(B) of this
13 subsection, and for the purposes of ingress and
14 egress to any land retained by the United
15 States; and

16 (D) the City shall not, without the Com-
17 mandant's express written permission, interfere
18 or allow interference, in any manner, with any
19 aid to navigation, nor hinder activities required

20 (i) for the inspection, operation, and
21 maintenance of any aid to navigation; or

22 (ii) for the exercise of any of the
23 rights set forth in paragraph (1)(B) of this
24 subsection.

1 (2) The City shall, at its own cost and expense,
2 maintain the property conveyed under this section in
3 a proper, substantial, and workmanlike manner.

4 (3) The City shall ensure that the property con-
5 veyed is available and accessible to the public, on a
6 reasonable basis for educational, park, recreational,
7 cultural, historic preservation or similar purposes.

8 (4) The City shall not be required to maintain
9 any active aid to navigation associated with the
10 property conveyed under this section except for pri-
11 vate aids to navigation permitted under 14 U.S.C.
12 83.

13 (5) All conditions placed with the deed of title
14 for property conveyed under this section shall be
15 construed as covenants running with the land.

16 (6) The Administrator or the Commandant, as
17 appropriate, may require such additional terms and
18 conditions with respect to the conveyance of property
19 under this section, as the Administrator or the Com-
20 mandant considers appropriate to protect the inter-
21 ests of the United States.

22 (c) REVERSIONARY INTEREST.—In addition to any
23 term or condition established pursuant to this section, any
24 property conveyed under this section, at the option of the
25 Administrator, shall revert to the United States and be

1 placed under the administrative control of the Adminis-
2 trator, if—

3 (1) the property conveyed under this section, or
4 any part thereof, ceases to be maintained in a man-
5 ner that ensures its present or future use as a site
6 for an aid to navigation as determined by the Com-
7 mandant;

8 (2) the property conveyed under this section, or
9 any part thereof, ceases to be available and acces-
10 sible to the public, on a reasonable basis, for edu-
11 cational, park, recreational, cultural, historic preser-
12 vation or similar purposes; or

13 (3) at least 30 days before the reversion, the
14 Administrator provides written notice to the grantee
15 that property conveyed under this section, or any
16 portion thereof, is needed for national security pur-
17 poses.

18 (d) DEFINITIONS.—For purposes of this section:

19 (1) AID TO NAVIGATION.—The term “aid to
20 navigation” means equipment used for navigation
21 purposes, including but not limited to, a light, an-
22 tenna, sound signal, electronic and radio navigation
23 equipment and signals, cameras, sensors, or other
24 equipment operated or maintained by the United
25 States.

1 (2) CITY.—The term “City” includes the suc-
2 cessors and assigns of the City of Newburyport,
3 Massachusetts.

4 SEC. 1116. TRANSFER OF COAST GUARD STATION
5 SCITUATE TO THE NATIONAL OCEANIC AND ATMOS-
6 PHERIC ADMINISTRATION. (a) AUTHORITY TO TRANS-
7 FER.—

8 (1) IN GENERAL.—The Administrator of the
9 General Services Administration, in consultation
10 with the Commandant, United States Coast Guard,
11 may transfer without consideration administrative
12 jurisdiction, custody, and control over the Federal
13 property known as Coast Guard Station Scituate to
14 the National Oceanic and Atmospheric Administra-
15 tion (hereinafter referred to as “NOAA”).

16 (2) IDENTIFICATION OF PROPERTY.—The Ad-
17 ministrator, in consultation with the Commandant,
18 may identify, describe, and determine the property
19 to be transferred under this section.

20 (b) TERMS OF TRANSFER.—

21 (1) The transfer of the property shall be made
22 subject to any conditions and reservations the Com-
23 mandant considers necessary to ensure that—

1 (A) the transfer of the property to NOAA
2 is contingent upon the relocation of Coast
3 Guard Station Scituate to a suitable site;

4 (B) there is reserved to the Coast Guard
5 the right to remove, relocate, or replace any aid
6 to navigation located upon, or install any aid to
7 navigation upon, the property transferred under
8 this section as may be necessary for naviga-
9 tional purposes; and

10 (C) the Coast Guard shall have the right
11 to enter the property transferred under this sec-
12 tion at any time, without notice, for purposes of
13 operating, maintaining, and inspecting any aid
14 to navigation.

15 (2) The transfer of the property shall be made
16 subject to the review and acceptance of the property
17 by NOAA.

18 (c) RELOCATION OF STATION SCITUATE.—The Coast
19 Guard may—

20 (1) lease land, including unimproved or vacant
21 land, for a term not to exceed 20 years, for the pur-
22 pose of relocating Coast Guard Station Scituate; and

23 (2) improve the land leased under this sub-
24 section.

1 SEC. 1117. EXTENSION OF INTERIM AUTHORITY FOR
2 DRY BULK CARGO RESIDUE DISPOSAL. (a) Section
3 415(b)(2) of the Coast Guard Authorization Act of 1998
4 is amended by striking “2002” and inserting “2004”.

5 (b) The Secretary shall conduct a study of the effec-
6 tiveness of the United States 1997 Enforcement Policy for
7 Cargo Residues on the Great Lakes (“Policy”) by Sep-
8 tember 30, 2002.

9 (c) The Secretary is authorized to promulgate regula-
10 tions to implement and enforce a program to regulate inci-
11 dental discharges from vessels of residues of non-haz-
12 ardous and non-toxic dry bulk cargo into the waters of
13 the Great Lakes, which takes into account the finding in
14 the study required under subsection (b). This program
15 shall be consistent with the Policy.

16 SEC. 1118. GREAT LAKES PILOTAGE ADVISORY
17 COMMITTEE. Section 9307 of title 46, United States Code,
18 is amended—

19 (1) by amending subparagraph (A) of sub-
20 section (b)(2) to read as follows:

21 “(A) The President of each of the 3 Great
22 Lakes pilotage districts, or the President’s rep-
23 resentative;”;

24 (2) by amending subparagraph (E) of sub-
25 section (b)(2) to read as follows:

1 “(E) a member with a background in fi-
2 nance or accounting, who—

3 “(i) must have been recommended to
4 the Secretary by a unanimous vote of the
5 other members of the Committee, and

6 “(ii) may be appointed without regard
7 to requirement in paragraph (1) that each
8 member have 5 years of practical experi-
9 ence in maritime operations.”;

10 (3) in subsection (C)(2) by striking the second
11 sentence;

12 (4) by adding at the end of subsection (d) the
13 following new paragraph:

14 “(3) Any recommendations to the Secretary
15 under subsection (a)(2) must have been approved by
16 at least all but one of the members then serving on
17 the committee.”; and

18 (5) in subsection (f)(1) by striking “September
19 30, 2003” and inserting “September 30, 2005”.

20 SEC. 1119. VESSEL ESCORT OPERATIONS AND TOW-
21 ING ASSISTANCE. (a) IN GENERAL.—Except in the case
22 of a vessel in distress, only a vessel of the United States
23 (as that term is defined in section 2101 of title 46, United
24 States Code) may perform the following vessel escort oper-

1 ations and vessel towing assistance within the navigable
2 waters of the United States:

3 (1) Operations or assistance that commences or
4 terminates at a port or place in the United States.

5 (2) Operations or assistance required by United
6 States law or regulation.

7 (3) Operations provided in whole or in part for
8 the purpose of escorting or assisting a vessel within
9 or through navigation facilities owned, maintained,
10 or operated by the United States Government or the
11 approaches to such facilities, other than facilities op-
12 erated by the St. Lawrence Seaway Development
13 Corporation on the St. Lawrence River portion of
14 the Seaway.

15 (b) DEFINITIONS.—Unless otherwise defined by a
16 provision of law or regulation requiring that towing assist-
17 ance or escort be rendered to vessels transiting United
18 States waters or navigation facilities, for purposes of this
19 section—

20 (1) the term “towing assistance” means oper-
21 ations by an assisting vessel in direct contact with
22 an assisted vessel (including hull-to-hull, by towline,
23 including if only pre-tethered, or made fast to that
24 vessel by one or more lines) for purposes of exerting

1 force on the assisted vessel to control or to assist in
2 controlling the movement of the assisted vessel; and

3 (2) the term “escort operations” means accom-
4 panying a vessel for the purpose of providing towing
5 or towing assistance to the vessel.

6 SEC. 1120. Notwithstanding any other provision of
7 law, the Commandant of the United States Coast Guard
8 is hereby authorized to utilize \$100,000 of the amounts
9 made available for fiscal year 2001 for environmental com-
10 pliance and restoration of Coast Guard facilities to reim-
11 burse the owner of the former Coast Guard lighthouse fa-
12 cility at Cape May, New Jersey, for costs incurred for
13 clean-up of lead contaminated soil at that facility.

14 SEC. 1121. Notwithstanding any other provision of
15 law, \$2,400,000, to be derived from the Highway Trust
16 Fund, shall be available for planning, development and
17 construction of rural farm-to-market roads in Tulare
18 County, California: *Provided*, That the non-Federal share
19 of such improvements shall be 20 percent.

20 SEC. 1122. Notwithstanding any other provision of
21 law, and subject to the availability of funds appropriated
22 specifically for the project, the Coast Guard is authorized
23 to transfer funds in an amount not to exceed \$200,000
24 and project management authority to the Traverse City
25 Area Public School District for the purposes of demolition

1 and removal of the structure commonly known as “Build-
2 ing 402” at former Coast Guard property located in Tra-
3 verse City, Michigan, and associated site work. No such
4 funds shall be transferred until the Coast Guard receives
5 a detailed, fixed price estimate from the School District
6 describing the nature and cost of the work to be per-
7 formed, and the Coast Guard shall transfer only that
8 amount of funds it and the School District consider nec-
9 essary to complete the project.

10 SEC. 1123. Notwithstanding any other provision of
11 law, for necessary expenses for Alabama A&M University
12 buses and bus facilities, \$500,000, to be derived from the
13 Mass Transit Account of the Highway Trust Fund and
14 to remain available until expended.

15 SEC. 1124. Notwithstanding any other provision of
16 law, prior to the fiscal year 2002 apportionment of “Fixed
17 Guideway Modernization” funds authorized under section
18 5309(a)(1)(E) of title 49, United States Code, \$7,047,502
19 of funds made available in fiscal year 2002 by section
20 5338(b) of title 49, United States Code, for the “Fixed
21 Guideway Modernization” program shall be distributed by
22 the Federal Transit Administration to an urbanized area
23 over 200,000 that did not receive amounts of fixed guide-
24 way modernization formula grants to which such area was
25 lawfully entitled for fiscal years 1999–2001 in view of eli-

1 gibility determinations made under chapter 53 of title 49,
2 United States Code, during the 6 months prior to the ef-
3 fective date of this Act: *Provided*, That such sums shall
4 not reduce a grantee's fiscal year 2002 apportionment
5 level of "Fixed Guideway Modernization" funds: *Provided*
6 *further*, That such sum remain available until expended.

7 SEC. 1125. Notwithstanding any other provision of
8 law, Airport Improvement Program Formula Changes
9 provided in Public Law 106-181 and defined in section
10 104 of that Act shall be applied regardless of funding lev-
11 els made available under section 48103 of title 49, United
12 States Code.

13 SEC. 1126. Item number 473 contained in section
14 1602 of the Transportation Equity Act for the 21st Cen-
15 tury (112 Stat. 274), relating to Minnesota, is amended
16 by striking "between I-35W and 24th Avenue to four
17 lanes in Richfield" and inserting "reconstruction project
18 from Penn Avenue to 24th Avenue, including the Penn
19 Avenue Bridge over I-494".

20 SEC. 1127. The Secretary of Transportation shall not
21 issue final regulations under section 20153 of title 49,
22 United States Code, before July 1, 2001.

23 SEC. 1128. Notwithstanding any other provision of
24 law, in addition to amounts made available in this Act or
25 any other Act, the following sums shall be made available

1 from the Highway Trust Fund (other than the Mass Tran-
2 sit Account):

3 \$1,700,000 for transportation and community
4 preservation projects along the Main Street Corridor
5 in Houston, Texas;

6 \$5,000,000 for rehabilitation, repair, and res-
7 toration of the historic Stillwater Lift Bridge be-
8 tween Stillwater, Minnesota and Houlton, Wisconsin;

9 \$1,000,000 for improvements to McClung
10 Road, Boston Street, Larson Street and Whirlpool
11 Drive in the City of LaPorte, Indiana; and

12 \$1,000,000 for design, environmental mitiga-
13 tion, engineering, and construction of, and improve-
14 ments to, the US 36/Wadsworth interchange
15 (Broomfield interchange) in Broomfield County, Col-
16 orado:

17 *Provided*, That the amounts appropriated in this section
18 shall remain available until expended and shall not be sub-
19 ject to, or computed against, any obligation limitation or
20 contract authority set forth in this or any other Act.

1 CHAPTER 12
2 GENERAL SERVICES ADMINISTRATION
3 REAL PROPERTY ACTIVITIES
4 FEDERAL BUILDINGS FUND

5 For an additional amount to be deposited in, and to
6 be used for the purposes of, the Federal Buildings Fund
7 of the General Services Administration, \$2,070,000: *Pro-*
8 *vided*, That this amount shall be available for the purpose
9 of renovating and redeveloping portions of the historic
10 Federal building located at 30 North Seventh Street in
11 Terre Haute, Indiana, to accommodate the needs of Fed-
12 eral tenants: *Provided further*, That use of these funds is
13 subject to authorization including the preparation and ap-
14 proval of a prospectus as required by the Public Buildings
15 Act of 1959, as amended.

16 DEPARTMENT OF THE TREASURY
17 UNITED STATES CUSTOMS SERVICE
18 OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR
19 AND MARINE INTERDICTION PROGRAMS

20 For an additional amount of \$7,000,000, to remain
21 available until expended, for necessary expenses associated
22 with procurement of two aircraft and related equipment
23 expenses associated with aviation standardization and
24 training at the Customs National Aviation Center in Okla-
25 homa City, Oklahoma: *Provided*, That none of the funds

1 provided shall be available for obligation until an expendi-
 2 ture plan is submitted for approval to the Committees on
 3 Appropriations.

4 CHAPTER 13

5 DEPARTMENT OF VETERANS AFFAIRS

6 DEPARTMENTAL ADMINISTRATION

7 CONSTRUCTION, MINOR PROJECTS

8 For an additional amount for “Construction, minor
 9 projects”, \$8,840,000, to remain available until expended.

10 DEPARTMENT OF HOUSING AND URBAN

11 DEVELOPMENT

12 COMMUNITY PLANNING AND DEVELOPMENT

13 EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

14 For an additional amount for “Empowerment zones
 15 and enterprise communities”, \$110,000,000, to remain
 16 available until expended: *Provided*, That \$185,000,000
 17 shall be available for urban empowerment zones, as au-
 18 thorized by the Taxpayer Relief Act of 1997, including
 19 \$12,333,333 for each empowerment zone.

20 COMMUNITY DEVELOPMENT FUND

21 For an additional amount for “Community develop-
 22 ment fund”, \$66,128,000 to remain available until Sep-
 23 tember 30, 2003.

24 The referenced statement of the managers in the sev-
 25 enth undesignated paragraph under this heading in title
 26 II of the Departments of Veterans Affairs and Housing

1 and Urban Development, and Independent Agencies Ap-
2 propriations Act, 2001 (Public Law 106–377) is deemed
3 to be amended by striking “West Dallas neighborhoods”
4 in reference to improvement efforts by the Pleasant Wood/
5 Pleasant Grove Community Development Corporation,
6 and inserting “the Pleasant Grove area” in lieu thereof.

7 The unobligated amount appropriated in the third
8 paragraph under the heading “Community development
9 block grants” in chapter 8 of title II of the Emergency
10 Supplemental Act, 2000 (Public Law 106–246) for a
11 grant to the City of Hamlet, North Carolina, for demoli-
12 tion and removal of buildings and equipment destroyed by
13 fire shall remain available until September 30, 2002, for
14 a grant for such purpose to the County of Richmond,
15 North Carolina.

16 The seventh paragraph under this heading in title II
17 of Public Law 106–377 is amended by striking
18 “\$292,000,000” and inserting in lieu thereof
19 “\$358,128,000”: *Provided*, That such funds shall be avail-
20 able for grants for the Economic Development Initiative
21 (EDI) to finance a variety of targeted economic invest-
22 ments in accordance with the terms and conditions speci-
23 fied in the statement of managers accompanying this con-
24 ference report.

1 DEPARTMENT OF THE TREASURY
2 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
3 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
4 FUND PROGRAM ACCOUNT

5 Under this heading in Public Law 106–377, strike
6 “\$8,750,000 may be used for administrative expenses,”
7 and insert “\$9,750,000 may be used for administrative
8 expenses, including administration of the New Markets
9 Tax Credit and Individual Development Accounts,”.

10 ENVIRONMENTAL PROTECTION AGENCY
11 SCIENCE AND TECHNOLOGY

12 For an additional amount for “Science and tech-
13 nology”, \$1,000,000 for continuation of the South Bronx
14 Air Pollution Study being conducted by New York Univer-
15 sity.

16 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

17 The statement of the managers under this heading
18 in title III of the Departments of Veterans Affairs and
19 Housing and Urban Development, and Independent Agen-
20 cies Appropriations Act, 2001 (Public Law 106–377) is
21 deemed to be amended by inserting the word “Valley”
22 after the words “San Bernardino” in reference to a project
23 identified as number 104 in such statement of the man-
24 agers.

1 STATE AND TRIBAL ASSISTANCE GRANTS

2 Grants appropriated under this heading in Public
3 Law 106–74 and Public Law 106–377 for drinking water
4 infrastructure needs in the New York City watershed shall
5 be awarded under section 1443(d) of the Safe Drinking
6 Water Act, as amended.

7 The referenced statement of the managers under this
8 heading in Public Law 106–377 is deemed to be amended
9 by striking all after the words “City of Liberty” in ref-
10 erence to item number 78, and inserting the words “Town
11 of Versailles, Indiana for wastewater infrastructure im-
12 provements”.

13 Under this heading in title III of Public Law 106–
14 377, strike “\$335,740,000” and insert “\$356,370,000”:
15 *Provided*, That such funds shall be for making grants for
16 the construction of wastewater and water treatment facili-
17 ties and groundwater protection infrastructure in accord-
18 ance with the terms and conditions specified for such
19 grants in the statement of managers accompanying Public
20 Law 106–377 and this conference report.

21 FEDERAL EMERGENCY MANAGEMENT AGENCY

22 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

23 For an additional amount for “Emergency manage-
24 ment planning and assistance”, \$100,000,000, to remain
25 available through September 30, 2001, for programs as

1 authorized by section 33 of the Federal Fire Prevention
2 and Control Act of 1974 (15 U.S.C. 2201 et seq.), as
3 amended.

4 CHAPTER 14

5 GENERAL PROVISIONS—THIS DIVISION

6 SEC. 1401. H. Con. Res. 234 of the 106th Congress,
7 as adopted by the House of Representatives on November
8 18, 1999, shall be considered to have been adopted by the
9 Senate.

10 SEC. 1402. Section 3003(a)(1) of the Federal Re-
11 ports Elimination and Sunset Act of 1995 (31 U.S.C.
12 1113 note) does not apply to any report required to be
13 submitted under any of the following provisions of law:

14 (1) Sections 1105(a), 1106(a) and (b), and
15 1109(a) of title 31, United States Code, and any
16 other law relating to the budget of the United States
17 Government.

18 (2) The Balanced Budget and Emergency Def-
19 icit Control Act of 1985 (2 U.S.C. 900 et seq.).

20 (3) Sections 202(e)(1) and (3) of the Congres-
21 sional Budget Act of 1974 (2 U.S.C. 602(e)(1) and
22 (3)).

23 (4) Section 1014(e) of the Congressional Budg-
24 et and Impoundment Control Act of 1974 (2 U.S.C.
25 685(e)).

1 SEC. 1403. (a) GOVERNMENT-WIDE RESCISSIONS.—

2 There is hereby rescinded an amount equal to 0.22 percent
3 of the discretionary budget authority provided (or obliga-
4 tion limit imposed) for fiscal year 2001 in this or any
5 other Act for each department, agency, instrumentality,
6 or entity of the Federal Government, except for those pro-
7 grams, projects, and activities which are specifically ex-
8 empted elsewhere in this provision: *Provided*, That this
9 exact reduction percentage shall be applied on a pro rata
10 basis only to each program, project, and activity subject
11 to the rescission.

12 (b) RESTRICTIONS.—This reduction shall not be ap-
13 plied to the amounts appropriated in title I of Public Law
14 106–259: *Provided*, That this reduction shall not be ap-
15 plied to the amounts appropriated in division B of Public
16 Law 106–246: *Provided further*, That this reduction shall
17 not be applied to the amounts appropriated under the De-
18 partments of Labor, Health and Human Services, and
19 Education, and Related Agencies Appropriations Act,
20 2001, as contained in this Act, or in prior Acts.

21 (c) REPORT.—The Director of the Office of Manage-
22 ment and Budget shall include in the President’s budget
23 submitted for fiscal year 2002 a report specifying the re-
24 ductions made to each account pursuant to this section.

DIVISION B

TITLE I

SEC. 101. ELIGIBILITY OF PRIVATE ORGANIZATIONS

UNDER CHILD AND ADULT CARE FOOD PROGRAM. (a)

Section 17(a)(2)(B) of the Richard B. Russell National

School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended

by striking “children for which the” and inserting “chil-

dren, if—

“(i) during the period beginning on

the date of enactment of this clause and

ending on September 30, 2001, at least 25

percent of the children served by the orga-

nization meet the income eligibility criteria

established under section 9(b) for free or

reduced price meals; or

“(ii) the”.

(b) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary

to carry out this section shall be available only to

the extent that an official budget request for the en-

tire amount, 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 trans-

mitted by the President to the Congress.

1 (2) DESIGNATION.—The entire amount nec-
2 essary to carry out this section is designated by the
3 Congress as an emergency requirement pursuant to
4 section 251(b)(2)(A) of such Act.

5 SEC. 102. SUMMER FOOD PILOT PROJECTS. (a) Sec-
6 tion 18 of the Richard B. Russell National School Lunch
7 Act (42 U.S.C. 1769) is amended by adding at the end
8 the following:

9 “(f) SUMMER FOOD PILOT PROJECTS.—

10 “(1) DEFINITION OF ELIGIBLE STATE.—In this
11 subsection, the term ‘eligible State’ means a State in
12 which (based on data available in July 2000)—

13 “(A) the percentage obtained by dividing—

14 “(i) the sum of—

15 “(I) the average daily number of
16 children attending the summer food
17 service program in the State in July
18 1999; and

19 “(II) the average daily number of
20 children receiving free or reduced
21 price meals under the school lunch
22 program in the State in July 1999; by

23 “(ii) the average daily number of chil-
24 dren receiving free or reduced price meals
25 under the school lunch program in the

1 State in March 1999; is less than 50 per-
2 cent of

3 “(B) the percentage obtained by dividing—

4 “(i) the sum of—

5 “(I) the average daily number of
6 children attending the summer food
7 service program in all States in July
8 1999; and

9 “(II) the average daily number of
10 children receiving free or reduced
11 price meals under the school lunch
12 program in all States in July 1999; by

13 “(ii) the average daily number of chil-
14 dren receiving free or reduced price meals
15 under the school lunch program in all
16 States in March 1999.

17 “(2) PILOT PROJECTS.—During the period of
18 fiscal years 2001 through 2003, the Secretary shall
19 carry out a summer food pilot project in each eligi-
20 ble State to increase the number of children partici-
21 pating in the summer food service program in the
22 State.

23 “(3) SUPPORT LEVELS FOR SERVICE INSTITU-
24 TIONS.—

1 “(A) FOOD SERVICE.—Under the pilot
2 project, a service institution (other than a serv-
3 ice institution described in section 13(a)(7)) in
4 an eligible State shall receive the maximum
5 amounts for food service under section 13(b)(1)
6 without regard to the requirement under section
7 13(b)(1)(A) that payments shall equal the full
8 cost of food service operations.

9 “(B) ADMINISTRATIVE COSTS.—Under the
10 pilot project, a service institution (other than a
11 service institution described in section 13(a)(7))
12 in an eligible State shall receive the maximum
13 amounts for administrative costs determined by
14 the Secretary under section 13(b)(4) without
15 regard to the requirement under section
16 13(b)(3) that payments to service institutions
17 shall equal the full amount of State-approved
18 administrative costs incurred.

19 “(C) COMPLIANCE.—A service institution
20 that receives assistance under this subsection
21 shall comply with all provisions of section 13
22 other than subsections (b)(1)(A) and (b)(3) of
23 section 13.

24 “(4) MAINTENANCE OF EFFORT.—Expenditures
25 of funds from State and local sources for mainte-

1 nance of a summer food service program shall not
2 be diminished as a result of assistance from the Sec-
3 retary received under this subsection.

4 “(5) EVALUATION OF PILOT PROJECTS.—

5 “(A) IN GENERAL.—The Secretary, acting
6 through the Administrator of the Food and Nu-
7 trition Service, shall conduct an evaluation of
8 the pilot project.

9 “(B) CONTENT.—An evaluation under this
10 paragraph shall describe—

11 “(i) any effect on participation by
12 children and service institutions in the
13 summer food service program in the eligi-
14 ble State in which the pilot project is car-
15 ried out;

16 “(ii) any effect of the pilot project on
17 the quality of the meals and supplements
18 served in the eligible State in which the
19 pilot project is carried out; and

20 “(iii) any effect of the pilot project on
21 program integrity.

22 “(6) REPORTS.—

23 “(A) INTERIM REPORT.—Not later than
24 December 1, 2002, the Secretary shall submit
25 to the Committee on Education and the Work-

1 force of the House of Representatives and the
2 Committee on Agriculture, Nutrition, and For-
3 estry of the Senate an interim report that de-
4 scribes the status of, and any progress made
5 by, each pilot project being carried out under
6 this subsection as of the date of submission of
7 the report.

8 “(B) FINAL REPORT.—Not later than
9 April 30, 2004, the Secretary shall submit to
10 the Committee on Education and the Workforce
11 of the House of Representatives and the Com-
12 mittee on Agriculture, Nutrition, and Forestry
13 of the Senate a final report that includes—

14 “(i) the evaluations completed by the
15 Secretary under paragraph (5); and

16 “(ii) any recommendations of the Sec-
17 retary concerning the pilot projects.”.

18 (b) EMERGENCY REQUIREMENT.—

19 (1) IN GENERAL.—The entire amount necessary
20 to carry out this section shall be available only to
21 the extent that an official budget request for the en-
22 tire amount, that includes designation of the entire
23 amount of the request as an emergency requirement
24 as defined in the Balanced Budget and Emergency

1 Deficit Control Act of 1985, as amended, is trans-
2 mitted by the President to the Congress.

3 (2) DESIGNATION.—The entire amount nec-
4 essary to carry out this section is designated by the
5 Congress as an emergency requirement pursuant to
6 section 251(b)(2)(A) of such Act.

7 SEC. 103. (a) IN GENERAL.—The Secretary of the
8 Interior shall conduct a feasibility study for a Sacramento
9 River, California, diversion project that is consistent with
10 the Water Forum Agreement among the members of the
11 Sacramento, California, Water Forum dated April 24,
12 2000, and that considers—

13 (1) consolidation of several of the Natomas
14 Central Mutual Water Company’s diversions;

15 (2) upgrading fish screens at the consolidated
16 diversion;

17 (3) the diversion of 35,000 acre feet of water
18 by the Placer County Water Agency;

19 (4) the diversion of 29,000 acre feet of water
20 for delivery to the Northridge Water District;

21 (5) the potential to accommodate other diver-
22 sions of water from the Sacramento River, subject to
23 additional negotiations and agreement among Water
24 Forum signatories and potentially affected parties
25 upstream on the Sacramento River; and

1 (6) an inter-tie between the diversions referred
2 to in paragraphs (3), (4), and (5) with the
3 Northridge Water District’s pipeline that delivers
4 water from the American River.

5 (b) REQUIRED COMPONENTS.—The feasibility study
6 shall include—

7 (1) the development of a range of reasonable
8 options;

9 (2) an environmental evaluation; and

10 (3) consultation with Federal and State re-
11 source management agencies regarding potential im-
12 pacts and mitigation measures.

13 (c) WATER SUPPLY IMPACT ALTERNATIVES.—The
14 study authorized by this section shall include a range of
15 alternatives, all of which would investigate options that
16 could reduce to insignificance any water supply impact on
17 water users in the Sacramento River watershed, including
18 Central Valley Project contractors, from any delivery of
19 water out of the Sacramento River as referenced in sub-
20 section (a). In evaluating the alternatives, the study shall
21 consider water supply alternatives that would increase
22 water supply for, or in, the Sacramento River watershed.
23 The study should be coordinated with the CALFED pro-
24 gram and take advantage of information already developed
25 within that program to investigate water supply increase

1 alternatives. Where the alternatives evaluated are in addi-
2 tion to or different from the existing CALFED alter-
3 natives, such information should be clearly identified.

4 (d) HABITAT MANAGEMENT PLANNING GRANTS.—
5 The Secretary of the Interior, subject to the availability
6 of appropriations, is authorized and directed to provide
7 grants to support local habitat management planning ef-
8 forts undertaken as part of the consultation described in
9 subsection (b)(3) in the form of matching funds up to
10 \$5,000,000.

11 (e) REPORT.—The Secretary of the Interior shall
12 provide a report to the Committee on Resources of the
13 United States House of Representatives and to the Com-
14 mittee on Energy and Natural Resources of the United
15 States Senate within 24 months from the date of enact-
16 ment of this Act on the results of the study identified in
17 subsection (a).

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary of the Inte-
20 rior to carry out this section \$10,000,000, which may re-
21 main available until expended, of which—

22 (1) \$5,000,000 shall be for the feasibility study
23 under subsection (a); and

24 (2) \$5,000,000 shall be for the habitat manage-
25 ment planning grants under subsection (d).

1 (g) LIMITATION ON CONSTRUCTION.—This section
2 does not and shall not be interpreted to authorize con-
3 struction of any facilities.

4 SEC. 104. TEN- AND FIFTEEN-MILE BAYOUS, AR-
5 KANSAS. The project for flood control, Saint Francis River
6 Basin, Missouri and Arkansas, authorized by section 204
7 of the Flood Control Act of 1950 (64 Stat. 172), is modi-
8 fied to expand the boundaries of the project to include
9 Ten- and Fifteen-Mile Bayous near West Memphis, Ar-
10 kansas. Notwithstanding section 103(f) of the Water Re-
11 sources Development Act of 1986 (100 Stat. 4086), the
12 flood control work at Ten- and Fifteen-Mile Bayous shall
13 not be considered separable elements of the project.

14 SEC. 105. In accordance with section 102(l) of the
15 Water Resources Development Act of 1990 (104 Stat.
16 4613), the Secretary of the Army, acting through the
17 Chief of Engineers, is authorized and directed to enter
18 into an agreement to permit the City of Alton, Illinois to
19 construct the authorized recreational facilities and to re-
20 imburse the City of Alton, Illinois for the Federal share
21 of these cost-shared recreation facilities as usable seg-
22 ments are completed.

23 SEC. 106. TRUCKEE WATERSHED RECLAMATION
24 PROJECT. (a) AUTHORIZATION.—The Secretary of the In-
25 terior, in cooperation with Washoe County, Nevada, may

1 participate in the design, planning, and construction of the
2 Truckee watershed reclamation project, consisting of the
3 North Valley reuse project and the Spanish Springs Valley
4 septic conversion project, to reclaim and reuse wastewater
5 (including degraded groundwater) within and without the
6 service area of Washoe County, Nevada.

7 (b) COST SHARE.—The Federal share of the cost of
8 the project described in subsection (a) shall not exceed 25
9 percent of the total cost of the project.

10 (c) LIMITATION.—Funds provided by the Secretary
11 shall not be used for the operation or maintenance of the
12 project described in subsection (a).

13 (d) RECLAMATION WASTEWATER AND GROUND-
14 WATER STUDY AND FACILITIES ACT.—

15 (1) DESIGN, PLANNING, AND CONSTRUCTION.—
16 Design, planning, and construction of the project de-
17 scribed in subsection (a) shall be in accordance with,
18 and subject to the limitations contained in, the Rec-
19 lamation Wastewater and Groundwater Study and
20 Facilities Act (43 U.S.C. 390h et seq.).

21 (2) FUNDING.—Funds made available under
22 section 1631 of the Reclamation Wastewater and
23 Groundwater Study and Facilities Act (43 U.S.C.
24 390h–13) may be used to pay the Federal share of
25 the cost of the project.

1 SEC. 107. The project for navigation, Tampa Harbor,
2 Florida, authorized by section 4 of the Rivers and Harbors
3 Act of September 22, 1922 (42 Stat. 1042), is modified
4 to authorize the Secretary of the Army to deepen and
5 widen the Alafia Channel in accordance with the plans de-
6 scribed in the Draft Feasibility Report, Alafia River,
7 Tampa Harbor, Florida, dated May 2000, at a total cost
8 of \$61,592,000, with an estimated Federal cost of
9 \$39,621,000 and an estimated non-Federal cost of
10 \$21,971,000.

11 SEC. 108. ENVIRONMENTAL INFRASTRUCTURE. (a)
12 TECHNICAL, PLANNING, AND DESIGN ASSISTANCE.—Sec-
13 tion 219(c) of the Water Resources Development Act of
14 1992 (106 Stat. 4835) is amended by adding at the end
15 the following:

16 “(19) MARANA, ARIZONA.—Wastewater treat-
17 ment and distribution infrastructure, Marana, Ari-
18 zona.

19 “(20) EASTERN ARKANSAS ENTERPRISE COM-
20 MUNITY, ARKANSAS.—Water-related infrastructure,
21 Eastern Arkansas Enterprise Community, Cross,
22 Lee, Monroe, and St. Francis Counties, Arkansas.

23 “(21) CHINO HILLS, CALIFORNIA.—Storm
24 water and sewage collection infrastructure, Chino
25 Hills, California.

1 “(22) CLEAR LAKE BASIN, CALIFORNIA.—
2 Water-related infrastructure and resource protection,
3 Clear Lake Basin, California.

4 “(23) DESERT HOT SPRINGS, CALIFORNIA.—
5 Resource protection and wastewater infrastructure,
6 Desert Hot Springs, California.

7 “(24) EASTERN MUNICIPAL WATER DISTRICT,
8 CALIFORNIA.—Regional water-related infrastructure,
9 Eastern Municipal Water District, California.

10 “(25) HUNTINGTON BEACH, CALIFORNIA.—
11 Water supply and wastewater infrastructure, Hun-
12 tington Beach, California.

13 “(26) INGLEWOOD, CALIFORNIA.—Water infra-
14 structure, Inglewood, California.

15 “(27) LOS OSOS COMMUNITY SERVICE DIS-
16 TRICT, CALIFORNIA.—Wastewater infrastructure,
17 Los Osos Community Service District, California.

18 “(28) NORWALK, CALIFORNIA.—Water-related
19 infrastructure, Norwalk, California.

20 “(29) KEY BISCAIYNE, FLORIDA.—Sanitary
21 sewer infrastructure, Key Biscayne, Florida.

22 “(30) SOUTH TAMPA, FLORIDA.—Water supply
23 and aquifer storage and recovery infrastructure,
24 South Tampa, Florida.

1 “(31) FORT WAYNE, INDIANA.—Combined
2 sewer overflow infrastructure and wetlands protec-
3 tion, Fort Wayne, Indiana.

4 “(32) INDIANAPOLIS, INDIANA.—Combined
5 sewer overflow infrastructure, Indianapolis, Indiana.

6 “(33) ST. CHARLES, ST. BERNARD, AND
7 PLAQUEMINES PARISHES, LOUISIANA.—Water and
8 wastewater infrastructure, St. Charles, St. Bernard,
9 and Plaquemines Parishes, Louisiana.

10 “(34) ST. JOHN THE BAPTIST AND ST. JAMES
11 PARISHES, LOUISIANA.—Water and sewer improve-
12 ments, St. John the Baptist and St. James Par-
13 ishes, Louisiana.

14 “(35) UNION COUNTY, NORTH CAROLINA.—
15 Water infrastructure, Union County, North Caro-
16 lina.

17 “(36) HOOD RIVER, OREGON.—Water trans-
18 mission infrastructure, Hood River, Oregon.

19 “(37) MEDFORD, OREGON.—Sewer collection
20 infrastructure, Medford, Oregon.

21 “(38) PORTLAND, OREGON.—Water infrastruc-
22 ture and resource protection, Portland, Oregon.

23 “(39) COUDERSPORT, PENNSYLVANIA.—Sewer
24 system extensions and improvements, Coudersport,
25 Pennsylvania.

1 “(40) PARK CITY, UTAH.—Water supply infra-
2 structure, Park City, Utah.”.

3 (b) AUTHORIZATION OF APPROPRIATIONS FOR TECH-
4 NICAL, PLANNING, AND DESIGN ASSISTANCE.—Section
5 219(d) of the Water Resources Development Act of 1992
6 (106 Stat. 4836) is amended by striking “\$5,000,000”
7 and inserting “\$30,000,000”.

8 (c) MODIFICATION OF AUTHORIZATIONS FOR ENVI-
9 RONMENTAL PROJECTS.—Section 219 of the Water Re-
10 sources Development Act of 1992 (106 Stat. 4835; 106
11 Stat. 3757; 113 Stat. 334) is amended—

12 (1) in subsection (e)(6) by striking
13 “\$20,000,000” and inserting “\$30,000,000”;

14 (2) in subsection (f)(4) by striking
15 “\$15,000,000” and inserting “\$35,000,000”;

16 (3) in subsection (f)(21) by striking
17 “\$10,000,000” and inserting “\$20,000,000”;

18 (4) in subsection (f)(25) by striking
19 “\$5,000,000” and inserting “\$15,000,000”;

20 (5) in subsection (f)(30) by striking
21 “\$10,000,000” and inserting “\$20,000,000”;

22 (6) in subsection (f)(43) by striking
23 “\$15,000,000” and inserting “\$35,000,000”.

24 (d) ADDITIONAL ASSISTANCE FOR CRITICAL RE-
25 SOURCE PROJECTS.—Section 219(f) of the Water Re-

1 sources Development Act of 1992 (106 Stat. 4835; 113
2 Stat. 335) is amended by adding at the end the following:

3 “(45) WASHINGTON, D.C., AND MARYLAND.—
4 \$15,000,000 for the project described in subsection
5 (c)(1), modified to include measures to eliminate or
6 control combined sewer overflows in the Anacostia
7 River watershed.

8 “(46) DUCK RIVER, CULLMAN, ALABAMA.—
9 \$5,000,000 for water supply infrastructure, Duck
10 River, Cullman, Alabama.

11 “(47) UNION COUNTY, ARKANSAS.—
12 \$52,000,000 for water supply infrastructure, includ-
13 ing facilities for withdrawal, treatment, and distribu-
14 tion, Union County, Arkansas.

15 “(48) CAMBRIA, CALIFORNIA.—\$10,300,000 for
16 desalination infrastructure, Cambria, California.

17 “(49) LOS ANGELES HARBOR/TERMINAL IS-
18 LAND, CALIFORNIA.—\$6,500,000 for wastewater re-
19 cycling infrastructure, Los Angeles Harbor/Terminal
20 Island, California.

21 “(50) NORTH VALLEY REGION, LANCASTER,
22 CALIFORNIA.—\$14,500,000 for water infrastructure,
23 North Valley Region, Lancaster, California.

1 “(51) SAN DIEGO COUNTY, CALIFORNIA.—
2 \$10,000,000 for water-related infrastructure, San
3 Diego County, California.

4 “(52) SOUTH PERRIS, CALIFORNIA.—
5 \$25,000,000 for water supply desalination infra-
6 structure, South Perris, California.

7 “(53) AURORA, ILLINOIS.—\$8,000,000 for
8 wastewater infrastructure to reduce or eliminate
9 combined sewer overflows, Aurora, Illinois.

10 “(54) COOK COUNTY, ILLINOIS.—\$35,000,000
11 for water-related infrastructure and resource protec-
12 tion and development, Cook County, Illinois.

13 “(55) MADISON AND ST. CLAIR COUNTIES, ILLI-
14 NOIS.—\$10,000,000 for water and wastewater as-
15 sistance, Madison and St. Clair Counties, Illinois.

16 “(56) IBERIA PARISH, LOUISIANA.—\$5,000,000
17 for water and wastewater infrastructure, Iberia Par-
18 ish, Louisiana.

19 “(57) KENNER, LOUISIANA.—\$5,000,000 for
20 wastewater infrastructure, Kenner, Louisiana.

21 “(58) BENTON HARBOR, MICHIGAN.—
22 \$1,500,000 for water-related infrastructure, City of
23 Benton Harbor, Michigan.

24 “(59) GENESEE COUNTY, MICHIGAN.—
25 \$6,700,000 for wastewater infrastructure assistance

1 to reduce or eliminate sewer overflows, Genesee
2 County, Michigan.

3 “(60) NEGAUNEE, MICHIGAN.—\$10,000,000 for
4 wastewater infrastructure assistance, City of
5 Negaunee, Michigan.

6 “(61) GARRISON AND KATHIO TOWNSHIP, MIN-
7 NESOTA.—\$11,000,000 for a wastewater infrastruc-
8 ture project for the city of Garrison and Kathio
9 Township, Minnesota.

10 “(62) NEWTON, NEW JERSEY.—\$7,000,000 for
11 water filtration infrastructure, Newton, New Jersey.

12 “(63) LIVERPOOL, NEW YORK.—\$2,000,000 for
13 water infrastructure, including a pump station,
14 Liverpool, New York.

15 “(64) STANLY COUNTY, NORTH CAROLINA.—
16 \$8,900,000 for wastewater infrastructure, Stanly
17 County, North Carolina.

18 “(65) YUKON, OKLAHOMA.—\$5,500,000 for
19 water-related infrastructure, including wells, booster
20 stations, storage tanks, and transmission lines,
21 Yukon, Oklahoma.

22 “(66) ALLEGHENY COUNTY, PENNSYLVANIA.—
23 \$20,000,000 for water-related environmental infra-
24 structure, Allegheny County, Pennsylvania.

1 “(67) MOUNT JOY TOWNSHIP AND CONEWAGO
2 TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water
3 and wastewater infrastructure, Mount Joy Township
4 and Conewago Township, Pennsylvania.

5 “(68) PHOENIXVILLE BOROUGH, CHESTER
6 COUNTY, PENNSYLVANIA.—\$2,400,000 for water
7 and sewer infrastructure, Phoenixville Borough,
8 Chester County, Pennsylvania.

9 “(69) TITUSVILLE, PENNSYLVANIA.—
10 \$7,300,000 for storm water separation and treat-
11 ment plant upgrades, Titusville, Pennsylvania.

12 “(70) WASHINGTON, GREENE, WESTMORELAND,
13 AND FAYETTE COUNTIES, PENNSYLVANIA.—
14 \$8,000,000 for water and wastewater infrastructure,
15 Washington, Greene, Westmoreland, and Fayette
16 Counties, Pennsylvania.”.

17 SEC. 109. FLORIDA KEYS WATER QUALITY IM-
18 PROVEMENTS. (a) IN GENERAL.—In coordination with the
19 Florida Keys Aqueduct Authority, appropriate agencies of
20 municipalities of Monroe County, Florida, and other ap-
21 propriate public agencies of the State of Florida or Mon-
22 roe County, the Secretary of the Army may provide tech-
23 nical and financial assistance to carry out projects for the
24 planning, design, and construction of treatment works to

1 improve water quality in the Florida Keys National Ma-
2 rine Sanctuary.

3 (b) CRITERIA FOR PROJECTS.—Before entering into
4 a cooperation agreement to provide assistance with respect
5 to a project under this section, the Secretary shall ensure
6 that—

7 (1) the non-Federal sponsor has completed ade-
8 quate planning and design activities, as applicable;

9 (2) the non-Federal sponsor has completed a fi-
10 nancial plan identifying sources of non-Federal fund-
11 ing for the project;

12 (3) the project complies with—

13 (A) applicable growth management ordi-
14 nances of Monroe County, Florida;

15 (B) applicable agreements between Monroe
16 County, Florida, and the State of Florida to
17 manage growth in Monroe County, Florida; and

18 (C) applicable water quality standards; and

19 (4) the project is consistent with the master
20 wastewater and storm water plans for Monroe Coun-
21 ty, Florida.

22 (c) CONSIDERATION.—In selecting projects under
23 subsection (a), the Secretary shall consider whether a
24 project will have substantial water quality benefits relative
25 to other projects under consideration.

1 (d) CONSULTATION.—In carrying out this section,
2 the Secretary shall consult with—

3 (1) the Water Quality Steering Committee es-
4 tablished under section 8(d)(2)(A) of the Florida
5 Keys National Marine Sanctuary and Protection Act
6 (106 Stat. 5054);

7 (2) the South Florida Ecosystem Restoration
8 Task Force established by section 528(f) of the
9 Water Resources Development Act of 1996 (110
10 Stat. 3771–3773);

11 (3) the Commission on the Everglades estab-
12 lished by executive order of the Governor of the
13 State of Florida; and

14 (4) other appropriate State and local govern-
15 ment officials.

16 (e) NON-FEDERAL SHARE.—

17 (1) IN GENERAL.—The non-Federal share of
18 the cost of a project carried out under this section
19 shall be 35 percent.

20 (2) CREDIT.—

21 (A) IN GENERAL.—The Secretary may
22 provide the non-Federal interest credit toward
23 cash contributions required—

24 (i) before and during the construction
25 of the project, for the costs of planning,

1 engineering, and design, and for the con-
2 struction management work that is per-
3 formed by the non-Federal interest and
4 that the Secretary determines is necessary
5 to implement the project; and

6 (ii) during the construction of the
7 project, for the construction that the non-
8 Federal interest carries out on behalf of
9 the Secretary and that the Secretary deter-
10 mines is necessary to carry out the project.

11 (B) TREATMENT OF CREDIT BETWEEN
12 PROJECTS.—Any credit provided under this
13 paragraph may be carried over between author-
14 ized projects.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$100,000,000. Such sums shall remain available until ex-
18 pended.

19 SEC. 110. SAN GABRIEL BASIN, CALIFORNIA. (a)
20 SAN GABRIEL BASIN RESTORATION.—

21 (1) ESTABLISHMENT OF FUND.—There shall be
22 established within the Treasury of the United States
23 an interest bearing account to be known as the San
24 Gabriel Basin Restoration Fund (in this section re-
25 ferred to as the “Restoration Fund”).

1 (2) ADMINISTRATION OF FUND.—The Restora-
2 tion Fund shall be administered by the Secretary of
3 the Army, in cooperation with the San Gabriel Basin
4 Water Quality Authority or its successor agency.

5 (3) PURPOSES OF FUND.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the amounts in the Restoration
8 Fund, including interest accrued, shall be uti-
9 lized by the Secretary—

10 (i) to design and construct water
11 quality projects to be administered by the
12 San Gabriel Basin Water Quality Author-
13 ity and the Central Basin Water Quality
14 Project to be administered by the Central
15 Basin Municipal Water District; and

16 (ii) to operate and maintain any
17 project constructed under this section for
18 such period as the Secretary determines,
19 but not to exceed 10 years, following the
20 initial date of operation of the project.

21 (B) COST-SHARING LIMITATION.—

22 (i) IN GENERAL.—The Secretary may
23 not obligate any funds appropriated to the
24 Restoration Fund in a fiscal year until the
25 Secretary has deposited in the Fund an

1 amount provided by non-Federal interests
2 sufficient to ensure that at least 35 per-
3 cent of any funds obligated by the Sec-
4 retary are from funds provided to the Sec-
5 retary by the non-Federal interests.

6 (ii) NON-FEDERAL RESPONSIBI-
7 BILITY.—The San Gabriel Basin Water
8 Quality Authority shall be responsible for
9 providing the non-Federal amount required
10 by clause (i). The State of California, local
11 government agencies, and private entities
12 may provide all or any portion of such
13 amount.

14 (b) COMPLIANCE WITH APPLICABLE LAW.—In car-
15 rying out the activities described in this section, the Sec-
16 retary shall comply with any applicable Federal and State
17 laws.

18 (c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing
19 in this section shall be construed to affect other Federal
20 or State authorities that are being used or may be used
21 to facilitate the cleanup and protection of the San Gabriel
22 and Central groundwater basins. In carrying out the ac-
23 tivities described in this section, the Secretary shall inte-
24 grate such activities with ongoing Federal and State
25 projects and activities. None of the funds made available

1 for such activities pursuant to this section shall be counted
2 against any Federal authorization ceiling established for
3 any previously authorized Federal projects or activities.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated to the Restoration Fund established
7 under subsection (a) \$85,000,000. Such funds shall
8 remain available until expended.

9 (2) SET-ASIDE.—Of the amounts appropriated
10 under paragraph (1), no more than \$10,000,000
11 shall be available to carry out the Central Basin
12 Water Quality Project.

13 (e) ADJUSTMENT.—Of the \$25,000,000 made avail-
14 able for San Gabriel Basin Groundwater Restoration,
15 California, under the heading “Construction, General” in
16 title I of the Energy and Water Development Appropria-
17 tions Act, 2001—

18 (1) \$2,000,000 shall be available only for stud-
19 ies and other investigative activities and planning
20 and design of projects determined by the Secretary
21 to offer a long-term solution to the problem of
22 groundwater contamination caused by perchlorates
23 at sites located in the city of Santa Clarita, Cali-
24 fornia; and

1 (2) \$23,000,000 shall be deposited in the Res-
2 toration Fund, of which \$4,000,000 shall be used
3 for remediation in the Central Basin, California.

4 SEC. 111. PERCHLORATE. (a) IN GENERAL.—The
5 Secretary of the Army, in cooperation with Federal, State,
6 and local government agencies, may participate in studies
7 and other investigative activities and in the planning and
8 design of projects determined by the Secretary to offer a
9 long-term solution to the problem of groundwater contami-
10 nation caused by perchlorates.

11 (b) INVESTIGATIONS AND PROJECTS.—

12 (1) BOSQUE AND LEON RIVERS.—The Sec-
13 retary, in coordination with other Federal agencies
14 and the Brazos River Authority, shall participate
15 under subsection (a) in investigations and projects
16 in the Bosque and Leon Rivers watersheds in Texas
17 to assess the impact of the perchlorate associated
18 with the former Naval “Weapons Industrial Reserve
19 Plant” at McGregor, Texas.

20 (2) CADDO LAKE.—The Secretary, in coordina-
21 tion with other Federal agencies and the Northeast
22 Texas Municipal Water District, shall participate
23 under subsection (a) in investigations and projects
24 relating to perchlorate contamination in Caddo
25 Lake, Texas.

1 (3) EASTERN SANTA CLARA BASIN.—The Sec-
2 retary, in coordination with other Federal, State,
3 and local government agencies, shall participate
4 under subsection (a) in investigations and projects
5 related to sites that are sources of perchlorates and
6 that are located in the city of Santa Clarita, Cali-
7 fornia.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—For the
9 purposes of carrying out this section, there is authorized
10 to be appropriated to the Secretary \$25,000,000, of which
11 not to exceed \$8,000,000 shall be available to carry out
12 subsection (b)(1), not to exceed \$3,000,000 shall be avail-
13 able to carry out subsection (b)(2), and not to exceed
14 \$7,000,000 shall be available to carry out subsection
15 (b)(3).

16 SEC. 112. WET WEATHER WATER QUALITY. (a)
17 COMBINED SEWER OVERFLOWS.—Section 402 of the Fed-
18 eral Water Pollution Control Act (33 U.S.C. 1342) is
19 amended by adding at the end the following:

20 “(q) COMBINED SEWER OVERFLOWS.—

21 “(1) REQUIREMENT FOR PERMITS, ORDERS,
22 AND DECREES.—Each permit, order, or decree
23 issued pursuant to this Act after the date of enact-
24 ment of this subsection for a discharge from a mu-
25 nicipal combined storm and sanitary sewer shall con-

1 form to the Combined Sewer Overflow Control Pol-
2 icy signed by the Administrator on April 11, 1994
3 (in this subsection referred to as the ‘CSO control
4 policy’).

5 “(2) WATER QUALITY AND DESIGNATED USE
6 REVIEW GUIDANCE.—Not later than July 31, 2001,
7 and after providing notice and opportunity for public
8 comment, the Administrator shall issue guidance to
9 facilitate the conduct of water quality and des-
10 ignated use reviews for municipal combined sewer
11 overflow receiving waters.

12 “(3) REPORT.—Not later than September 1,
13 2001, the Administrator shall transmit to Congress
14 a report on the progress made by the Environmental
15 Protection Agency, States, and municipalities in im-
16 plementing and enforcing the CSO control policy.”.

17 (b) WET WEATHER PILOT PROGRAM.—Title I of the
18 Federal Water Pollution Control Act (33 U.S.C. 1251 et
19 seq.) is amended by adding at the end the following:

20 **“SEC. 121. WET WEATHER WATERSHED PILOT PROJECTS.**

21 “(a) IN GENERAL.—The Administrator, in coordina-
22 tion with the States, may provide technical assistance and
23 grants for treatment works to carry out pilot projects re-
24 lating to the following areas of wet weather discharge con-
25 trol:

1 “(1) WATERSHED MANAGEMENT OF WET
2 WEATHER DISCHARGES.—The management of mu-
3 nicipal combined sewer overflows, sanitary sewer
4 overflows, and stormwater discharges, on an inte-
5 grated watershed or subwatershed basis for the pur-
6 pose of demonstrating the effectiveness of a unified
7 wet weather approach.

8 “(2) STORMWATER BEST MANAGEMENT PRAC-
9 TICES.—The control of pollutants from municipal
10 separate storm sewer systems for the purpose of
11 demonstrating and determining controls that are
12 cost-effective and that use innovative technologies in
13 reducing such pollutants from stormwater dis-
14 charges.

15 “(b) ADMINISTRATION.—The Administrator, in co-
16 ordination with the States, shall provide municipalities
17 participating in a pilot project under this section the abil-
18 ity to engage in innovative practices, including the ability
19 to unify separate wet weather control efforts under a sin-
20 gle permit.

21 “(c) FUNDING.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section \$10,000,000
24 for fiscal year 2002, \$15,000,000 for fiscal year

1 2003, and \$20,000,000 for fiscal year 2004. Such
2 funds shall remain available until expended.

3 “(2) STORMWATER.—The Administrator shall
4 make available not less than 20 percent of amounts
5 appropriated for a fiscal year pursuant to this sub-
6 section to carry out the purposes of subsection
7 (a)(2).

8 “(3) ADMINISTRATIVE EXPENSES.—The Ad-
9 ministrator may retain not to exceed 4 percent of
10 any amounts appropriated for a fiscal year pursuant
11 to this subsection for the reasonable and necessary
12 costs of administering this section.

13 “(d) REPORT TO CONGRESS.—Not later than 5 years
14 after the date of enactment of this section, the Adminis-
15 trator shall transmit to Congress a report on the results
16 of the pilot projects conducted under this section and their
17 possible application nationwide.”.

18 (c) SEWER OVERFLOW CONTROL GRANTS.—Title II
19 of the Federal Water Pollution Control Act (33 U.S.C.
20 1342 et seq.) is amended by adding at the end the fol-
21 lowing:

22 **“SEC. 221. SEWER OVERFLOW CONTROL GRANTS.**

23 “(a) IN GENERAL.—In any fiscal year in which the
24 Administrator has available for obligation at least
25 \$1,350,000,000 for the purposes of section 601—

1 “(1) the Administrator may make grants to
2 States for the purpose of providing grants to a mu-
3 nicipality or municipal entity for planning, design,
4 and construction of treatment works to intercept,
5 transport, control, or treat municipal combined
6 sewer overflows and sanitary sewer overflows; and

7 “(2) subject to subsection (g), the Adminis-
8 trator may make a direct grant to a municipality or
9 municipal entity for the purposes described in para-
10 graph (1).

11 “(b) PRIORITIZATION.—In selecting from among mu-
12 nicipalities applying for grants under subsection (a), a
13 State or the Administrator shall give priority to an appli-
14 cant that—

15 “(1) is a municipality that is a financially dis-
16 tressed community under subsection (c);

17 “(2) has implemented or is complying with an
18 implementation schedule for the nine minimum con-
19 trols specified in the CSO control policy referred to
20 in section 402(q)(1) and has begun implementing a
21 long-term municipal combined sewer overflow control
22 plan or a separate sanitary sewer overflow control
23 plan;

1 “(3) is requesting a grant for a project that is
2 on a State’s intended use plan pursuant to section
3 606(c); or

4 “(4) is an Alaska Native Village.

5 “(c) FINANCIALLY DISTRESSED COMMUNITY.—

6 “(1) DEFINITION.—In subsection (b), the term
7 ‘financially distressed community’ means a commu-
8 nity that meets affordability criteria established by
9 the State in which the community is located, if such
10 criteria are developed after public review and com-
11 ment.

12 “(2) CONSIDERATION OF IMPACT ON WATER
13 AND SEWER RATES.—In determining if a community
14 is a distressed community for the purposes of sub-
15 section (b), the State shall consider, among other
16 factors, the extent to which the rate of growth of a
17 community’s tax base has been historically slow such
18 that implementing a plan described in subsection
19 (b)(2) would result in a significant increase in any
20 water or sewer rate charged by the community’s
21 publicly owned wastewater treatment facility.

22 “(3) INFORMATION TO ASSIST STATES.—The
23 Administrator may publish information to assist
24 States in establishing affordability criteria under
25 paragraph (1).

1 “(d) COST-SHARING.—The Federal share of the cost
2 of activities carried out using amounts from a grant made
3 under subsection (a) shall be not less than 55 percent of
4 the cost. The non-Federal share of the cost may include,
5 in any amount, public and private funds and in-kind serv-
6 ices, and may include, notwithstanding section 603(h), fi-
7 nancial assistance, including loans, from a State water
8 pollution control revolving fund.

9 “(e) ADMINISTRATIVE REPORTING REQUIRE-
10 MENTS.—If a project receives grant assistance under sub-
11 section (a) and loan assistance from a State water pollu-
12 tion control revolving fund and the loan assistance is for
13 15 percent or more of the cost of the project, the project
14 may be administered in accordance with State water pollu-
15 tion control revolving fund administrative reporting re-
16 quirements for the purposes of streamlining such require-
17 ments.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$750,000,000 for each of fiscal years 2002 and 2003.
21 Such sums shall remain available until expended.

22 “(g) ALLOCATION OF FUNDS.—

23 “(1) FISCAL YEAR 2002.—Subject to subsection
24 (h), the Administrator shall use the amounts appro-
25 priated to carry out this section for fiscal year 2002

1 for making grants to municipalities and municipal
2 entities under subsection (a)(2), in accordance with
3 the criteria set forth in subsection (b).

4 “(2) FISCAL YEAR 2003.—Subject to subsection
5 (h), the Administrator shall use the amounts appro-
6 priated to carry out this section for fiscal year 2003
7 as follows:

8 “(A) Not to exceed \$250,000,000 for mak-
9 ing grants to municipalities and municipal enti-
10 ties under subsection (a)(2), in accordance with
11 the criteria set forth in subsection (b).

12 “(B) All remaining amounts for making
13 grants to States under subsection (a)(1), in ac-
14 cordance with a formula to be established by
15 the Administrator, after providing notice and
16 an opportunity for public comment, that allo-
17 cates to each State a proportional share of such
18 amounts based on the total needs of the State
19 for municipal combined sewer overflow controls
20 and sanitary sewer overflow controls identified
21 in the most recent survey conducted pursuant
22 to section 516(b)(1).

23 “(h) ADMINISTRATIVE EXPENSES.—Of the amounts
24 appropriated to carry out this section for each fiscal
25 year—

1 “(1) the Administrator may retain an amount
2 not to exceed 1 percent for the reasonable and nec-
3 essary costs of administering this section; and

4 “(2) the Administrator, or a State, may retain
5 an amount not to exceed 4 percent of any grant
6 made to a municipality or municipal entity under
7 subsection (a), for the reasonable and necessary
8 costs of administering the grant.

9 “(i) REPORTS.—Not later than December 31, 2003,
10 and periodically thereafter, the Administrator shall trans-
11 mit to Congress a report containing recommended funding
12 levels for grants under this section. The recommended
13 funding levels shall be sufficient to ensure the continued
14 expeditious implementation of municipal combined sewer
15 overflow and sanitary sewer overflow controls nation-
16 wide.”.

17 (d) INFORMATION ON CSOS AND SSOS.—

18 (1) REPORT TO CONGRESS.—Not later than 3
19 years after the date of enactment of this Act, the
20 Administrator of the Environmental Protection
21 Agency shall transmit to Congress a report
22 summarizing—

23 (A) the extent of the human health and en-
24 vironmental impacts caused by municipal com-
25 bined sewer overflows and sanitary sewer over-

1 flows, including the location of discharges caus-
2 ing such impacts, the volume of pollutants dis-
3 charged, and the constituents discharged;

4 (B) the resources spent by municipalities
5 to address these impacts; and

6 (C) an evaluation of the technologies used
7 by municipalities to address these impacts.

8 (2) TECHNOLOGY CLEARINGHOUSE.—After
9 transmitting a report under paragraph (1), the Ad-
10 ministrator shall maintain a clearinghouse of cost-ef-
11 fective and efficient technologies for addressing
12 human health and environmental impacts due to mu-
13 nicipal combined sewer overflows and sanitary sewer
14 overflows.

15 SEC. 113. FISH PASSAGE DEVICES AT NEW SAVAN-
16 NAH BLUFF LOCK AND DAM, SOUTH CAROLINA. Section
17 348(l)(2) of the Water Resources Development Act of
18 2000 is amended—

19 (1) in subparagraph (A), by striking “Dam, at
20 Federal expense of an estimated \$5,300,000” and
21 inserting “Dam and construct appropriate fish pas-
22 sage devices at the Dam, at Federal expense”; and

23 (2) in subparagraph (B), by striking “after re-
24 pair and rehabilitation,” and inserting “after car-
25 rying out subparagraph (A),”.

1 SEC. 114. (a) EXTINGUISHMENT OF REVERSIONARY
2 INTERESTS AND USE RESTRICTIONS.—With respect to
3 the lands described in the deed described in subsection
4 (b)—

5 (1) the reversionary interests and the use re-
6 strictions relating to port or industrial purposes are
7 extinguished;

8 (2) the human habitation or other building
9 structure use restriction is extinguished in each area
10 where the elevation is above the standard project
11 flood elevation; and

12 (3) the use of fill material to raise areas above
13 the standard project flood elevation, without increas-
14 ing the risk of flooding in or outside of the flood-
15 plain, is authorized, except in any area constituting
16 wetland for which a permit under section 404 of the
17 Federal Water Pollution Control Act (33 U.S.C.
18 1344) would be required.

19 (b) AFFECTED DEED.—The deed referred to is the
20 deed recorded October 17, 1967, in book 291, page 148,
21 Deed of Records of Umatilla County, Oregon, executed by
22 the United States.

23 SEC. 115. MURRIETA CREEK, CALIFORNIA. Section
24 101(b)(6) of the Water Resources Development Act of
25 2000 is repealed.

1 SEC. 116. PENN MINE, CALAVERAS COUNTY, CALI-
2 FORNIA. (a) IN GENERAL.—The Secretary of the Army
3 shall reimburse East Bay Municipal Water District for the
4 project for aquatic ecosystem restoration, Penn Mine,
5 Calaveras County, California, carried out under section
6 206 of the Water Resources Development Act of 1996 (33
7 U.S.C. 2330), \$4,100,000 for the Federal share of costs
8 incurred by East Bay Municipal Utility District for work
9 carried out by East Bay Municipal Utility District for the
10 project. Such amounts shall be made available within 90
11 days of enactment of this provision.

12 (b) SOURCE OF FUNDING.—Reimbursement under
13 subsection (a) shall be from amounts appropriated before
14 the date of enactment of this Act for the project described
15 in subsection (a).

16 SEC. 117. The project for flood control, Greers Ferry
17 Lake, Arkansas, authorized by the Rivers and Harbors
18 Act of June 28, 1938 (52 Stat. 1218), is modified to au-
19 thorize the Secretary of the Army to construct intake fa-
20 cilities for the benefit of Lonoke and White Counties, Ar-
21 kansas.

22 SEC. 118. The project for flood control, Chehalis
23 River and Tributaries, Washington, authorized by section
24 401(a) of the Water Resources Development Act of 1986
25 (100 Stat. 4126), is modified to authorize the Secretary

1 of the Army to provide the non-Federal interest credit to-
2 ward the non-Federal share of the cost of the project the
3 cost of planning, design, and construction work carried out
4 by the non-Federal interest before the date of execution
5 of a cooperation agreement for the project if the Secretary
6 determines that the work is integral to the project.

7 SEC. 119. Within the funds appropriated to the Na-
8 tional Park Service under the heading “Operation of the
9 National Park System” in Public Law 106–291, the Sec-
10 retary of the Interior shall provide a grant of \$75,000 to
11 the City of Ocean Beach, New York, for repair of facilities
12 at the Ocean Beach Pavilion at Fire Island National Sea-
13 shore.

14 SEC. 120. The National Park Service is directed to
15 work with Fort Sumter Tours, Inc., the concessionaire
16 currently providing services at Fort Sumter National
17 Monument in South Carolina, on an amicable solution of
18 the current legal dispute between the two parties. The Di-
19 rector of the Service is directed to extend immediately the
20 current contract through March 15, 2001, to facilitate fur-
21 ther negotiations and for 180 days if final settlement of
22 all disputes is agreed to by both parties.

23 SEC. 121. Title VIII—Land Conservation, Preserva-
24 tion, and Infrastructure Improvement of Public Law 106–
25 291 is amended as follows: after the first dollar amount

1 insert: “, to be derived from the Land and Water Con-
2 servation Fund”.

3 SEC. 122. GAS TO LIQUIDS. Section 301(2) of the
4 Energy Policy Act of 1992 (Public Law 102–486; 42
5 U.S.C. 13211(2)) is amended by inserting “, including liq-
6 uid fuels domestically produced from natural gas” after
7 “natural gas”.

8 SEC. 123. The provisions of H.R. 4904 as passed in
9 the House of Representatives on September 26, 2000, are
10 hereby enacted into law.

11 SEC. 124. APPALACHIAN NATIONAL SCENIC TRAIL.

12 (a) ACQUISITIONS.—

13 (1) IN GENERAL.—The Secretary of the Inte-
14 rior shall—

15 (A) negotiate agreements with landowners
16 setting terms and conditions for the acquisition
17 of parcels of land and interests in land totaling
18 approximately 580 acres at Saddleback Moun-
19 tain near Rangeley, Maine, for the benefit of
20 the Appalachian National Scenic Trail;

21 (B) complete the pending environmental
22 compliance process for the acquisitions; and

23 (C) acquire the parcels of land and inter-
24 ests in land for consideration in the amount of

1 \$4,000,000 plus closing costs customarily paid
2 by the United States.

3 (2) ACCEPTANCE OF DONATIONS.—The Sec-
4 retary may accept as donations parcels of land and
5 interests in land at Saddleback Mountain, in addi-
6 tion to those acquired by purchase under paragraph
7 (1), for the benefit of the Appalachian National Sce-
8 nic Trail.

9 (b) CONVEYANCE TO THE STATE.—The Secretary
10 shall convey to the State of Maine a portion of the land
11 and interests in land acquired under subsection (a) with-
12 out consideration, subject to such terms and conditions as
13 the Secretary and the State of Maine agree are necessary
14 to ensure the protection of the Appalachian National Sce-
15 nic Trail.

16 SEC. 125. The provisions of S. 2273, as passed in
17 the United States Senate on October 5, 2000 and en-
18 grossed, are hereby enacted into law.

19 SEC. 126. Section 116(a)(1)(A) of the Illinois and
20 Michigan Canal National Heritage Corridor Act of 1984
21 (98 Stat. 1467) is amended by striking “\$250,000” and
22 inserting “\$1,000,000”.

23 SEC. 127. The provisions of S. 2885, as passed in
24 the United States Senate on October 5, 2000 and en-
25 grossed, are hereby enacted into law.

1 SEC. 128. None of the funds provided in this or any
2 other Act may be used prior to July 31, 2001, to promul-
3 gate or enforce a final rule to reduce during the 2000–
4 2001 or 2001–2002 winter seasons the use of snowmobiles
5 below current use patterns at a unit in the National Park
6 System: *Provided*, That nothing in this section shall be
7 interpreted as amending any requirement of the Clean Air
8 Act: *Provided further*, That nothing in this section shall
9 preclude the Secretary from taking emergency actions re-
10 lated to snowmobile use in any National Park based on
11 authorities which existed to permit such emergency actions
12 as of the date of enactment of this Act.

13 SEC. 129. The Secretary of the Interior shall extend
14 until March 31, 2001, the “Extension of Standstill Agree-
15 ment,” entered into on November 22, 1999, by the United
16 States of America and the holders of interests in seven
17 campsite leases in Biscayne Bay, Miami-Dade County,
18 Florida collectively known as “Stiltsville”.

19 SEC. 130. The Secretary of the Interior is authorized
20 to make a grant of \$1,300,000 to the State of Minnesota
21 or its political subdivision from funds available to the Na-
22 tional Park Service under the heading “Land Acquisition
23 and State Assistance” in Public Law 106–291 to cover
24 the cost of acquisition of land in Lower Phalen Creek near

1 St. Paul, Minnesota in the Mississippi National River and
2 Recreation Area.

3 SEC. 131. Notwithstanding any provision of law or
4 regulation, funds appropriated in Public Law 106–291 for
5 a cooperative agreement for management of George Wash-
6 ington’s Boyhood Home, Ferry Farm, shall be transferred
7 to the George Washington’s Fredericksburg Foundation,
8 Inc. (formerly known as Kenmore Association, Inc.) imme-
9 diately upon signing of the cooperative agreement.

10 SEC. 132. During the period beginning on the date
11 of the enactment of this Act and ending on June 1, 2001,
12 funds made available to the Secretary of the Interior may
13 not be used to pay salaries or expenses related to the
14 issuance of a request for proposal related to a light rail
15 system to service Grand Canyon National Park.

16 SEC. 133. None of the funds in this or any other Act
17 may be used by the Secretary of the Interior to remove
18 the five-foot-tall white cross located within the boundary
19 of the Mojave National Preserve in southern California
20 first erected in 1934 by the Veterans of Foreign Wars
21 along Cima Road approximately 11 miles south of Inter-
22 state 15.

23 SEC. 134. Section 6(g) of the Chesapeake and Ohio
24 Canal Development Act (16 U.S.C. 410y–4(g)) is amend-
25 ed by striking “thirty” and inserting “40”.

1 SEC. 135. Funds provided in Public Law 106–291
2 for Federal land acquisition by the National Park Service
3 in Fiscal Year 2001 for Brandywine Battlefield, Ice Age
4 National Scenic Trail, Mississippi National River and
5 Recreation Area, Shenandoah National Heritage Area,
6 Fallen Timbers Battlefield and Fort Miamis National His-
7 toric Site may be used for a grant to a State, local govern-
8 ment, or to a land management entity for the acquisition
9 of lands without regard to any restriction on the use of
10 Federal land acquisition funds provided through the Land
11 and Water Conservation Act of 1965.

12 SEC. 136. Notwithstanding any other provision of
13 law, in accordance with title IV—Wildland Fire Emer-
14 gency Appropriations, Public Law 106–291, from the
15 \$35,000,000 provided for community and private land fire
16 assistance, the Secretary of Agriculture, may use up to
17 \$9,000,000 for advance, direct lump sum payments for as-
18 sistance to eligible individuals, businesses, or other enti-
19 ties, to accomplish the purposes of providing assistance
20 to non-Federal entities most affected by fire. To expedite
21 such financial assistance being provided to eligible recipi-
22 ents, the lump sum payments shall not be subject to 7
23 CFR 3015, 3019, and 3052 related to the administration
24 of Federal financial assistance.

1 SEC. 137. (a) IN GENERAL.—The first section of
2 Public Law 91–660 (16 U.S.C. 459h) is amended—

3 (1) in the first sentence, by striking “That, in”
4 and inserting the following:

5 **“SECTION 1. GULF ISLANDS NATIONAL SEASHORE.**

6 “(a) ESTABLISHMENT.—In”; and

7 (2) in the second sentence—

8 (A) by redesignating paragraphs (1)
9 through (6) as subparagraphs (A) through (F),
10 respectively, and indenting appropriately;

11 (B) by striking “The seashore shall com-
12 prise” and inserting the following:

13 “(b) COMPOSITION.—

14 “(1) IN GENERAL.—The seashore shall com-
15 prise the areas described in paragraphs (2) and (3).

16 “(2) AREAS INCLUDED IN BOUNDARY PLAN
17 NUMBERED NS–GI–7100J.—The areas described in
18 this paragraph are”: and

19 (C) by adding at the end the following:

20 “(3) CAT ISLAND.—Upon its acquisition by the
21 Secretary, the area described in this paragraph is
22 the parcel consisting of approximately 2,000 acres of
23 land on Cat Island, Mississippi, as generally depicted
24 on the map entitled ‘Boundary Map, Gulf Islands
25 National Seashore, Cat Island, Mississippi’, num-

1 bered 635/80085, and dated November 9, 1999 (re-
2 ferred to in this title as the ‘Cat Island Map’).

3 “(4) AVAILABILITY OF MAP.—The Cat Island
4 Map shall be on file and available for public inspec-
5 tion in the appropriate offices of the National Park
6 Service.”.

7 (b) ACQUISITION AUTHORITY.—Section 2 of Public
8 Law 91–660 (16 U.S.C. 459h–1) is amended—

9 (1) in the first sentence of subsection (a), by
10 striking “lands,” and inserting “submerged land,
11 land,”; and

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

13 “(e) ACQUISITION AUTHORITY.—

14 “(1) IN GENERAL.—The Secretary may acquire,
15 from a willing seller only—

16 “(A) all land comprising the parcel de-
17 scribed in subsection (b)(3) that is above the
18 mean line of ordinary high tide, lying and being
19 situated in Harrison County, Mississippi;

20 “(B) an easement over the approximately
21 150-acre parcel depicted as the ‘Boddie Family
22 Tract’ on the Cat Island Map for the purpose
23 of implementing an agreement with the owners
24 of the parcel concerning the development and
25 use of the parcel; and

1 “(C)(i) land and interests in land on Cat
2 Island outside the 2,000-acre area depicted on
3 the Cat Island Map; and

4 “(ii) submerged land that lies within 1
5 mile seaward of Cat Island (referred to in this
6 title as the ‘buffer zone’), except that sub-
7 merged land owned by the State of Mississippi
8 (or a subdivision of the State) may be acquired
9 only by donation.

10 “(2) ADMINISTRATION.—

11 “(A) IN GENERAL.—Land and interests in
12 land acquired under this subsection shall be ad-
13 ministered by the Secretary, acting through the
14 Director of the National Park Service.

15 “(B) BUFFER ZONE.—Nothing in this title
16 or any other provision of law shall require the
17 State of Mississippi to convey to the Secretary
18 any right, title, or interest in or to the buffer
19 zone as a condition for the establishment of the
20 buffer zone.

21 “(3) MODIFICATION OF BOUNDARY.—The
22 boundary of the seashore shall be modified to reflect
23 the acquisition of land under this subsection only
24 after completion of the acquisition.”.

1 (c) REGULATION OF FISHING.—Section 3 of Public
2 Law 91–660 (16 U.S.C. 459h–2) is amended—

3 (1) by inserting “(a) IN GENERAL.—” before
4 “The Secretary”; and

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

6 “(b) NO AUTHORITY TO REGULATE MARITIME AC-
7 TIVITIES.—Nothing in this title or any other provision of
8 law shall affect any right of the State of Mississippi, or
9 give the Secretary any authority, to regulate maritime ac-
10 tivities, including nonseashore fishing activities (including
11 shrimping), in any area that, on the date of enactment
12 of this subsection, is outside the designated boundary of
13 the seashore (including the buffer zone).”.

14 (d) AUTHORIZATION OF MANAGEMENT AGREE-
15 MENTS.—Section 5 of Public Law 91–660 (16 U.S.C.
16 459h–4) is amended—

17 (1) by inserting “(a) IN GENERAL.—” before
18 “Except”; and

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

20 “(b) AGREEMENTS.—

21 “(1) IN GENERAL.—The Secretary may enter
22 into agreements—

23 “(A) with the State of Mississippi for the
24 purposes of managing resources and providing
25 law enforcement assistance, subject to author-

1 ization by State law, and emergency services on
2 or within any land on Cat Island and any water
3 and submerged land within the buffer zone; and

4 “(B) with the owners of the approximately
5 150-acre parcel depicted as the ‘Boddie Family
6 Tract’ on the Cat Island Map concerning the
7 development and use of the land.

8 “(2) NO AUTHORITY TO ENFORCE CERTAIN
9 REGULATIONS.—Nothing in this subsection author-
10 izes the Secretary to enforce Federal regulations
11 outside the land area within the designated bound-
12 ary of the seashore.”.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
14 11 of Public Law 91–660 (16 U.S.C. 459h–10) is
15 amended—

16 (1) by inserting “(a) IN GENERAL.—” before
17 “‘There’”; and

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

19 “(b) AUTHORIZATION FOR ACQUISITION OF LAND.—
20 In addition to the funds authorized by subsection (a),
21 there are authorized to be appropriated such sums as are
22 necessary to acquire land and submerged land on and ad-
23 jacent to Cat Island, Mississippi.”.

1 SEC. 138. PERCENTAGE LIMITATIONS ON FEDERAL
2 THRIFT SAVINGS PLAN CONTRIBUTIONS. (a) AMEND-
3 MENTS RELATING TO FERS.—

4 (1) IN GENERAL.—Subsection (a) of section
5 8432 of title 5, United States Code, is amended—

6 (A) by striking “(a)” and inserting
7 “(a)(1)”;

8 (B) by striking “10 percent” and all that
9 follows through “period.” and inserting “the
10 maximum percentage of such employee’s or
11 Member’s basic pay for such pay period allow-
12 able under paragraph (2).”; and

13 (C) by adding at the end the following:

14 “(2) The maximum percentage allowable under this
15 paragraph shall be determined in accordance with the fol-
16 lowing table:

“In the case of a pay period begin- ning in fiscal year:	The maximum percentage allowable is:
2001	11
2002	12
2003	13
2004	14
2005	15
2006 or thereafter	100.”.

17 (2) JUSTICES AND JUDGES.—Paragraph (2) of
18 section 8440a(b) of title 5, United States Code, is
19 amended to read as follows:

20 “(2) The amount contributed by a justice or judge
21 for any pay period shall not exceed the maximum percent-

1 age of such justice’s or judge’s basic pay for such pay pe-
2 riod allowable under section 8440f.”.

3 (3) BANKRUPTCY JUDGES AND MAG-
4 ISTRATES.—Paragraph (2) of section 8440b(b) of
5 title 5, United States Code, is amended by striking
6 “5 percent” and all that follows through “period.”
7 and inserting “the maximum percentage of such
8 bankruptcy judge’s or magistrate’s basic pay for
9 such pay period allowable under section 8440f.”.

10 (4) COURT OF FEDERAL CLAIMS JUDGES.—
11 Paragraph (2) of section 8440c(b) of title 5, United
12 States Code, is amended by striking “5 percent” and
13 all that follows through “period.” and inserting “the
14 maximum percentage of such judge’s basic pay for
15 such pay period allowable under section 8440f.”.

16 (5) JUDGES OF THE UNITED STATES COURT OF
17 APPEALS FOR VETERANS CLAIMS.—The first sen-
18 tence of section 8440d(b)(2) of title 5, United States
19 Code, is amended to read as follows: “The amount
20 contributed by a judge of the United States Court
21 of Appeals for Veterans Claims for any pay period
22 may not exceed the maximum percentage of such
23 judge’s basic pay for such pay period allowable
24 under section 8440f.”.

1 (6) MEMBERS OF THE UNIFORMED SERV-
2 ICES.—

3 (A) BASIC PAY.—Subparagraph (A) of sec-
4 tion 8440e(d)(1) of title 5, United States Code,
5 is amended by striking “5 percent” and all that
6 follows through “period.” and inserting “the
7 maximum percentage of such member’s basic
8 pay for such pay period allowable under section
9 8440f.”.

10 (B) COMPENSATION.—Subparagraph (B)
11 of section 8440e(d)(1) of title 5, United States
12 Code, is amended by striking “5 percent” and
13 all that follows through “period.” and inserting
14 “the maximum percentage of such member’s
15 compensation for such pay period (received
16 under such section 206) allowable under section
17 8440f.”.

18 (7) MAXIMUM PERCENTAGE ALLOWABLE.—

19 (A) IN GENERAL.—Title 5, United States
20 Code, is amended by inserting after section
21 8440e the following:

1 **“§ 8440f. Maximum percentage allowable for certain**
2 **participants**

3 “The maximum percentage allowable under this sec-
4 tion shall be determined in accordance with the following
5 table:

“In the case of a pay period begin- ning in fiscal year:	The maximum percentage allowable is:
2001	6
2002	7
2003	8
2004	9
2005	10
2006 or thereafter	100.”.

6 (B) CONFORMING AMENDMENT.—The
7 table of sections for chapter 84 of title 5,
8 United States Code, is amended by inserting
9 after the item relating to section 8440e the fol-
10 lowing:

“8440f. Maximum percentage allowable for certain participants.”.

11 (b) AMENDMENTS RELATING TO CSRS.—Paragraph
12 (2) of section 8351(b) of title 5, United States Code, is
13 amended—

14 (1) by striking “(2)” and inserting “(2)(A)”;

15 (2) by striking “5 percent” and all that follows
16 through “period.” and inserting “the maximum per-
17 centage of such employee’s or Member’s basic pay
18 for such pay period allowable under subparagraph
19 (B).”; and

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

1 “(B) The maximum percentage allowable under this
2 subparagraph shall be determined in accordance with the
3 following table:

“In the case of a pay period beginning in fiscal year:	The maximum percentage allowable is:
2001	6
2002	7
2003	8
2004	9
2005	10
2006 or thereafter	100.”.

4 (c) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendments made by
6 this section shall take effect on the date of enact-
7 ment of this Act.

8 (2) COORDINATION WITH ELECTION PERI-
9 ODS.—The Executive Director shall by regulation
10 determine the first election period in which elections
11 may be made consistent with the amendments made
12 by this section.

13 (3) DEFINITIONS.—For purposes of this
14 section—

15 (A) the term “election period” means a pe-
16 riod afforded under section 8432(b) of title 5,
17 United States Code; and

18 (B) the term “Executive Director” has the
19 meaning given such term by section 8401(13)
20 of title 5, United States Code.

1 SEC. 139. EXCLUSION OF ELEMENTS OF UNITED
2 STATES SECRET SERVICE FROM CERTAIN ACTIVITIES.
3 Section 7103(a)(3) of title 5, United States Code, is
4 amended—

5 (1) in subparagraph (F), by striking “or” at
6 the end;

7 (2) in subparagraph (G), by striking the period
8 and inserting “; or”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(H) the United States Secret Service and
12 the United States Secret Service Uniformed Di-
13 vision.”.

14 SEC. 140. (a) The adjustment in rates of basic pay
15 for the statutory pay systems that takes effect in fiscal
16 year 2001 under sections 5303 and 5304 of title 5, United
17 States Code, shall be an increase of 3.7 percent.

18 (b) Funds used to carry out this section shall be paid
19 from appropriations which are made to each applicable de-
20 partment or agency for salaries and expenses for fiscal
21 year 2001.

22 SEC. 141. REPEAL OF MANDATORY SEPARATION RE-
23 QUIREMENT. (a) IN GENERAL.—Section 8335 of title 5,
24 United States Code, is amended—

25 (1) by striking subsection (c); and

1 (2) by redesignating subsections (d) and (e) as
2 subsections (c) and (d), respectively.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 8339(q) of title 5, United States Code, is amended
5 by striking “8335(d)” and inserting “8335(c)”.

6 SEC. 142. Section 223(a)(14) of the Juvenile Justice
7 and Delinquency Prevention Act of 1974 (42 U.S.C.
8 5633(a)(14) as amended, is hereby amended by inserting
9 after the phrase “twenty-four hours” the following new
10 phrase: “(except in the case of Alaska where such time
11 limit may be forty-eight hours in fiscal years 2000 through
12 2002)”.

13 SEC. 143. (a) Section 336 of the Communications Act
14 of 1934 (47 U.S.C. 336) is amended—

15 (1) by redesignating subsection (h) as sub-
16 section (i); and

17 (2) by inserting after subsection (g) the fol-
18 lowing:

19 “(h)(1) Within 60 days after receiving a request
20 (made in such form and manner and containing such in-
21 formation as the Commission may require) under this sub-
22 section from a low-power television station to which this
23 subsection applies, the Commission shall authorize the li-
24 censee or permittee of that station to provide digital data
25 service subject to the requirements of this subsection as

1 a pilot project to demonstrate the feasibility of using low-
2 power television stations to provide high-speed wireless
3 digital data service, including Internet access to unserved
4 areas.

5 “(2) The low-power television stations to which
6 this subsection applies are as follows:

7 “(A) KHLM–LP, Houston, Texas.

8 “(B) WTAM–LP, Tampa, Florida.

9 “(C) WWRJ–LP, Jacksonville, Florida.

10 “(D) WVBG–LP, Albany, New York.

11 “(E) KHHI–LP, Honolulu, Hawaii.

12 “(F) KPHE–LP (K19DD), Phoenix, Ari-
13 zona.

14 “(G) K34FI, Bozeman, Montana.

15 “(H) K65GZ, Bozeman, Montana.

16 “(I) WXOB–LP, Richmond, Virginia.

17 “(J) WIIW–LP, Nashville, Tennessee.

18 “(K) A station and repeaters to be deter-
19 mined by the Federal Communications Commis-
20 sion for the sole purpose of providing service to
21 communities in the Kenai Peninsula Borough
22 and Matanuska Susitna Borough.

23 “(L) WSPY–LP, Plano, Illinois.

24 “(M) W24AJ, Aurora, Illinois.

1 “(3) Notwithstanding any requirement of sec-
2 tion 553 of title 5, United States Code, the Commis-
3 sion shall promulgate regulations establishing the
4 procedures, consistent with the requirements of
5 paragraphs (4) and (5), governing the pilot projects
6 for the provision of digital data services by certain
7 low power television licensees within 120 days after
8 the date of enactment of LPTV Digital Data Serv-
9 ices Act. The regulations shall set forth—

10 “(A) requirements as to the form, manner,
11 and information required for submitting re-
12 quests to the Commission to provide digital
13 data service as a pilot project;

14 “(B) procedures for testing interference to
15 digital television receivers caused by any pilot
16 project station or remote transmitter;

17 “(C) procedures for terminating any pilot
18 project station or remote transmitter or both
19 that causes interference to any analog or digital
20 full-power television stations, class A television
21 station, television translators or any other users
22 of the core television band;

23 “(D) specifications for reports to be filed
24 quarterly by each low power television licensee
25 participating in a pilot project;

1 “(E) procedures by which a low power tele-
2 vision licensee participating in a pilot project
3 shall notify television broadcast stations in the
4 same market upon commencement of digital
5 data services and for ongoing coordination with
6 local broadcasters during the test period; and

7 “(F) procedures for the receipt and review
8 of interference complaints on an expedited basis
9 consistent with paragraph (5)(D).

10 “(4) A low-power television station to which
11 this subsection applies may not provide digital data
12 service unless—

13 “(A) the provision of that service, includ-
14 ing any remote return-path transmission in the
15 case of 2-way digital data service, does not
16 cause any interference in violation of the Com-
17 mission’s existing rules, regarding interference
18 caused by low power television stations to full-
19 service analog or digital television stations,
20 class A television stations, or television trans-
21 lator stations; and

22 “(B) the station complies with the Com-
23 mission’s regulations governing safety, environ-
24 mental, and sound engineering practices, and

1 any other Commission regulation under para-
2 graph (3) governing pilot program operations.

3 “(5)(A) The Commission may limit the provi-
4 sion of digital data service by a low-power television
5 station to which this subsection applies if the Com-
6 mission finds that—

7 “(i) the provision of 2-way digital data
8 service by that station causes any interference
9 that cannot otherwise be remedied; or

10 “(ii) the provision of 1-way digital data
11 service by that station causes any interference.

12 “(B) The Commission shall grant any such sta-
13 tion, upon application (made in such form and man-
14 ner and containing such information as the Commis-
15 sion may require) by the licensee or permittee of
16 that station, authority to move the station to an-
17 other location, to modify its facilities to operate on
18 a different channel, or to use booster or auxiliary
19 transmitting locations, if the grant of authority will
20 not cause interference to the allowable or protected
21 service areas of full service digital television stations,
22 National Television Standards Committee assign-
23 ments, or television translator stations, and pro-
24 vided, however, no such authority shall be granted
25 unless it is consistent with existing Commission reg-

1 ulations relating to the movement, modification, and
2 use of non-class A low power television transmission
3 facilities in order—

4 “(i) to operate within television channels 2
5 through 51, inclusive; or

6 “(ii) to demonstrate the utility of low-
7 power television stations to provide high-speed
8 2-way wireless digital data service.

9 “(C) The Commission shall require quarterly
10 reports from each station authorized to provide dig-
11 ital data services under this subsection that
12 include—

13 “(i) information on the station’s experience
14 with interference complaints and the resolution
15 thereof;

16 “(ii) information on the station’s market
17 success in providing digital data service; and

18 “(iii) such other information as the Com-
19 mission may require in order to administer this
20 subsection.

21 “(D) The Commission shall resolve any com-
22 plaints of interference with television reception
23 caused by any station providing digital data service
24 authorized under this subsection within 60 days
25 after the complaint is received by the Commission.

1 “(6) The Commission shall assess and collect
2 from any low-power television station authorized to
3 provide digital data service under this subsection an
4 annual fee or other schedule or method of payment
5 comparable to any fee imposed under the authority
6 of this Act on providers of similar services. Amounts
7 received by the Commission under this paragraph
8 may be retained by the Commission as an offsetting
9 collection to the extent necessary to cover the costs
10 of developing and implementing the pilot program
11 authorized by this subsection, and regulating and
12 supervising the provision of digital data service by
13 low-power television stations under this subsection.
14 Amounts received by the Commission under this
15 paragraph in excess of any amount retained under
16 the preceding sentence shall be deposited in the
17 Treasury in accordance with chapter 33 of title 31,
18 United States Code.

19 “(7) In this subsection, the term ‘digital data
20 service’ includes—

21 “(A) digitally-based interactive broadcast
22 service; and

23 “(B) wireless Internet access, without re-
24 gard to—

25 “(i) whether such access is—

1 “(I) provided on a one-way or a
2 two-way basis;

3 “(II) portable or fixed; or

4 “(III) connected to the Internet
5 via a band allocated to Interactive
6 Video and Data Service; and

7 “(ii) the technology employed in deliv-
8 ering such service, including the delivery of
9 such service via multiple transmitters at
10 multiple locations.

11 “(8) Nothing in this subsection limits the au-
12 thority of the Commission under any other provision
13 of law.”.

14 (b) The Federal Communications Commission shall
15 submit a report to the Congress on June 30, 2001, and
16 June 30, 2002, evaluating the utility of using low-power
17 television stations to provide high-speed digital data serv-
18 ice. The reports shall be based on the pilot projects au-
19 thorized by section 336(h) of the Communications Act of
20 1934 (47 U.S.C. 336(h)).

21 SEC. 144. (a) The Magnuson-Stevens Fishery Con-
22 servation and Management Act (16 U.S.C. 1801 et. seq.)
23 is amended—

24 (1) in section 303(d)(1)(A) by striking “Octo-
25 ber 1, 2000,” and inserting “October 1, 2002,”;

1 (2) in section 303(d)(5) by striking “October 1,
2 2000,” and inserting “October 1, 2002,”;

3 (3) in section 407(b) by striking “October 1,
4 2000,” and inserting “October 1, 2002,”; and

5 (4) in section 407(c)(1) by striking “October 1,
6 2000,” and inserting “October 1, 2002,”.

7 (b) Notwithstanding sections 303(d)(1)(A) and
8 303(d)(1)(B) of the Magnuson-Stevens Fishery Conserva-
9 tion and Management Act, as amended by this section,
10 the Pacific Fishery Management Council may recommend
11 and the Secretary of Commerce may approve and imple-
12 ment any fishery management plan, plan amendment, or
13 regulation, for fixed gear sablefish subject to the jurisdic-
14 tion of such Council, that—

15 (1) allows the use of more than one groundfish
16 fishing permit by each fishing vessel; and/or

17 (2) sets cumulative trip limit periods, up to 12
18 months in any calendar year, that allow fishing ves-
19 sels a reasonable opportunity to harvest the full
20 amount of the associated trip limits.

21 Notwithstanding subsection (a), the Gulf of Mexico Fish-
22 ery Management Council may develop a biological, eco-
23 nomic, and social profile of any fishery under its jurisdic-
24 tion that may be considered for management under a
25 quota management system, including the benefits and con-

1 sequences of the quota management systems considered.
2 The North Pacific Fishery Management Council shall ex-
3 amine the fisheries under its jurisdiction, particularly the
4 Gulf of Alaska groundfish and Bering Sea crab fisheries,
5 to determine whether rationalization is needed. In par-
6 ticular, the North Pacific Council shall analyze individual
7 fishing quotas, processor quotas, cooperatives, and quotas
8 held by communities. The analysis should include an eco-
9 nomic analysis of the impact of all options on communities
10 and processors as well as the fishing fleets. The North
11 Pacific Council shall present its analysis to the appropria-
12 tions and authorizing committees of the Senate and House
13 of Representatives in a timely manner.

14 (c)(1) Public Law 101–380, as amended by section
15 2204 of chapter 2 of title II of Public Law 106–246, is
16 amended further—

17 (A) by striking the second sentence of section
18 5008(c) and inserting in lieu thereof “The Federal
19 Advisory Committee Act (5 U.S.C. App. 2) shall not
20 apply to the Institute.”;

21 (B) by inserting the following sentence at the
22 end of section 5008(e): “The administrative funds of
23 the Institute and the administrative funds of the
24 North Pacific Research Board created under Public
25 Law 105–83 may be used to jointly administer such

1 programs at the discretion of the North Pacific Re-
2 search Board.”; and

3 (C) in section 5006(c), as amended by this Act
4 or any other Act making appropriations for fiscal
5 year 2001, by striking the colon immediately before
6 the first proviso and inserting in lieu thereof, “of
7 which up to \$3,000,000 may be used for the lease
8 payment to the Alaska SeaLife Center under section
9 5008(b)(2):”.

10 (2) Section 401(e) of Public Law 105–83 is
11 amended—

12 (A) in paragraph (2) by striking “and rec-
13 ommended for Secretarial approval”;

14 (B) in paragraph (3)(A) by striking “, who
15 shall be a co-chair of the Board”;

16 (C) in paragraph (3)(F) by striking “, who
17 shall be a co-chair of the Board”;

18 (D) in paragraph (4)(A) by striking “and ad-
19 minister”;

20 (E) in paragraph (4)(B) by striking the first
21 sentence;

22 (F) by adding at the end the following new
23 paragraph:

24 “(5) All decisions of the Board, including grant
25 recommendations, shall be by majority vote of the

1 members listed in paragraphs (3)(A), (3)(F), (3)(G),
2 (3)(J), and (3)(N), in consultation with the other
3 members. The five voting members may act on be-
4 half of the Board in all matters of administration,
5 including the disposition of research funds not made
6 available by this section, at any time on or after Oc-
7 tober 1, 2000.”; and

8 (G) in paragraph (3) by adding at the end the
9 following:

10 “(N) one member who shall represent fish-
11 ing interests and shall be nominated by the
12 Board and appointed by the Secretary.”.

13 (3) Funds made available for the construction of the
14 NOAA laboratory at Lena Point shall be considered incre-
15 mental funding for the initial phase of construction at
16 Lena Point for site work and related infrastructure and
17 systems installation.

18 (4) Notwithstanding any other provision of law, funds
19 made available by this Act or any other Act for the Alaska
20 SeaLife Center shall be considered direct payments for all
21 purposes of applicable law.

22 (5) Public Law 99–5 is amended—

23 (A) by inserting after section 3(e) the following:

24 “(f) The United States shall be represented on the
25 Transboundary Panel by seven panel members, of whom—

1 “(1) one shall be an official of the United
2 States Government, with salmon fishery manage-
3 ment responsibility and expertise;

4 “(2) one shall be an official of the State of
5 Alaska, with salmon fishery management responsi-
6 bility and expertise; and

7 “(3) five shall be individuals knowledgeable and
8 experienced in the salmon fisheries for which the
9 Transboundary Panel is responsible.”;

10 (B) by renumbering the remaining subsections;

11 (C) in section 3(g), as redesignated by this sub-
12 section, by striking “The appointing authorities”
13 and inserting in lieu thereof “For the northern,
14 southern, and Fraser River panels, the appointing
15 authorities”; and

16 (D) in section 3(h)(3), as redesignated by this
17 subsection, by striking “northern and southern” and
18 inserting in lieu thereof “northern, southern, and
19 transboundary”.

20 (6) The fishery research vessel for which funds were
21 appropriated in Public Law 106–113 shall be homeported
22 in Kodiak, Alaska, and is hereby named “OSCAR
23 DYSON”.

24 (d)(1) The Secretary of Commerce (hereinafter “the
25 Secretary”) shall, after notice and opportunity for public

1 comment, adopt final regulations not later than May 1,
2 2001 to implement a fishing capacity reduction program
3 for crab fisheries included in the Fishery Management
4 Plan for Commercial King and Tanner Crab Fisheries in
5 the Bering Sea and Aleutian Islands (hereinafter “BSAI
6 crab fisheries”). In implementing the program the Sec-
7 retary shall—

8 (A) reduce the fishing capacity in the BSAI
9 crab fisheries by permanently reducing the number
10 of license limitation program crab licenses;

11 (B) permanently revoke all fishery licenses,
12 fishery permits, area and species endorsements, and
13 any other fishery privileges, for all fisheries subject
14 to the jurisdiction of the United States, issued to a
15 vessel or vessels (or to persons on the basis of their
16 operation or ownership of that vessel or vessels) for
17 which a BSAI crab fisheries reduction permit is sur-
18 rendered and revoked under section 6011(b) of title
19 50, Code of Federal Regulations;

20 (C) ensure that the Secretary of Transportation
21 is notified of each vessel for which a reduction per-
22 mit is surrendered and revoked under the program,
23 with a request that such Secretary permanently re-
24 voke the fishery endorsement of each such vessel and

1 refuse permission to transfer any such vessel to a
2 foreign flag under paragraph (5);

3 (D) ensure that vessels removed from the BSAI
4 crab fisheries under the program are made perma-
5 nently ineligible to participate in any fishery world-
6 wide, and that the owners of such vessels contrac-
7 tually agree that such vessels will operate only under
8 the United States flag or be scrapped as a reduction
9 vessel pursuant to section 600.1011(c) of title 50,
10 Code of Federal Regulations;

11 (E) ensure that vessels removed from the BSAI
12 crab fisheries, the owners of such vessels, and the
13 holders of fishery permits for such vessels forever re-
14 linquish any claim associated with such vessel, per-
15 mits, and any catch history associated with such ves-
16 sel or permits that could qualify such vessel, vessel
17 owner, or permit holder for any present or future
18 limited access system fishing permits in the United
19 States fisheries based on such vessel, permits, or
20 catch history;

21 (F) not include the purchase of Norton Sound
22 red king crab or Norton Sound blue king crab en-
23 dorsements in the program, though any such en-
24 dorsements associated with a reduction permit or
25 vessel made ineligible or scrapped under the pro-

1 gram shall also be surrendered and revoked as if
2 surrendered and revoked pursuant to section
3 600.1011(b) of title 50, Code of Federal Regula-
4 tions;

5 (G) seek to obtain the maximum sustained re-
6 duction in fishing capacity at the least cost by estab-
7 lishing bidding procedures that—

8 (i) assign a bid score to each bid by divid-
9 ing the price bid for each reduction permit by
10 the total value of the crab landed in the most
11 recent 5-year period in each crab fishery from
12 1990 through 1999 under that permit, with the
13 value for each year determined by multiplying
14 the average price per pound published by the
15 State of Alaska in each year for each crab fish-
16 ery included in such reduction permit by the
17 total pounds landed in each crab fishery under
18 that permit in that year; and

19 (ii) use a reverse auction in which the low-
20 est bid score ranks first, followed by each bid
21 with the next lowest bid score, until the total
22 bid amount of all bids equals a reduction cost
23 that the next lowest bid would cause to exceed
24 \$100,000,000;

1 (H) not waive or otherwise make inapplicable
2 any requirements of the License Limitation Program
3 applicable to such crab fisheries, in particular any
4 requirements in sections 679.4(k) and (l) of title 50,
5 Code of Federal Regulations;

6 (I) not waive or otherwise make inapplicable
7 any catcher vessel sideboards implemented under the
8 American Fisheries Act (AFA), except that the
9 North Pacific Fishery Management Council shall
10 recommend to the Secretary and to the State of
11 Alaska, not later than February 16, 2001, and the
12 Secretary and the State of Alaska shall implement
13 as appropriate, modifications to such sideboards to
14 the extent necessary to permit AFA catcher vessels
15 that remain in the crab fisheries to share propor-
16 tionately in any increase in crab harvest opportuni-
17 ties that accrue to all remaining AFA and non-AFA
18 catcher vessels if the fishing capacity reduction pro-
19 gram required by this section is implemented;

20 (J) establish sub-amounts and repayment fees
21 for each BSAI crab fishery prosecuted under a sepa-
22 rate endorsement for repayment of the reduction
23 loan, such that—

24 (i) a reduction loan sub-amount is estab-
25 lished for each separate BSAI crab fishery

1 (other than Norton Sound red king crab or
2 Norton Sound blue king crab) by dividing the
3 total value of the crab landed in that fishery
4 under all reduction permits by the total value of
5 all crab landed under such permits in the BSAI
6 crab fisheries (determined using the same aver-
7 age prices and years used under subparagraph
8 (G)(i) of this paragraph), and multiplying the
9 reduction loan amount by the percentage ex-
10 pressed by such ratio; and

11 (ii) fish sellers who participate in the crab
12 fishery under each endorsement repay the re-
13 duction loan sub-amount attributable to that
14 fishery; and

15 (K) notwithstanding section 1111(b) of the
16 Merchant Marine Act, 1936 (46 U.S.C. App.
17 1279f(b)(4)), establish a repayment period for the
18 reduction loan of not less than 30 years.

19 (2)(A) Only persons to whom a non-interim
20 BSAI crab license and an area/species endorsement
21 have been issued (other than persons to whom only
22 a license and an area/species endorsement for Nor-
23 ton Sound red king crab or Norton Sound blue king
24 crab have been issued) for vessels that—

1 (i) qualify under the License Limitation
2 Program criteria set forth in section 679.4 of
3 title 50, Code of Federal Regulations, and

4 (ii) have made at least one landing of
5 BSAI crab in either 1996, 1997, or prior to
6 February 7 in 1998, may submit a bid in the
7 fishing capacity reduction program established
8 by this section.

9 (B) After the date of enactment of this
10 section—

11 (i) no vessel 60 feet or greater in length
12 overall may participate in any BSAI crab fish-
13 ery (other than for Norton Sound red king crab
14 or Norton Sound blue king crab) unless such
15 vessel meets the requirements set forth in sub-
16 paragraphs (A)(i) and (A)(ii) of this paragraph;
17 and

18 (ii) no vessel between 33 and 60 feet in
19 length overall may participate in any BSAI crab
20 fishery (other than for Norton Sound red king
21 crab or Norton Sound blue king crab) unless
22 such vessel meets the requirements set forth in
23 subparagraph (A)(i) of this paragraph. Nothing
24 in this paragraph shall be construed to affect
25 the requirements for participation in the fish-

1 eries for Norton Sound red king crab or Norton
2 Sound blue king crab. The Secretary may, on a
3 case by case basis and after notice and oppor-
4 tunity for public comment, waive the applica-
5 tion of subparagraph (A)(ii) of this paragraph
6 if the Secretary determines such waiver is nec-
7 essary to implement one of the specific exemp-
8 tions to the recent participation requirement
9 that were recommended by the North Pacific
10 Fishery Management Council in the record of
11 its October, 1998 meeting.

12 (3) The fishing capacity reduction program re-
13 quired under this subsection shall be implemented
14 under this subsection and sections 312(b)–(e) of the
15 Magnuson-Stevens Fishery Conservation and Man-
16 agement Act (16 U.S.C. 1861a(b)–(e)). Section 312
17 and the regulations found in Subpart L of Part 600
18 of title 50, Code of Federal Regulations, shall apply
19 only to the extent such section or regulations are not
20 inconsistent with or made inapplicable by the spe-
21 cific provisions of this subsection. Sections
22 600.1001, 600.1002, 600.1003, 600.1005,
23 600.1010(b), 600.1010(d)(1), 600.1011(d), the last
24 sentence of 600.1011(a), and the last sentence of
25 600.1014(f) of such Subpart shall not apply to the

1 program implemented under this subsection. The
2 program shall be deemed accepted under section
3 600.1004, and any time period specified in Subpart
4 L that would prevent the Secretary from complying
5 with the May 1, 2001 date required by this sub-
6 section shall be modified as appropriate to permit
7 compliance with that date. The referendum required
8 for the program under this subsection shall be a
9 post-bidding referendum under section 600.1010 of
10 title 50, Code of Federal Regulations.

11 (4)(A) The fishing capacity reduction program
12 required under this subsection is authorized to be fi-
13 nanced in equal parts through a reduction loan of
14 \$50,000,000 under sections 1111 and 1112 of title
15 XI of the Merchant Marine Act, 1936 (46 U.S.C.
16 App. 1279f and 1279g) and \$50,000,000 which is
17 authorized to be appropriated for the purposes of
18 such program.

19 (B) Of the \$1,000,000 appropriated in section
20 120 of division A of Public Law 105–277 for the
21 cost of a direct loan in the Bering Sea and Aleutian
22 Islands crab fisheries—

23 (i) \$500,000 shall be for the cost of guar-
24 anteeing the reduction loan required under sub-
25 paragraph (A) of this paragraph in accordance

1 with the requirements of the Federal Credit Re-
2 form Act; and

3 (ii) \$500,000 shall be available to the Sec-
4 retary to pay for the cost of implementing the
5 fishing capacity reduction program required by
6 this subsection.

7 (C) The funds described in this subsection shall
8 remain available, without fiscal year limitation, until
9 expended. Any funds not used for the fishing capac-
10 ity reduction program required by this subsection,
11 whether due to a rejection by referendum or other-
12 wise, shall be available on or after October 15, 2002,
13 without fiscal year limitation, for assistance to fish-
14 ermen or fishing communities.

15 (5)(A) The Secretary of Transportation shall,
16 upon notification and request by the Secretary, for
17 each vessel identified in such notification and
18 request—

19 (i) permanently revoke any fishery en-
20 dorsement issued to such vessel under section
21 12108 of title 46, United States Code; and

22 (ii) refuse to grant the approval required
23 under section 9(c)(2) of the Shipping Act, 1916
24 (46 U.S.C. App. 808(c)(2)) for the placement
25 of such vessel under foreign registry or the op-

1 eration of such vessel under the authority of a
2 foreign country.

3 (B) The Secretary shall, after notice and oppor-
4 tunity for public comment, adopt final regulations
5 not later than May 1, 2001, to prohibit any vessel
6 for which a reduction permit is surrendered and re-
7 voked under the fishing capacity reduction program
8 required by this section from engaging in fishing ac-
9 tivities on the high seas or under the jurisdiction of
10 any foreign country while operating under the
11 United States flag.

12 (6) The purpose of this subsection is to imple-
13 ment a fishing capacity reduction program for the
14 BSAI crab fisheries that results in final action to
15 permanently remove harvesting capacity from such
16 fisheries prior to December 31, 2001. In imple-
17 menting this subsection the Secretary is directed to
18 use, to the extent practicable, information collected
19 and maintained by the State of Alaska. Any require-
20 ments of the Paperwork Reduction Act, the Regu-
21 latory Flexibility Act, or any Executive order that
22 would, in the opinion of the Secretary, prevent the
23 Secretary from meeting the deadlines set forth in
24 this subsection shall not apply to the fishing capac-
25 ity reduction program or the promulgation of regula-

1 tions to implement such program required by this
2 subsection. Nothing in this subsection shall be con-
3 strued to prohibit the North Pacific Fishery Man-
4 agement Council from recommending, or the Sec-
5 retary from approving, changes to any Fishery Man-
6 agement Plan, License Limitation Program, or
7 American Fisheries Act provisions affecting catcher
8 vessel sideboards in accordance with applicable law:
9 *Provided*, That except as specifically provided in this
10 subsection, such Council may not recommend, and
11 the Secretary may not approve, any action that
12 would have the effect of increasing the number of
13 vessels eligible to participate in the BSAI crab fish-
14 eries after March 1, 2001.

15 (e)(1) This subsection may be referred to as the
16 “Pribilof Islands Transition Act”.

17 (2) The purpose of this subsection is to complete the
18 orderly withdrawal of the National Oceanic and Atmos-
19 pheric Administration from the civil administration of the
20 Pribilof Islands, Alaska.

21 (3) Public Law 89–702 (16 U.S.C. 1151 et seq.),
22 popularly known and referred to in this subsection as the
23 Fur Seal Act of 1966, is amended by amending section
24 206 (16 U.S.C. 1166) to read as follows:

1 “SEC. 206. (a)(1) Subject to the availability of appro-
2 priations, the Secretary shall provide financial assistance
3 to any city government, village corporation, or tribal coun-
4 cil of St. George, Alaska, or St. Paul, Alaska.

5 “(2) Notwithstanding any other provision of law re-
6 lating to matching funds, funds provided by the Secretary
7 as assistance under this subsection may be used by the
8 entity as non-Federal matching funds under any Federal
9 program that requires such matching funds.

10 “(3) The Secretary may not use financial assistance
11 authorized by this Act—

12 “(A) to settle any debt owed to the United
13 States;

14 “(B) for administrative or overhead expenses;
15 or

16 “(C) for contributions sought or required from
17 any person for costs or fees to clean up any matter
18 that was caused or contributed to by such person on
19 or after March 15, 2000.

20 “(4) In providing assistance under this subsection the
21 Secretary shall transfer any funds appropriated to carry
22 out this section to the Secretary of the Interior, who shall
23 obligate such funds through instruments and procedures
24 that are equivalent to the instruments and procedures re-
25 quired to be used by the Bureau of Indian Affairs pursu-

1 ant to title IV of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 450 et seq.).

3 “(5) In any fiscal year for which less than all of the
4 funds authorized under subsection (c)(1) are appropriated,
5 such funds shall be distributed under this subsection on
6 a pro rata basis among the entities referred to in sub-
7 section (c)(1) in the same proportions in which amounts
8 are authorized by that subsection for grants to those enti-
9 ties.

10 “(b)(1) Subject to the availability of appropriations,
11 the Secretary shall provide assistance to the State of Alas-
12 ka for designing, locating, constructing, redeveloping, per-
13 mitting, or certifying solid waste management facilities on
14 the Pribilof Islands to be operated under permits issued
15 to the City of St. George and the City of St. Paul, Alaska,
16 by the State of Alaska under section 46.03.100 of the
17 Alaska Statutes.

18 “(2) The Secretary shall transfer any appropriations
19 received under paragraph (1) to the State of Alaska for
20 the benefit of rural and Native villages in Alaska for obli-
21 gation under section 303 of Public Law 104–182, except
22 that subsection (b) of that section shall not apply to those
23 funds.

24 “(3) In order to be eligible to receive financial assist-
25 ance under this subsection, not later than 180 days after

1 the date of enactment of this paragraph, each of the Cities
2 of St. Paul and St. George shall enter into a written agree-
3 ment with the State of Alaska under which such City shall
4 identify by its legal boundaries the tract or tracts of land
5 that such City has selected as the site for its solid waste
6 management facility and any supporting infrastructure.

7 “(c) There are authorized to be appropriated to the
8 Secretary for fiscal years 2001, 2002, 2003, 2004, and
9 2005—

10 “(1) for assistance under subsection (a) a total
11 not to exceed—

12 “(A) \$9,000,000, for grants to the City of
13 St. Paul;

14 “(B) \$6,300,000, for grants to the
15 Tanadgusix Corporation;

16 “(C) \$1,500,000, for grants to the St.
17 Paul Tribal Council;

18 “(D) \$6,000,000, for grants to the City of
19 St. George;

20 “(E) \$4,200,000, for grants to the St.
21 George Tanaq Corporation; and

22 “(F) \$1,000,000, for grants to the St.
23 George Tribal Council; and

1 “(2) for assistance under subsection (b), for fis-
2 cal years 2001, 2002, 2003, 2004, and 2005 a total
3 not to exceed—

4 “(A) \$6,500,000 for the City of St. Paul;
5 and

6 “(B) \$3,500,000 for the City of St.
7 George.

8 “(d) None of the funds authorized by this section
9 may be available for any activity a purpose of which is
10 to influence legislation pending before the Congress, ex-
11 cept that this subsection shall not prevent officers or em-
12 ployees of the United States or of its departments, agen-
13 cies, or commissions from communicating to Members of
14 Congress, through proper channels, requests for legisla-
15 tion or appropriations that they consider necessary for the
16 efficient conduct of public business.

17 “(e) Neither the United States nor any of its agen-
18 cies, officers, or employees shall have any liability under
19 this Act or any other law associated with or resulting from
20 the designing, locating, contracting for, redeveloping, per-
21 mitting, certifying, operating, or maintaining any solid
22 waste management facility on the Pribilof Islands as a
23 consequence of—

24 “(1) having provided assistance to the State of
25 Alaska under subsection (b); or

1 “(2) providing funds for, or planning, con-
2 structing, or operating, any interim solid waste man-
3 agement facilities that may be required by the State
4 of Alaska before permanent solid waste management
5 facilities constructed with assistance provided under
6 subsection (b) are complete and operational.

7 “(f) Each entity which receives assistance authorized
8 under subsection (c) shall submit an audited statement
9 listing the expenditure of that assistance to the Committee
10 on Appropriations and the Committee on Resources of the
11 House of Representatives and the Committee on Appro-
12 priations and the Committee on Commerce, Science, and
13 Transportation of the Senate, on the last day of fiscal
14 years 2002, 2004, and 2006.

15 “(g) Amounts authorized under subsection (c) are in-
16 tended by Congress to be provided in addition to the base
17 funding appropriated to the National Oceanic and Atmos-
18 pheric Administration in fiscal year 2000.”.

19 (4) Section 205 of the Fur Seal Act of 1966 (16
20 U.S.C. 1165) is amended—

21 (A) by amending subsection (c) to read as fol-
22 lows:

23 “(c) Not later than 3 months after the date of the
24 enactment of the Pribilof Islands Transition Act, the Sec-
25 retary shall submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-
2 mittee on Resources of the House of Representatives a re-
3 port that includes—

4 “(1) a description of all property specified in
5 the document referred to in subsection (a) that has
6 been conveyed under that subsection;

7 “(2) a description of all Federal property speci-
8 fied in the document referred to in subsection (a)
9 that is going to be conveyed under that subsection;
10 and

11 “(3) an identification of all Federal property on
12 the Pribilof Islands that will be retained by the Fed-
13 eral Government to meet its responsibilities under
14 this Act, the Convention, and any other applicable
15 law.”; and

16 (B) by striking subsection (g).

17 (5)(A)(i) The Secretary of Commerce shall not be
18 considered to have any obligation to promote or otherwise
19 provide for the development of any form of an economy
20 not dependent on sealing on the Pribilof Islands, Alaska,
21 including any obligation under section 206 of the Fur Seal
22 Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of
23 Public Law 104–91 (16 U.S.C. 1165 note).

24 (ii) This subparagraph shall not affect any cause of
25 action under section 206 of the Fur Seal Act of 1966 (16

1 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–
2 91 (16 U.S.C. 1165 note)—

3 (I) that arose before the date of the enactment
4 of this title; and

5 (II) for which a judicial action is filed before
6 the expiration of the 5-year period beginning on the
7 date of the enactment of this title.

8 (iii) Nothing in this subsection shall be construed to
9 imply that—

10 (I) any obligation to promote or otherwise pro-
11 vide for the development in the Pribilof Islands of
12 any form of an economy not dependent on sealing
13 was or was not established by section 206 of the Fur
14 Seal Act of 1966 (16 U.S.C. 1166), section
15 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165
16 note), or any other provision of law; or

17 (II) any cause of action could or could not arise
18 with respect to such an obligation.

19 (iv) Section 3(c)(1) of Public Law 104–91 (16 U.S.C.
20 1165 note) is amended by striking subparagraph (A) and
21 redesignating subparagraphs (B) through (D) in order as
22 subparagraphs (A) through (C).

23 (B)(i) Subject to paragraph (5)(B)(ii), there are ter-
24 minated all obligations of the Secretary of Commerce and
25 the United States to—

1 (I) convey property under section 205 of the
2 Fur Seal Act of 1966 (16 U.S.C. 1165); and

3 (II) carry out cleanup activities, including as-
4 sessment, response, remediation, and monitoring, ex-
5 cept for postremedial measures such as monitoring
6 and operation and maintenance activities related to
7 National Oceanic and Atmospheric Administration
8 administration of the Pribilof Islands, Alaska, under
9 section 3 of Public Law 104–91 (16 U.S.C. 1165
10 note) and the Pribilof Islands Environmental Res-
11 toration Agreement between the National Oceanic
12 and Atmospheric Administration and the State of
13 Alaska, signed January 26, 1996.

14 (ii) Paragraph (5)(B)(i) shall apply on and after the
15 date on which the Secretary of Commerce certifies that—

16 (I) the State of Alaska has provided written
17 confirmation that no further corrective action is re-
18 quired at the sites and operable units covered by the
19 Pribilof Islands Environmental Restoration Agree-
20 ment between the National Oceanic and Atmospheric
21 Administration and the State of Alaska, signed Jan-
22 uary 26, 1996, with the exception of postremedial
23 measures, such as monitoring and operation and
24 maintenance activities;

1 (II) the cleanup required under section 3(a) of
2 Public Law 104–91 (16 U.S.C. 1165 note) is com-
3 plete;

4 (III) the properties specified in the document
5 referred to in subsection (a) of section 205 of the
6 Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be
7 unconditionally offered for conveyance under that
8 section; and

9 (IV) all amounts appropriated under section
10 206(c)(1) of the Fur Seal Act of 1966, as amended
11 by this title, have been obligated.

12 (iii)(I) On and after the date on which section 3(b)(5)
13 of Public Law 104–91 (16 U.S.C. 1165 note) is repealed
14 pursuant to subparagraph (C), the Secretary of Commerce
15 may not seek or require financial contribution by or from
16 any local governmental entity of the Pribilof Islands, any
17 official of such an entity, or the owner of land on the
18 Pribilof Islands, for cleanup costs incurred pursuant to
19 section 3(a) of Public Law 104–91 (as in effect before
20 such repeal), except as provided in subparagraph
21 (B)(iii)(II).

22 (II) Subparagraph (B)(iii)(I) shall not limit the
23 authority of the Secretary of Commerce to seek or
24 require financial contribution from any person for
25 costs or fees to clean up any matter that was caused

1 or contributed to by such person on or after March
2 15, 2000.

3 (iv) For purposes of paragraph (2)(C), the following
4 requirements shall not be considered to be conditions on
5 conveyance of property:

6 (I) Any requirement that a potential transferee
7 must allow the National Oceanic and Atmospheric
8 Administration continued access to the property to
9 conduct environmental monitoring following remedi-
10 ation activities.

11 (II) Any requirement that a potential transferee
12 must allow the National Oceanic and Atmospheric
13 Administration access to the property to continue
14 the operation, and eventual closure, of treatment fa-
15 cilities.

16 (III) Any requirement that a potential trans-
17 feree must comply with institutional controls to en-
18 sure that an environmental cleanup remains protec-
19 tive of human health or the environment that do not
20 unreasonably affect the use of the property.

21 (IV) Valid existing rights in the property, in-
22 cluding rights granted by contract, permit, right-of-
23 way, or easement.

24 (V) The terms of the documents described in
25 subparagraph (D)(ii).

1 (C) Effective on the date on which the Secretary of
2 Commerce makes the certification described in subpara-
3 graph (b)(2), the following provisions are repealed:

4 (i) Section 205 of the Fur Seal Act of 1966 (16
5 U.S.C. 1165).

6 (ii) Section 3 of Public Law 104–91 (16 U.S.C.
7 1165 note).

8 (D)(i) Nothing in this subsection shall affect any obli-
9 gation of the Secretary of Commerce, or of any Federal
10 department or agency, under or with respect to any docu-
11 ment described in subparagraph (D)(ii) or with respect to
12 any lands subject to such a document.

13 (ii) The documents referred to in subparagraph
14 (D)(i) are the following:

15 (I) The Transfer of Property on the Pribilof Is-
16 lands: Description, Terms, and Conditions, dated
17 February 10, 1984, between the Secretary of Com-
18 merce and various Pribilof Island entities.

19 (II) The Settlement Agreement between
20 Tanadgusix Corporation and the City of St. Paul,
21 dated January 11, 1988, and approved by the Sec-
22 retary of Commerce on February 23, 1988.

23 (III) The Memorandum of Understanding be-
24 tween Tanadgusix Corporation, Tanaq Corporation,

1 and the Secretary of Commerce, dated December 22,
2 1976.

3 (E)(i) Except as provided in subparagraph (E)(ii),
4 the definitions set forth in section 101 of the Fur Seal
5 Act of 1966 (16 U.S.C. 1151) shall apply to this para-
6 graph.

7 (ii) For purposes of this paragraph, the term “Na-
8 tives of the Pribilof Islands” includes the Tanadgusix Cor-
9 poration, the St. George Tanaq Corporation, and the city
10 governments and tribal councils of St. Paul and St.
11 George, Alaska.

12 (6)(A) Section 3 of Public Law 104–91 (16 U.S.C.
13 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151
14 et seq.) are amended by—

15 (i) striking “(d)” and all that follows through
16 the heading for subsection (d) of section 3 of Public
17 Law 104–91 and inserting “SEC. 212.”; and

18 (ii) moving and redesignating such subsection
19 so as to appear as section 212 of the Fur Seal Act
20 of 1966.

21 (B) Section 201 of the Fur Seal Act of 1966 (16
22 U.S.C. 1161) is amended by striking “on such Islands”
23 and insert “on such property”.

24 (C) The Fur Seal Act of 1966 (16 U.S.C. 1151 et
25 seq.) is amended by inserting before title I the following:

1 “SECTION 1. This Act may be cited as the ‘Fur Seal
2 Act of 1966’.”.

3 (7) Section 3 of Public Law 104–91 (16 U.S.C. 1165
4 note) is amended—

5 (A) by striking subsection (f) and inserting the
6 following:

7 “(f)(1) There are authorized to be appropriated
8 \$10,000,000 for each of fiscal years 2001, 2002, 2003,
9 2004, and 2005 for the purposes of carrying out this sec-
10 tion.

11 “(2) None of the funds authorized by this subsection
12 may be expended for the purpose of cleaning up or remedi-
13 ating any landfills, wastes, dumps, debris, storage tanks,
14 property, hazardous or unsafe conditions, or contami-
15 nants, including petroleum products and their derivatives,
16 left by the Department of Defense or any of its compo-
17 nents on lands on the Pribilof Islands, Alaska.”; and

18 (B) by adding at the end the following:

19 “(g)(1) Of amounts authorized under subsection (f)
20 for each of fiscal years 2001, 2002, 2003, 2004, and 2005,
21 the Secretary may provide to the State of Alaska up to
22 \$2,000,000 per fiscal year to capitalize a revolving fund
23 to be used by the State for loans under this subsection.

24 “(2) The Secretary shall require that any revolving
25 fund established with amounts provided under this sub-

1 section shall be used only to provide low-interest loans to
2 Natives of the Pribilof Islands to assess, respond to, reme-
3 diate, and monitor contamination from lead paint, asbes-
4 tos, and petroleum from underground storage tanks.

5 “(3) The definitions set forth in section 101 of the
6 Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this
7 section, except that the term ‘Natives of the Pribilof Is-
8 lands’ includes the Tanadgusix and Tanaq Corporations.

9 “(4) Before the Secretary may provide any funds to
10 the State of Alaska under this section, the State of Alaska
11 and the Secretary must agree in writing that, on the last
12 day of fiscal year 2011, and of each fiscal year thereafter
13 until the full amount provided to the State of Alaska by
14 the Secretary under this section has been repaid to the
15 United States, the State of Alaska shall transfer to the
16 Treasury of the United States monies remaining in the
17 revolving fund, including principal and interest paid into
18 the revolving fund as repayment of loans.”.

19 (f)(1) The President, after consultation with the
20 Governor of the State of Hawaii, may designate any
21 Northwestern Hawaiian Islands coral reef or coral reef
22 ecosystem as a coral reef reserve to be managed by the
23 Secretary of Commerce.

24 (2) Upon the designation of a reserve under para-
25 graph (1) by the President, the Secretary shall—

1 (A) take action to initiate the designation of the
2 reserve as a National Marine Sanctuary under sec-
3 tions 303 and 304 of the National Marine Sanc-
4 tuaries Act (16 U.S.C. 1433);

5 (B) establish a Northwestern Hawaiian Islands
6 Reserve Advisory Council under section 315 of that
7 Act (16 U.S.C. 1445a), the membership of which
8 shall include at least one representative from Native
9 Hawaiian groups; and

10 (C) until the reserve is designated as a National
11 Marine Sanctuary, manage the reserve in a manner
12 consistent with the purposes and policies of that Act.

13 (3) Notwithstanding any other provision of law, no
14 closure areas around the Northwestern Hawaiian Islands
15 shall become permanent without adequate review and com-
16 ment.

17 (4) The Secretary shall work with other Federal
18 agencies and the Director of the National Science Founda-
19 tion, to develop a coordinated plan to make vessels and
20 other resources available for conservation or research ac-
21 tivities for the reserve.

22 (5) If the Secretary has not designated a national
23 marine sanctuary in the Northwestern Hawaiian Islands
24 under sections 303 and 304 of the National Marine Sanc-
25 tuaries Act (16 U.S.C. 1433, 1434) before October 1,

1 2005, the Secretary shall conduct a review of the manage-
2 ment of the reserve under section 304(e) of that Act (16
3 U.S.C. 1434(e)).

4 (6) No later than 6 months after the date of enact-
5 ment of this Act, the Secretary shall submit a report to
6 the Senate Committee on Commerce, Science, and Trans-
7 portation and the House of Representatives Committee on
8 Resources, describing actions taken to implement this sub-
9 section, including costs of monitoring, enforcing, and ad-
10 dressing marine debris, and the extent to which the fiscal
11 or other resources necessary to carry out this subsection
12 are reflected in the Budget of the United States Govern-
13 ment submitted by the President under section 1104 of
14 title 31, United States Code.

15 (7) There are authorized to be appropriated to the
16 Secretary of Commerce to carry out the provisions of this
17 subsection such sums, not exceeding \$4,000,000 for each
18 of fiscal years 2001, 2002, 2003, 2004, and 2005, as are
19 reported under paragraph (5) to be reflected in the Budget
20 of the United States Government.

21 (g) Section 111(b)(1) of the Sustainable Fisheries
22 Act (16 U.S.C. 1855 nt) is amended by striking the last
23 sentence and inserting, “There are authorized to be appro-
24 priated to carry out this subsection \$500,000 for each fis-
25 cal year.”.

1 SEC. 145. (a) Section 4(b)(1) of the Department of
2 State Special Agents Retirement Act of 1998 (22 U.S.C.
3 4044 note; Public Law 105–382; 112 Stat. 3409) is
4 amended by inserting “or participant who was serving as
5 of January 1, 1997” after “employed participant”.

6 (b) The amendment made by this section shall take
7 effect on January 1, 2001.

8 SEC. 146. (a) Congress makes the following findings:

9 (1) Total steel imports in 2000 will be over 2½
10 times higher than in 1991, continuing the alarming
11 trend of sharply increasing steel imports over the
12 past decade.

13 (2) Unprecedented levels of steel imports flood-
14 ed the United States market in 1998 and 1999,
15 causing a crisis in which thousands of steelworkers
16 were laid off and six steel companies went bankrupt.

17 (3) The domestic steel industry still has not
18 had an opportunity to recover from the 1998–1999
19 steel import crisis, and steel imports are again caus-
20 ing serious injury to United States steel producers
21 and workers.

22 (4) Total steel imports through August 2000
23 are 17 percent higher than over the same period in
24 1999 and greater even than imports over the same
25 period in 1998, a record year.

1 (5) Steel prices continue to be depressed, with
2 hot-rolled steel prices 12 percent lower in August
3 2000 than in the first quarter of 1998, and average
4 import customs values for all steel products more
5 than 15 percent lower over the same period.

6 (6) The United States Government must main-
7 tain and fully enforce all existing relief against for-
8 eign unfair trade.

9 (7) The United States steel industry is a clean,
10 highly efficient industry having modernized itself at
11 great human and financial cost, shedding over
12 330,000 jobs and investing more than
13 \$50,000,000,000 over the last 20 years.

14 (8) Capacity utilization in the United States
15 steel industry has fallen sharply since the beginning
16 of the year and the market capitalization and debt
17 ratings of the major United States steel firms are at
18 precarious levels.

19 (9) The Department of Commerce recently doc-
20 umented the underlying market-distorting practices
21 and longstanding structural problems that plague
22 the global steel trade with excess capacity and cause
23 diversion of unfairly traded foreign steel to the
24 United States.

1 (10) The President recognized that unfair trade
2 played a significant role in the devastating import
3 surge of steel and recognized the need to vigorously
4 enforce the trade laws.

5 (b) Congress calls upon the President—

6 (1) to take all appropriate action within his
7 power to provide relief from injury caused by steel
8 imports; and

9 (2) to immediately request the United States
10 International Trade Commission to commence an ex-
11 pedited investigation for positive adjustment under
12 section 201 of the Trade Act of 1974 of such steel
13 imports.

14 SEC. 147. Section 5(b)(1) of the Act of January 2,
15 1951 (15 U.S.C. 1175(b)(1); popularly known as the
16 “Johnson Act”) is amended by inserting “for a voyage or
17 a segment of a voyage that begins and ends in the State
18 of Hawaii, or” after “Except”.

19 SEC. 148. (a) Section 312(a)(7) of the Communica-
20 tions Act of 1934 (47 U.S.C. 312(a)(7)) is amended by
21 inserting “, other than a non-commercial educational
22 broadcast station,” after “use of a broadcasting station”.

23 (b) The Federal Communications Commission shall
24 take no action against any non-commercial educational

1 broadcast station which declines to carry a political adver-
2 tisement.

3 SEC. 149. The Small Business Innovation Research
4 program, otherwise expiring at the end of fiscal year 2000,
5 is authorized to continue in effect during fiscal year 2001.

6 SEC. 150. There is hereby appropriated for payment
7 to the Ricky Ray Hemophilia Relief Fund, as provided by
8 Public Law 105–369, \$105,000,000, of which notwith-
9 standing any other provision of law \$10,000,000 shall be
10 for program management of the Health Resources and
11 Services Administration, to remain available until ex-
12 pended.

13 SEC. 151. (a) There is hereby appropriated to a sepa-
14 rate account to be established in the Department of Labor
15 for expenses of administering the Energy Employees Occu-
16 pational Illness Compensation Act, \$60,400,000, to re-
17 main available until expended: *Provided*, That the Sec-
18 retary of Labor is authorized to transfer to any Executive
19 agency with authority under the Energy Employees Occu-
20 pational Illness Compensation Act, such sums as may be
21 necessary in FY 2001 to carry out those authorities.

22 (b) For purposes of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985, amounts appropriated
24 under subsection (a) shall be direct spending: *Provided*,

1 That amounts appropriated annually thereafter for such
2 administrative expenses shall be direct spending.

3 SEC. 152. TREATMENT OF CERTAIN CANCER HOS-
4 PITALS. (a) IN GENERAL.—Section 1886(d)(1)(B)(v) of
5 the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v))
6 is amended—

7 (1) in subclause (I) by striking “or” at the end;

8 (2) in subclause (II) by striking the semicolon
9 at the end and inserting “, or”; and

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

11 “(III) a hospital that was recognized as a clin-
12 ical cancer research center by the National Cancer
13 Institute of the National Institutes of Health as of
14 February 18, 1998, that has never been reimbursed
15 for inpatient hospital services pursuant to a reim-
16 bursement system under a demonstration project
17 under section 1814(b), that is a freestanding facility
18 organized primarily for treatment of and research on
19 cancer and is not a unit of another hospital, that as
20 of the date of the enactment of this subclause, is li-
21 censed for 162 acute care beds, and that dem-
22 onstrates for the 4-year period ending on June 30,
23 1999, that at least 50 percent of its total discharges
24 have a principal finding of neoplastic disease, as de-
25 fined in subparagraph (E);” and

1 (b) CONFORMING AMENDMENT.—Section
2 1886(d)(1)(E) of the Social Security Act (42 U.S.C.
3 1395ww(d)(1)(E)) is amended by striking “For purposes
4 of subparagraph (B)(v)(II)” and inserting “For purposes
5 of subclauses (II) and (III) of subparagraph (B)(v)”.

6 (c) PAYMENT.—

7 (1) APPLICATION TO COST REPORTING PERI-
8 ODS.—Any classification by reason of section
9 1886(d)(1)(B)(v)(III) of the Social Security Act (as
10 added by subsection (a)) shall apply to 12-month
11 cost reporting periods beginning on or after July 1,
12 1999.

13 (2) BASE YEAR.—Notwithstanding the provi-
14 sions of section 1886(b)(3)(E) of such Act (42
15 U.S.C. 1395ww(b)(3)(E)) or other provisions to the
16 contrary, the base cost reporting period for purposes
17 of determining the target amount for any hospital
18 classified by reason of section 1886(d)(1)(B)(v)(III)
19 of such Act (as added by subsection (a)) shall be the
20 12-month cost reporting period beginning on July 1,
21 1995.

22 (3) DEADLINE FOR PAYMENTS.—Any payments
23 owed to a hospital by reason of this subsection shall
24 be made expeditiously, but in no event later than 1
25 year after the date of the enactment of this Act.

1 SEC. 153. (a) Section 4(2) of the Delta Development
2 Act (42 U.S.C. 3121 note; Public Law 100–460) is
3 amended—

4 (1) by inserting “Alabama,” before “Arkansas”;

5 (2) in paragraph (G), by striking “and” at the
6 end;

7 (3) in paragraph (H)—

8 (A) by striking “and” before “such”; and

9 (B) by inserting “and” after the semicolon
10 at the end; and

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

12 “(I) the Alabama counties of Pickens,
13 Greene, Sumter, Choctaw, Clarke, Washington,
14 Marengo, Hale, Perry, Wilcox, Lowndes, Bul-
15 lock, Macon, Barbour, Russell, and Dallas;”;

16 (b) At the end of section 382A of “The Delta Re-
17 gional Authority Act of 2000” as incorporated in this Act,
18 insert the following:

19 “(4) Notwithstanding any other provision of
20 law, the State of Alabama shall be a full member of
21 the Delta Regional Authority and shall be entitled to
22 all rights and privileges that said membership af-
23 fords to all other participating States in the Delta
24 Regional Authority.”.

1 **SEC. 154. NORTHERN WISCONSIN.**

2 (a) DEFINITION OF NORTHERN WISCONSIN.—In this
3 section, the term “northern Wisconsin” means the coun-
4 ties of Douglas, Ashland, Bayfield, and Iron, Wisconsin.

5 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
6 of the Army may establish a pilot program to provide envi-
7 ronmental assistance to non-Federal interests in northern
8 Wisconsin.

9 (c) FORM OF ASSISTANCE.—Assistance under this
10 section may be in the form of design and reconstruction
11 assistance or water-related environmental infrastructure
12 and resource protection and development projects in
13 northern Wisconsin, including projects for wastewater
14 treatment and related facilities, water supply and related
15 facilities, environmental restoration, and surface water re-
16 source protection and development.

17 (d) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
18 retary may provide assistance for a project under this sec-
19 tion only if the project is publicly owned.

20 (e) LOCAL COOPERATION AGREEMENT.—

21 (1) IN GENERAL.—Before providing assistance
22 under this section, the Secretary shall enter into a
23 local cooperation agreement with a non-Federal in-
24 terest to provide for design and construction of the
25 project to be carried out with the assistance.

1 (2) REQUIREMENTS.—Each local cooperation
2 agreement entered into under this subsection shall
3 provide for the following:

4 (A) PLAN.—Development by the Secretary,
5 in consultation with appropriate Federal and
6 State officials, of a facilities or restructure pro-
7 tection and development plan, including appro-
8 priate engineering plans and specifications.

9 (B) LEGAL AND INSTITUTIONAL STRUC-
10 TURES.—Establishment of such legal and insti-
11 tutional structures as are necessary to ensure
12 the effective long-term operation of the project
13 by the non-Federal interest.

14 (3) COST SHARING.—

15 (A) IN GENERAL.—The Federal share of
16 project costs under each local cooperation
17 agreement entered into under this subsection
18 shall be 75 percent. The Federal share may be
19 in the form of grants or reimbursements of
20 project costs.

21 (B) CREDIT FOR DESIGN WORK.—The
22 non-Federal interest shall receive credit for the
23 reasonable costs of design work completed by
24 the non-Federal interest before entering into a
25 local cooperation agreement with the Secretary

1 for a project. The credit for the design work
2 shall not exceed 6 percent of the local construc-
3 tion costs of the project.

4 (C) CREDIT FOR INTEREST.—In case of a
5 delay in the funding of the non-Federal share
6 of the costs of a project that is the subject of
7 an agreement under this subsection, the non-
8 Federal interest shall receive credit for reason-
9 able interest incurred in providing the non-Fed-
10 eral share of the project's costs.

11 (D) LAND, EASEMENTS, AND RIGHTS-OF-
12 WAY CREDIT.—The non-Federal interest shall
13 receive credit for land, easements, rights-of-
14 way, and reductions toward the non-Federal
15 share of project costs (including all reasonable
16 costs associated with obtaining permits nec-
17 essary for the construction, operation, and
18 maintenance of the project on publicly owned or
19 controlled land), but not to exceed 25 percent
20 of the total project costs.

21 (E) OPERATION AND MAINTENANCE.—The
22 non-Federal share of operation and mainte-
23 nance costs for projects constructed with assist-
24 ance provided under this section shall be 100
25 percent.

1 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
2 LAWS.—Nothing in this section waives, limits, or other-
3 wise affects the applicability of any provision of Federal
4 or State law that would otherwise apply to a project to
5 be carried out with assistance provided under this section.

6 (g) REPORT.—Not later than December 31, 2001,
7 the Secretary shall transmit to Congress a report on the
8 results of the pilot program carried out under this section,
9 including recommendations concerning whether the pro-
10 gram should be implemented on a national basis.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$40,000,000. Such sums shall remain available until ex-
14 pended.

15 TITLE II—VIETNAM EDUCATION FOUNDATION

16 ACT OF 2000

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Vietnam Education
19 Foundation Act of 2000”.

20 **SEC. 202. PURPOSES.**

21 The purposes of this title are the following:

22 (1) To establish an international fellowship pro-
23 gram under which—

24 (A) Vietnamese nationals can undertake
25 graduate and post-graduate level studies in the

1 sciences (natural, physical, and environmental),
2 mathematics, medicine, and technology (includ-
3 ing information technology); and

4 (B) United States citizens can teach in the
5 fields specified in subparagraph (A) in appro-
6 priate Vietnamese institutions.

7 (2) To further the process of reconciliation be-
8 tween the United States and Vietnam and the build-
9 ing of a bilateral relationship serving the interests of
10 both countries.

11 **SEC. 203. DEFINITIONS.**

12 In this title:

13 (1) BOARD.—The term “Board” means the
14 Board of Directors of the Foundation.

15 (2) FOUNDATION.—The term “Foundation”
16 means the Vietnam Education Foundation estab-
17 lished in section 204.

18 (3) INSTITUTION OF HIGHER EDUCATION.—The
19 term “institution of higher education” has the
20 meaning given the term in section 101(a) of the
21 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

22 (4) UNITED STATES-VIETNAM DEBT AGREE-
23 MENT.—The term “United States-Vietnam debt
24 agreement” means the Agreement Between the Gov-
25 ernment of the United States of America and the

1 Government of the Socialist Republic of Vietnam Re-
2 garding the Consolidation and Rescheduling of Cer-
3 tain Debts Owed to, Guaranteed by, or Insured by
4 the United States Government and the Agency for
5 International Development, dated April 7, 1997.

6 **SEC. 204. ESTABLISHMENT.**

7 There is established the Vietnam Education Founda-
8 tion as an independent establishment of the executive
9 branch under section 104 of title 5, United States Code.

10 **SEC. 205. BOARD OF DIRECTORS.**

11 (a) IN GENERAL.—The Foundation shall be subject
12 to the supervision and direction of the Board of Directors,
13 which shall consist of 13 members, as follows:

14 (1) Two members of the House of Representa-
15 tives appointed by the Speaker of the House of Rep-
16 resentatives, one of whom shall be appointed upon
17 the recommendation of the Majority Leader and one
18 of whom shall be appointed upon the recommenda-
19 tion of the Minority Leader, and who shall serve as
20 ex officio, nonvoting members.

21 (2) Two members of the Senate, appointed by
22 the President pro tempore, one of whom shall be ap-
23 pointed upon the recommendation of the Majority
24 Leader and one of whom shall be appointed upon

1 the recommendation of the Minority Leader, and
2 who shall serve as ex officio, nonvoting members.

3 (3) Secretary of State.

4 (4) Secretary of Education.

5 (5) Secretary of Treasury.

6 (6) Six members to be appointed by the Presi-
7 dent from among individuals in the nongovernmental
8 sector who have academic excellence or experience in
9 the fields of concentration specified in section
10 202(1)(A) or a general knowledge of Vietnam, not
11 less than three of whom shall be drawn from aca-
12 demic life.

13 (b) ROTATION OF MEMBERSHIP.—(1) The term of
14 office of each member appointed under subsection (a)(6)
15 shall be 3 years, except that of the members initially ap-
16 pointed under that subsection, two shall serve for terms
17 of 1 year, two shall serve for terms of 2 years, and two
18 shall serve for terms of 3 years.

19 (2) A member of Congress appointed under sub-
20 section (a)(1) or (2) shall not serve as a member of the
21 Board for more than a total of 6 years.

22 (c) CHAIR.—The Board shall elect one of the mem-
23 bers appointed under subsection (a)(6) to serve as Chair.

24 (d) MEETINGS.—The Board shall meet upon the call
25 of the Chair but not less frequently than twice each year.

1 A majority of the voting members of the Board shall con-
2 stitute a quorum.

3 (e) DUTIES.—The Board shall—

4 (1) select the individuals who will be eligible to
5 serve as Fellows; and

6 (2) provide overall supervision and direction of
7 the Foundation.

8 (f) COMPENSATION.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), each member of the Board shall serve
11 without compensation, and members who are officers
12 or employees of the United States shall serve with-
13 out compensation in addition to that received for
14 their services as officers or employees of the United
15 States.

16 (2) TRAVEL EXPENSES.—The members of the
17 Board shall be allowed travel expenses, including per
18 diem in lieu of subsistence, at rates authorized for
19 employees of agencies under subchapter I of chapter
20 57 of title 5, United States Code, while away from
21 their homes or regular places of business in the per-
22 formance of service for the Board.

23 **SEC. 206. FELLOWSHIP PROGRAM.**

24 (a) AWARD OF FELLOWSHIPS.—

1 (1) IN GENERAL.—To carry out the purposes of
2 this title, the Foundation shall award fellowships
3 to—

4 (A) Vietnamese nationals to study at insti-
5 tutions of higher education in the United States
6 at graduate and post-graduate levels in the fol-
7 lowing fields: physical sciences, natural sciences,
8 mathematics, environmental sciences, medicine,
9 technology, and computer sciences; and

10 (B) United States citizens to teach in Viet-
11 nam in appropriate Vietnamese institutions in
12 the fields of study described in subparagraph
13 (A).

14 (2) SPECIAL EMPHASIS ON SCIENTIFIC AND
15 TECHNICAL VOCABULARY IN ENGLISH.—Fellowships
16 awarded under paragraph (1) may include funding
17 for the study of scientific and technical vocabulary
18 in English.

19 (b) CRITERIA FOR SELECTION.—Fellowships under
20 this title shall be awarded to persons who meet the min-
21 imum criteria established by the Foundation, including the
22 following:

23 (1) VIETNAMESE NATIONALS.—Vietnamese can-
24 didates for fellowships shall have basic English pro-
25 ficiency and must have the ability to meet the cri-

1 teria for admission into graduate or post-graduate
2 programs in United States institutions of higher
3 learning.

4 (2) UNITED STATES CITIZEN TEACHERS.—
5 American teaching candidates shall be highly com-
6 petent in their fields and be experienced and pro-
7 ficient teachers.

8 (c) IMPLEMENTATION.—The Foundation may pro-
9 vide, directly or by contract, for the conduct of nationwide
10 competition for the purpose of selecting recipients of fel-
11 lowships awarded under this section.

12 (d) AUTHORITY TO AWARD FELLOWSHIPS ON A
13 MATCHING BASIS.—The Foundation may require, as a
14 condition of the availability of funds for the award of a
15 fellowship under this title, that an institution of higher
16 education make available funds for such fellowship on a
17 matching basis.

18 (e) FELLOWSHIP CONDITIONS.—A person awarded a
19 fellowship under this title may receive payments author-
20 ized under this title only during such periods as the Foun-
21 dation finds that the person is maintaining satisfactory
22 proficiency and devoting full time to study or teaching,
23 as appropriate, and is not engaging in gainful employment
24 other than employment approved by the Foundation pur-
25 suant to regulations of the Board.

1 (f) FUNDING.—

2 (1) FISCAL YEAR 2001.—

3 (A) AUTHORIZATION OF APPROPRIA-
4 TIONS.—There are authorized to be appro-
5 priated to the Foundation \$5,000,000 for fiscal
6 year 2001 to carry out the activities of the
7 Foundation.

8 (B) AVAILABILITY OF FUNDS.—Amounts
9 appropriated pursuant to subparagraph (A) are
10 authorized to remain available until expended.

11 (2) FISCAL YEAR 2002 AND SUBSEQUENT FIS-
12 CAL YEARS.—Effective October 1, 2001, the Foun-
13 dation shall utilize funds transferred to the Founda-
14 tion under section 207.

15 **SEC. 207. VIETNAM DEBT REPAYMENT FUND.**

16 (a) ESTABLISHMENT.—Notwithstanding any other
17 provision of law, there is established in the Treasury a
18 separate account which shall be known as the Vietnam
19 Debt Repayment Fund (in this subsection referred to as
20 the “Fund”).

21 (b) DEPOSITS.—There shall be deposited as offset-
22 ting receipts into the Fund all payments (including inter-
23 est payments) made by the Socialist Republic of Vietnam
24 under the United States-Vietnam debt agreement.

25 (c) AVAILABILITY OF THE FUNDS.—

1 (1) FISCAL YEAR LIMITATION.—Beginning with
2 fiscal year 2002, and each subsequent fiscal year
3 through fiscal year 2018, \$5,000,000 of the amounts
4 deposited into the Fund (or accrued interest) each
5 fiscal year shall be available to the Foundation,
6 without fiscal year limitation, under paragraph (2).

7 (2) DISBURSEMENT OF FUNDS.—The Secretary
8 of the Treasury, at least on a quarterly basis, shall
9 transfer to the Foundation amounts allotted to the
10 Foundation under paragraph (1) for the purpose of
11 carrying out its activities.

12 (3) TRANSFER OF EXCESS FUNDS TO MIS-
13 CELLANEOUS RECEIPTS.—Beginning with fiscal year
14 2002, and each subsequent fiscal year through fiscal
15 year 2018, the Secretary of the Treasury shall with-
16 draw from the Fund and deposit in the Treasury of
17 the United States as miscellaneous receipts all mon-
18 eys in the Fund in excess of amounts made available
19 to the Foundation under paragraph (1).

20 (d) ANNUAL REPORT.—The Board shall prepare and
21 submit annually to Congress statements of financial condi-
22 tion of the Fund, including the beginning balance, re-
23 ceipts, refunds to appropriations, transfers to the general
24 fund, and the ending balance.

1 **SEC. 208. FOUNDATION PERSONNEL MATTERS.**

2 (a) APPOINTMENT BY BOARD.—There shall be an
3 Executive Secretary of the Foundation who shall be ap-
4 pointed by the Board without regard to the provisions of
5 title 5, United States Code, or any regulation thereunder,
6 governing appointment in the competitive service. The Ex-
7 ecutive Director shall be the Chief Executive Officer of
8 the Foundation and shall carry out the functions of the
9 Foundation subject to the supervision and direction of the
10 Board. The Executive Director shall carry out such other
11 functions consistent with the provisions of this title as the
12 Board shall prescribe. The decision to employ or terminate
13 an Executive Director shall be made by an affirmative vote
14 of at least six of the nine voting members of the Board.

15 (b) PROFESSIONAL STAFF.—The Executive Director
16 shall hire Foundation staff on the basis of professional
17 and nonpartisan qualifications.

18 (c) EXPERTS AND CONSULTANTS.—The Executive
19 Director may procure temporary and intermittent services
20 of experts and consultants as are necessary to the extent
21 authorized by section 3109 of title 5, United States Code
22 to carry out the purposes of the Foundation.

23 (d) COMPENSATION.—The Board may fix the com-
24 pensation of the Executive Director and other personnel
25 without regard to the provisions of chapter 51 and sub-
26 chapter III of chapter 53 of title V, United States Code,

1 relating to classification of positions and General Schedule
2 pay rates, except that the rate of pay for the Executive
3 Director and other personnel may not exceed the rate pay-
4 able for level V of the Executive Schedule under section
5 5316 of such title.

6 **SEC. 209. ADMINISTRATIVE PROVISIONS.**

7 (a) IN GENERAL.—In order to carry out this title,
8 the Foundation may—

9 (1) prescribe such regulations as it considers
10 necessary governing the manner in which its func-
11 tions shall be carried out;

12 (2) receive money and other property donated,
13 bequeathed, or devised, without condition or restric-
14 tion other than it be used for the purposes of the
15 Foundation, and to use, sell, or otherwise dispose of
16 such property for the purpose of carrying out its
17 functions;

18 (3) accept and use the services of voluntary and
19 noncompensated personnel;

20 (4) enter into contracts or other arrangements,
21 or make grants, to carry out the provisions of this
22 title, and enter into such contracts or other arrange-
23 ments, or make such grants, with the concurrence of
24 a majority of the members of the Board, without

1 performance or other bonds and without regard to
2 section 3709 of the Revised Statutes (41 U.S.C. 5);

3 (5) rent office space in the District of Colum-
4 bia; and

5 (6) make other necessary expenditures.

6 (b) ANNUAL REPORT.—The Foundation shall submit
7 to the President and to the Committee on Foreign Rela-
8 tions of the Senate and the Committee on International
9 Relations of the House of Representatives an annual re-
10 port of its operations under this title.

11 **SEC. 210. TERMINATION.**

12 (a) IN GENERAL.—The Foundation may not award
13 any new fellowship, or extend any existing fellowship, after
14 September 30, 2016.

15 (b) ABOLISHMENT.—Effective 120 days after the ex-
16 piration of the last fellowship in effect under this title,
17 the Foundation is abolished.

18 **TITLE III—COLORADO UTE SETTLEMENT ACT**

19 **AMENDMENTS OF 2000**

20 **SEC. 301. SHORT TITLE; FINDINGS; DEFINITIONS.**

21 (a) SHORT TITLE.—This title may be cited as the
22 “Colorado Ute Settlement Act Amendments of 2000”.

23 (b) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) In order to provide for a full and final set-
2 tlement of the claims of the Colorado Ute Indian
3 Tribes on the Animas and La Plata Rivers, the
4 Tribes, the State of Colorado, and certain of the
5 non-Indian parties to the Agreement have proposed
6 certain modifications to the Colorado Ute Indian
7 Water Rights Settlement Act of 1988 (Public Law
8 100–585; 102 Stat. 2973).

9 (2) The claims of the Colorado Ute Indian
10 Tribes on all rivers in Colorado other than the
11 Animas and La Plata Rivers have been settled in ac-
12 cordance with the provisions of the Colorado Ute In-
13 dian Water Rights Settlement Act of 1988 (Public
14 Law 100–585; 102 Stat. 2973).

15 (3) The Indian and non-Indian communities of
16 southwest Colorado and northwest New Mexico will
17 be benefited by a settlement of the tribal claims on
18 the Animas and La Plata Rivers that provides the
19 Tribes with a firm water supply without taking
20 water away from existing uses.

21 (4) The Agreement contemplated a specific
22 timetable for the delivery of irrigation and municipal
23 and industrial water and other benefits to the Tribes
24 from the Animas-La Plata Project, which timetable
25 has not been met. The provision of irrigation water

1 can not presently be satisfied under the current im-
2 plementation of the Federal Water Pollution Control
3 Act (33 U.S.C. 1251 et seq.) and the Endangered
4 Species Act of 1973 (16 U.S.C. 1531 et seq.).

5 (5) In order to meet the requirements of the
6 Endangered Species Act of 1973 (16 U.S.C. 1531 et
7 seq.), and in particular the various biological opin-
8 ions issued by the Fish and Wildlife Service, the
9 amendments made by this title are needed to provide
10 for a significant reduction in the facilities and water
11 supply contemplated under the Agreement.

12 (6) The substitute benefits provided to the
13 Tribes under the amendments made by this title, in-
14 cluding the waiver of capital costs and the provisions
15 of funds for natural resource enhancement, result in
16 a settlement that provides the Tribes with benefits
17 that are equivalent to those that the Tribes would
18 have received under the Colorado Ute Indian Water
19 Rights Settlement Act of 1988 (Public Law 100-
20 585; 102 Stat. 2973).

21 (7) The requirement that the Secretary of the
22 Interior comply with the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
24 other national environmental laws before imple-
25 menting the proposed settlement will ensure that the

1 satisfaction of the tribal water rights is accomplished
2 in an environmentally responsible fashion.

3 (8) In considering the full range of alternatives
4 for satisfying the water rights claims of the South-
5 ern Ute Indian Tribe and Ute Mountain Ute Indian
6 Tribe, Congress has held numerous legislative hear-
7 ings and deliberations, and reviewed the considerable
8 record including the following documents:

9 (A) The Final EIS No. INT-FES-80-18,
10 dated July 1, 1980.

11 (B) The Draft Supplement to the FES No.
12 INT-DES-92-41, dated October 13, 1992.

13 (C) The Final Supplemental to the FES
14 No. 96-23, dated April 26, 1996;

15 (D) The Draft Supplemental EIS, dated
16 January 14, 2000.

17 (E) The Final Supplemental EIS, dated
18 July 2000.

19 (F) The Record of Decision for the Settle-
20 ment of the Colorado Ute Indian Waters, Sep-
21 tember 25, 2000.

22 (9) In the Record of Decision referred to in
23 paragraph (8)(F), the Secretary determined that the
24 preferred alternative could only proceed if Congress
25 amended the Colorado Ute Indian Water Rights Set-

1 tlement Act of 1988 (Public Law 100–585; 102
2 Stat. 2973) so as to satisfy the Tribal water rights
3 claim through the construction of the features au-
4 thorized by this title. The amendments to the Colo-
5 rado Ute Indian Water Rights Settlement Act of
6 1988 set forth in this title will provide the Ute
7 Tribes with substitute benefits equivalent to those
8 that the Tribes would have received under the Colo-
9 rado Ute Indian Water Rights Settlement Act of
10 1988, in a manner consistent with paragraph (8)
11 and the Federal Government’s trust obligation.

12 (10) Based upon paragraph (8), it is the intent
13 of Congress to enact legislation that implements the
14 Record of Decision referred to in paragraph (8)(F).

15 (c) DEFINITIONS.—In this title:

16 (1) AGREEMENT.—The term “Agreement” has
17 the meaning given that term in section 3(1) of the
18 Colorado Ute Indian Water Rights Settlement Act
19 of 1988 (Public Law 100–585; 102 Stat. 2973).

20 (2) ANIMAS-LA PLATA PROJECT.—The term
21 “Animas-La Plata Project” has the meaning given
22 that term in section 3(2) of the Colorado Ute Indian
23 Water Rights Settlement Act of 1988 (Public Law
24 100–585; 102 Stat. 2973).

1 (3) DOLORES PROJECT.—The term “Dolores
2 Project” has the meaning given that term in section
3 3(3) of the Colorado Ute Indian Water Rights Set-
4 tlement Act of 1988 (Public Law 100–585; 102
5 Stat. 2974).

6 (4) TRIBE; TRIBES.—The term “Tribe” or
7 “Tribes” has the meaning given that term in section
8 3(6) of the Colorado Ute Indian Water Rights Set-
9 tlement Act of 1988 (Public Law 100–585; 102
10 Stat. 2974).

11 **SEC. 302. AMENDMENTS TO SECTION 6 OF THE COLORADO**
12 **UTE INDIAN WATER RIGHTS SETTLEMENT**
13 **ACT OF 1988.**

14 Subsection (a) of section 6 of the Colorado Ute In-
15 dian Water Rights Settlement Act of 1988 (Public Law
16 100–585; 102 Stat. 2975) is amended to read as follows:

17 “(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL
18 WATER.—

19 “(1) FACILITIES.—

20 “(A) IN GENERAL.—After the date of en-
21 actment of this subsection, but prior to January
22 1, 2005, or the date established in the Amended
23 Final Decree described in section 18(c), the
24 Secretary, in order to settle the outstanding
25 claims of the Tribes on the Animas and La

1 Plata Rivers, acting through the Bureau of
2 Reclamation, is specifically authorized to—

3 “(i) complete construction of, and op-
4 erate and maintain, a reservoir, a pumping
5 plant, a reservoir inlet conduit, and appur-
6 tenant facilities with sufficient capacity to
7 divert and store water from the Animas
8 River to provide for an average annual de-
9 pletion of 57,100 acre-feet of water to be
10 used for a municipal and industrial water
11 supply, which facilities shall—

12 “(I) be designed and operated in
13 accordance with the hydrologic regime
14 necessary for the recovery of the en-
15 dangered fish of the San Juan River
16 as determined by the San Juan River
17 Recovery Implementation Program;

18 “(II) be operated in accordance
19 with the Animas-La Plata Project
20 Compact as approved by Congress in
21 Public Law 90–537;

22 “(III) include an inactive pool of
23 an appropriate size to be determined
24 by the Secretary following the comple-

1 tion of required environmental compli-
2 ance activities; and

3 “(IV) include those recreation fa-
4 cilities determined to be appropriate
5 by agreement between the State of
6 Colorado and the Secretary that shall
7 address the payment of any of the
8 costs of such facilities by the State of
9 Colorado in addition to the costs de-
10 scribed in paragraph (3); and

11 “(ii) deliver, through the use of the
12 project components referred to in clause
13 (i), municipal and industrial water
14 allocations—

15 “(I) with an average annual de-
16 pletion not to exceed 16,525 acre-feet
17 of water, to the Southern Ute Indian
18 Tribe for its present and future needs;

19 “(II) with an average annual de-
20 pletion not to exceed 16,525 acre-feet
21 of water, to the Ute Mountain Ute In-
22 dian Tribe for its present and future
23 needs;

24 “(III) with an average annual de-
25 pletion not to exceed 2,340 acre-feet

1 of water, to the Navajo Nation for its
2 present and future needs;

3 “(IV) with an average annual de-
4pletion not to exceed 10,400 acre-feet
5 of water, to the San Juan Water
6 Commission for its present and future
7 needs;

8 “(V) with an average annual de-
9pletion of an amount not to exceed
10 2,600 acre-feet of water, to the
11 Animas-La Plata Conservancy Dis-
12 trict for its present and future needs;

13 “(VI) with an average annual de-
14pletion of an amount not to exceed
15 5,230 acre-feet of water, to the State
16 of Colorado for its present and future
17 needs; and

18 “(VII) with an average annual
19 depletion of an amount not to exceed
20 780 acre-feet of water, to the La
21 Plata Conservancy District of New
22 Mexico for its present and future
23 needs.

24 “(B) APPLICABILITY OF OTHER FEDERAL
25 LAW.—The responsibilities of the Secretary de-

1 scribed in subparagraph (A) are subject to the
2 requirements of Federal laws related to the pro-
3 tection of the environment and otherwise appli-
4 cable to the construction of the proposed facili-
5 ties, including the National Environmental Pol-
6 icy Act of 1969 (42 U.S.C. 4321 et seq.), the
7 Clean Water Act (42 U.S.C. 7401 et seq.), and
8 the Endangered Species Act of 1973 (16 U.S.C.
9 1531 et seq.). Nothing in this Act shall be con-
10 strued to predetermine or otherwise affect the
11 outcome of any analysis conducted by the Sec-
12 retary or any other Federal official under appli-
13 cable laws.

14 “(C) LIMITATION.—

15 “(i) IN GENERAL.—If constructed, the
16 facilities described in subparagraph (A)
17 shall constitute the Animas-La Plata
18 Project. Construction of any other project
19 features authorized by Public Law 90–537
20 shall not be commenced without further ex-
21 press authorization from Congress.

22 “(ii) CONTINGENCY IN APPLICA-
23 TION.—If the facilities described in sub-
24 paragraph (A) are not constructed and op-
25 erated, clause (i) shall not take effect.

1 “(2) TRIBAL CONSTRUCTION COSTS.—Construc-
2 tion costs allocable to the facilities that are required
3 to deliver the municipal and industrial water alloca-
4 tions described in subclauses (I), (II) and (III) of
5 paragraph (1)(A)(ii) shall be nonreimbursable to the
6 United States.

7 “(3) NONTRIBAL WATER CAPITAL OBLIGA-
8 TIONS.—

9 “(A) IN GENERAL.—Under the provisions
10 of section 9 of the Act of August 4, 1939 (43
11 U.S.C. 485h), the nontribal municipal and in-
12 dustrial water capital repayment obligations for
13 the facilities described in paragraph (1)(A)(i)
14 may be satisfied upon the payment in full of the
15 nontribal water capital obligations prior to the
16 initiation of construction. The amount of the
17 obligations described in the preceding sentence
18 shall be determined by agreement between the
19 Secretary of the Interior and the entity respon-
20 sible for such repayment as to the appropriate
21 reimbursable share of the construction costs al-
22 located to that entity’s municipal water storage.
23 Such repayment shall be consistent with Fed-
24 eral reclamation law, including the Colorado
25 River Storage Project Act of 1956 (43 U.S.C.

1 620 et seq.). Such agreement shall take into ac-
2 count the fact that the construction of certain
3 project facilities, including those facilities re-
4 quired to provide irrigation water supplies from
5 the Animas-La Plata Project, is not authorized
6 under paragraph (1)(A)(i) and no costs associ-
7 ated with the design or development of such fa-
8 cilities, including costs associated with environ-
9 mental compliance, shall be allocable to the mu-
10 nicipal and industrial users of the facilities au-
11 thorized under such paragraph.

12 “(B) NONTRIBAL REPAYMENT OBLIGATION
13 SUBJECT TO FINAL COST ALLOCATION.—The
14 nontribal repayment obligation set forth in sub-
15 paragraph (A) shall be subject to a final cost
16 allocation by the Secretary upon project comple-
17 tion. In the event that the final cost allocation
18 indicates that additional repayment is war-
19 ranted based on the applicable entity’s share of
20 project water storage and determination of
21 overall reimbursable cost, that entity may elect
22 to enter into a new agreement to make the ad-
23 ditional payment necessary to secure the full
24 water supply identified in paragraph (1)(A)(ii).
25 If the repayment entity elects not to enter into

1 a new agreement, the portion of project storage
2 relinquished by such election shall be available
3 to the Secretary for allocation to other project
4 purposes. Additional repayment shall only be
5 warranted for reasonable and unforeseen costs
6 associated with project construction as deter-
7 mined by the Secretary in consultation with the
8 relevant repayment entities.

9 “(C) REPORT.—Not later than April 1,
10 2001, the Secretary shall report to Congress on
11 the status of the cost-share agreements con-
12 templated in subparagraph (A). In the event
13 that no agreement is reached with either the
14 Animas-La Plata Conservancy District or the
15 State of Colorado for the water allocations set
16 forth in subclauses (V) and (VI) of paragraph
17 (1)(A)(ii), those allocations shall be reallocated
18 equally to the Colorado Ute Tribes.

19 “(4) TRIBAL WATER ALLOCATIONS.—

20 “(A) IN GENERAL.—With respect to mu-
21 nicipal and industrial water allocated to a Tribe
22 from the Animas-La Plata Project or the Dolo-
23 res Project, until that water is first used by a
24 Tribe or used pursuant to a water use contract
25 with the Tribe, the Secretary shall pay the an-

1 nual operation, maintenance, and replacement
2 costs allocable to that municipal and industrial
3 water allocation of the Tribe.

4 “(B) TREATMENT OF COSTS.—A Tribe
5 shall not be required to reimburse the Secretary
6 for the payment of any cost referred to in sub-
7 paragraph (A).

8 “(5) REPAYMENT OF PRO RATA SHARE.—Upon
9 a Tribe’s first use of an increment of a municipal
10 and industrial water allocation described in para-
11 graph (4), or the Tribe’s first use of such water pur-
12 suant to the terms of a water use contract—

13 “(A) repayment of that increment’s pro
14 rata share of those allocable construction costs
15 for the Dolores Project shall be made by the
16 Tribe; and

17 “(B) the Tribe shall bear a pro rata share
18 of the allocable annual operation, maintenance,
19 and replacement costs of the increment as re-
20 ferred to in paragraph (4).”.

21 **SEC. 303. MISCELLANEOUS.**

22 The Colorado Ute Indian Water Rights Settlement
23 Act of 1988 (Public Law 100–585; 102 Stat. 2973) is
24 amended by adding at the end the following:

1 **“SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MAT-**
2 **TERS.**

3 “(a) ASSIGNMENT OF WATER PERMIT.—Upon the
4 request of the State Engineer of the State of New Mexico,
5 the Secretary shall, as soon as practicable, in a manner
6 consistent with applicable law, assign, without consider-
7 ation, to the New Mexico Animas-La Plata Project bene-
8 ficiaries or to the New Mexico Interstate Stream Commis-
9 sion in accordance with the request of the State Engineer,
10 the Department of the Interior’s interest in New Mexico
11 State Engineer Permit Number 2883, dated May 1, 1956,
12 in order to fulfill the New Mexico non-Navajo purposes
13 of the Animas-La Plata Project, so long as the permit as-
14 signment does not affect the application of the Endan-
15 gered Species Act of 1973 (16 U.S.C. 1531 et seq.) to
16 the use of the water involved.

17 “(b) NAVAJO NATION MUNICIPAL PIPELINE.—The
18 Secretary is specifically authorized to construct a water
19 line to augment the existing system that conveys the mu-
20 nicipal water supplies, in an amount not less than 4,680
21 acre-feet per year, to the Navajo Indian Reservation at
22 or near Shiprock, New Mexico. The Secretary shall comply
23 with all applicable environmental laws with respect to such
24 water line. Construction costs allocated to the Navajo Na-
25 tion for such water line shall be nonreimbursable to the
26 United States.

1 “(c) PROTECTION OF NAVAJO WATER CLAIMS.—
2 Nothing in this Act, including the permit assignment au-
3 thorized by subsection (a), shall be construed to quantify
4 or otherwise adversely affect the water rights and the
5 claims of entitlement to water of the Navajo Nation.

6 **“SEC. 16. RESOURCE FUNDS.**

7 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section,
9 \$8,000,000 for each of fiscal years 2002 through 2006.
10 Not later than 60 days after amounts are appropriated
11 and available to the Secretary for a fiscal year under this
12 paragraph, the Secretary shall make a payment to each
13 of the Tribal Resource Funds established under subsection
14 (b). Each such payment shall be equal to 50 percent of
15 the amount appropriated for the fiscal year involved.

16 “(b) FUNDS.—The Secretary shall establish a—

17 “(1) Southern Ute Tribal Resource Fund; and

18 “(2) Ute Mountain Ute Tribal Resource Fund.

19 “(c) TRIBAL DEVELOPMENT.—

20 “(1) INVESTMENT.—The Secretary shall, in the
21 absence of an approved tribal investment plan pro-
22 vided for under paragraph (2), invest the amount in
23 each Tribal Resource Fund established under sub-
24 section (b) in accordance with the Act entitled, ‘An
25 Act to authorize the deposit and investment of In-

1 dian funds' approved June 24, 1938 (25 U.S.C.
2 162a). With the exception of the funds referred to
3 in paragraph (3)(B)(i), the Secretary shall disburse,
4 at the request of a Tribe, the principal and income
5 in its Resource Fund, or any part thereof, in accord-
6 ance with a resource acquisition and enhancement
7 plan approved under paragraph (3).

8 “(2) INVESTMENT PLAN.—

9 “(A) IN GENERAL.—In lieu of the invest-
10 ment provided for in paragraph (1), a Tribe
11 may submit a tribal investment plan applicable
12 to all or part of the Tribe's Tribal Resource
13 Fund, except with respect to the funds referred
14 to in paragraph (3)(B)(i).

15 “(B) APPROVAL.—Not later than 60 days
16 after the date on which an investment plan is
17 submitted under subparagraph (A), the Sec-
18 retary shall approve such investment plan if the
19 Secretary finds that the plan is reasonable and
20 sound. If the Secretary does not approve such
21 investment plan, the Secretary shall set forth in
22 writing and with particularity the reasons for
23 such disapproval. If such investment plan is ap-
24 proved by the Secretary, the Tribal Resource
25 Fund involved shall be disbursed to the Tribe to

1 be invested by the Tribe in accordance with the
2 approved investment plan, subject to subsection
3 (d).

4 “(C) COMPLIANCE.—The Secretary may
5 take such steps as the Secretary determines to
6 be necessary to monitor the compliance of a
7 Tribe with an investment plan approved under
8 subparagraph (B). The United States shall not
9 be responsible for the review, approval, or audit
10 of any individual investment under the plan.
11 The United States shall not be directly or indi-
12 rectly liable with respect to any such invest-
13 ment, including any act or omission of the
14 Tribe in managing or investing such funds.

15 “(D) ECONOMIC DEVELOPMENT PLAN.—
16 The principal and income derived from tribal
17 investments under an investment plan approved
18 under subparagraph (B) shall be subject to the
19 provisions of this section and shall be expended
20 only in accordance with an economic develop-
21 ment plan approved under paragraph (3)(B).

22 “(3) ECONOMIC DEVELOPMENT PLAN.—

23 “(A) IN GENERAL.—Each Tribe shall sub-
24 mit to the Secretary a resource acquisition and

1 enhancement plan for all or any portion of its
2 Tribal Resource Fund.

3 “(B) APPROVAL.—Not later than 60 days
4 after the date on which a plan is submitted
5 under subparagraph (A), the Secretary shall ap-
6 prove such plan if it is consistent with the fol-
7 lowing requirements:

8 “(i) With respect to at least three-
9 fourths of the funds appropriated pursuant
10 to this section and consistent with the
11 long-standing practice of the Tribes and
12 other local entities and communities to
13 work together to use their respective water
14 rights and resources for mutual benefit, at
15 least three-fourths of the funds appro-
16 priated pursuant to this section shall be
17 utilized to enhance, restore, and utilize the
18 Tribes’ natural resources in partnership
19 with adjacent non-Indian communities or
20 entities in the area.

21 “(ii) The plan must be reasonably re-
22 lated to the protection, acquisition, en-
23 hancement, or development of natural re-
24 sources for the benefit of the Tribe and its
25 members.

1 “(iii) Notwithstanding any other pro-
2 vision of law and in order to ensure that
3 the Federal Government fulfills the objec-
4 tives of the Record of Decision referred to
5 in section 301(b)(8)(F) of the Colorado
6 Ute Settlement Act Amendments of 2000
7 by requiring that the funds referred to in
8 clause (i) are expended directly by employ-
9 ees of the Federal Government, the Sec-
10 retary acting through the Bureau of Rec-
11 lamation shall expend not less than one-
12 third of the funds referred to in clause (i)
13 for municipal or rural water development
14 and not less than two-thirds of the funds
15 referred to such clause for resource acqui-
16 sition and enhancement.

17 “(C) MODIFICATION.—Subject to the pro-
18 visions of this Act and the approval of the Sec-
19 retary, each Tribe may modify a plan approved
20 under subparagraph (B).

21 “(D) LIABILITY.—The United States shall
22 not be directly or indirectly liable for any claim
23 or cause of action arising from the approval of
24 a plan under this paragraph, or from the use

1 and expenditure by the Tribe of the principal or
2 interest of the Funds.

3 “(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—
4 No part of the principal contained in the Tribal Resource
5 Fund, or of the income accruing to such funds, or the rev-
6 enue from any water use contract, shall be distributed to
7 any member of either Tribe on a per capita basis.

8 “(e) LIMITATION ON SETTING ASIDE FINAL CON-
9 SENT DECREE.—Neither the Tribes nor the United States
10 shall have the right to set aside the final consent decree
11 solely because the requirements of subsection (c) are not
12 complied with or implemented.

13 “(f) LIMITATION ON DISBURSEMENT OF TRIBAL RE-
14 SOURCE FUNDS.—Any funds appropriated under this sec-
15 tion shall be placed into the Southern Ute Tribal Resource
16 Fund and the Ute Mountain Ute Tribal Resource Fund
17 in the Treasury of the United States but shall not be avail-
18 able for disbursement under this section until the final set-
19 tlement of the tribal claims as provided in section 18. The
20 Secretary of the Interior may, in the Secretary’s sole dis-
21 cretion, authorize the disbursement of funds prior to the
22 final settlement in the event that the Secretary determines
23 that substantial portions of the settlement have been com-
24 pleted. In the event that the funds are not disbursed under
25 the terms of this section by December 31, 2012, such

1 funds shall be deposited in the general fund of the Treas-
2 ury.

3 **“SEC. 17. COLORADO UTE SETTLEMENT FUND.**

4 “(a) ESTABLISHMENT OF FUND.—There is hereby
5 established within the Treasury of the United States a
6 fund to be known as the ‘Colorado Ute Settlement Fund’.

7 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to the Colorado Ute Set-
9 tlement Fund such funds as are necessary to complete the
10 construction of the facilities described in sections
11 6(a)(1)(A) and 15(b) within 7 years of the date of enact-
12 ment of this section. Such funds are authorized to be ap-
13 propriated for each of the first 5 fiscal years beginning
14 with the first full fiscal year following the date of enact-
15 ment of this section.

16 **“SEC. 18. FINAL SETTLEMENT.**

17 “(a) IN GENERAL.—The construction of the facilities
18 described in section 6(a)(1)(A), the allocation of the water
19 supply from those facilities to the Tribes as described in
20 that section, and the provision of funds to the Tribes in
21 accordance with section 16 and the issuance of an amend-
22 ed final consent decree as contemplated in subsection (c)
23 shall constitute final settlement of the tribal claims to
24 water rights on the Animas and La Plata Rivers in the
25 State of Colorado.

1 “(b) STATUTORY CONSTRUCTION.—Nothing in this
2 section shall be construed to affect the right of the Tribes
3 to water rights on the streams and rivers described in the
4 Agreement, other than the Animas and La Plata Rivers,
5 to receive the amounts of water dedicated to tribal use
6 under the Agreement, or to acquire water rights under the
7 laws of the State of Colorado.

8 “(c) ACTION BY THE ATTORNEY GENERAL.—The At-
9 torney General shall file with the District Court, Water
10 Division Number 7, of the State of Colorado, such instru-
11 ments as may be necessary to request the court to amend
12 the final consent decree to provide for the amendments
13 made to this Act under the Colorado Ute Indian Water
14 Rights Settlement Act Amendments of 2000. The amend-
15 ed final consent decree shall specify terms and conditions
16 to provide for an extension of the current January 1,
17 2005, deadline for the Tribes to commence litigation of
18 their reserved rights claims on the Animas and La Plata
19 Rivers.

20 **“SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF**
21 **CERTAIN FUNDS.**

22 “(a) IN GENERAL.—Nothing in the amendments
23 made by the Colorado Ute Settlement Act Amendments
24 of 2000 shall be construed to affect the applicability of
25 any provision of this Act.

1 sions to have and use the name “American Museum
2 of Science and Energy”.

3 (3) EFFECT ON OTHER RIGHTS.—This sub-
4 section shall not be construed to conflict or interfere
5 with established or vested rights.

6 **SEC. 402. AUTHORITY.**

7 To carry out the activities of the Museum, the Sec-
8 retary may—

9 (1) accept and dispose of any gift, devise, or be-
10 quest of services or property, real or personal, that
11 is—

12 (A) designated in a written document by
13 the person making the gift, devise, or bequest
14 as intended for the Museum; and

15 (B) determined by the Secretary to be suit-
16 able and beneficial for use by the Museum;

17 (2) operate a retail outlet on the premises of
18 the Museum for the purpose of selling or distrib-
19 uting items (including mementos, food, educational
20 materials, replicas, and literature) that are—

21 (A) relevant to the contents of the Mu-
22 seum; and

23 (B) informative, educational, and tasteful;

24 (3) collect reasonable fees where feasible and
25 appropriate;

1 (4) exhibit, perform, display, and publish mate-
2 rials and information of or relating to the Museum
3 in any media or place;

4 (5) consistent with guidelines approved by the
5 Secretary, lease space on the premises of the Mu-
6 seum at reasonable rates and for uses consistent
7 with such guidelines; and

8 (6) use the proceeds of activities authorized
9 under this section to pay the costs of the Museum.

10 **SEC. 403. MUSEUM VOLUNTEERS.**

11 (a) **AUTHORITY TO USE VOLUNTEERS.**—The Sec-
12 retary may recruit, train, and accept the services of indi-
13 viduals or entities as volunteers for services or activities
14 related to the Museum.

15 (b) **STATUS OF VOLUNTEERS.**—

16 (1) **IN GENERAL.**—Except as provided in para-
17 graph (2), service by a volunteer under subsection
18 (a) shall not be considered Federal employment.

19 (2) **EXCEPTIONS.**—

20 (A) **FEDERAL TORT CLAIMS ACT.**—For
21 purposes of chapter 171 of title 28, United
22 States Code, a volunteer under subsection (a)
23 shall be treated as an employee of the Govern-
24 ment (as defined in section 2671 of that title).

1 (B) COMPENSATION FOR WORK INJU-
2 RIES.—For purposes of subchapter I of chapter
3 81 of title 5, United States Code, a volunteer
4 described in subsection (a) shall be treated as
5 an employee (as defined in section 8101 of title
6 5, United States Code).

7 (c) COMPENSATION.—A volunteer under subsection
8 (a) shall serve without pay, but may receive nominal
9 awards and reimbursement for incidental expenses, includ-
10 ing expenses for a uniform or transportation in further-
11 ance of Museum activities.

12 **SEC. 404. DEFINITIONS.**

13 For purposes of this Act:

14 (1) MUSEUM.—The term “Museum” means the
15 museum operated by the Secretary of Energy and lo-
16 cated at 300 South Tulane Avenue in Oak Ridge,
17 Tennessee.

18 (2) SECRETARY.—The term “Secretary” means
19 the Secretary of Energy or a designated representa-
20 tive of the Secretary.

21 **TITLE V—LOWER MISSISSIPPI**
22 **RIVER REGION**

23 **SEC. 501. SHORT TITLE.**

24 This title may be cited as the “Delta Regional Au-
25 thority Act of 2000”.

1 **SEC. 502. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the lower Mississippi River region (referred
4 to in this title as the “region”), though rich in nat-
5 ural and human resources, lags behind the rest of
6 the United States in economic growth and pros-
7 perity;

8 (2) the region suffers from a greater proportion
9 of measurable poverty and unemployment than any
10 other region of the United States;

11 (3) the greatest hope for economic growth and
12 revitalization in the region lies in the development of
13 transportation infrastructure, creation of jobs, ex-
14 pansion of businesses, and development of entrepre-
15 neurial local economies;

16 (4) the economic progress of the region requires
17 an adequate transportation and physical infrastruc-
18 ture, a skilled and trained workforce, and greater
19 opportunities for enterprise development and entre-
20 preneurship;

21 (5) a concerted and coordinated effort among
22 Federal, State, and local agencies, the private sector,
23 and nonprofit groups is needed if the region is to
24 achieve its full potential for economic development;

25 (6) economic development planning on a re-
26 gional or multicounty basis offers the best prospect

1 for achieving the maximum benefit from public and
2 private investments; and

3 (7) improving the economy of the region re-
4 quires a special emphasis on areas of the region that
5 are most economically distressed.

6 (b) PURPOSES.—The purposes of this title are—

7 (1) to promote and encourage the economic de-
8 velopment of the region—

9 (A) to ensure that the communities and
10 people in the region have the opportunity for
11 economic development; and

12 (B) to ensure that the economy of the re-
13 gion reaches economic parity with that of the
14 rest of the United States;

15 (2) to establish a formal framework for joint
16 Federal-State collaboration in meeting and focusing
17 national attention on the economic development
18 needs of the region;

19 (3) to assist the region in obtaining the trans-
20 portation and basic infrastructure, skills training,
21 and opportunities for economic development that are
22 essential for strong local economies;

23 (4) to foster coordination among all levels of
24 government, the private sector, and nonprofit groups

1 in crafting common regional strategies that will lead
2 to broader economic growth;

3 (5) to strengthen efforts that emphasize re-
4 gional approaches to economic development and
5 planning;

6 (6) to encourage the participation of interested
7 citizens, public officials, agencies, and others in de-
8 veloping and implementing local and regional plans
9 for broad-based economic and community develop-
10 ment; and

11 (7) to focus special attention on areas of the re-
12 gion that suffer from the greatest economic distress.

13 **SEC. 503. DELTA REGIONAL AUTHORITY.**

14 The Consolidated Farm and Rural Development Act
15 (7 U.S.C. 1921 et seq.) is amended by adding at the end
16 the following:

17 **“Subtitle F—Delta Regional Authority**

18 **“SEC. 382A. DEFINITIONS.**

19 “In this subtitle:

20 “(1) **AUTHORITY.**—The term ‘Authority’ means
21 the Delta Regional Authority established by section
22 382B.

23 “(2) **REGION.**—The term ‘region’ means the
24 Lower Mississippi (as defined in section 4 of the

1 Delta Development Act (42 U.S.C. 3121 note; Pub-
2 lic Law 100-460)).

3 “(3) FEDERAL GRANT PROGRAM.—The term
4 ‘Federal grant program’ means a Federal grant pro-
5 gram to provide assistance in—

6 “(A) acquiring or developing land;

7 “(B) constructing or equipping a highway,
8 road, bridge, or facility; or

9 “(C) carrying out other economic develop-
10 ment activities.

11 **“SEC. 382B. DELTA REGIONAL AUTHORITY.**

12 “(a) ESTABLISHMENT.—

13 “(1) IN GENERAL.—There is established the
14 Delta Regional Authority.

15 “(2) COMPOSITION.—The Authority shall be
16 composed of—

17 “(A) a Federal member, to be appointed
18 by the President, with the advice and consent
19 of the Senate; and

20 “(B) the Governor (or a designee of the
21 Governor) of each State in the region that
22 elects to participate in the Authority.

23 “(3) COCHAIRPERSONS.—The Authority shall
24 be headed by—

1 “(A) the Federal member, who shall
2 serve—

3 “(i) as the Federal cochairperson; and

4 “(ii) as a liaison between the Federal
5 Government and the Authority; and

6 “(B) a State cochairperson, who—

7 “(i) shall be a Governor of a partici-
8 pating State in the region; and

9 “(ii) shall be elected by the State
10 members for a term of not less than 1
11 year.

12 “(b) ALTERNATE MEMBERS.—

13 “(1) STATE ALTERNATES.—The State member
14 of a participating State may have a single alternate,
15 who shall be—

16 “(A) a resident of that State; and

17 “(B) appointed by the Governor of the
18 State.

19 “(2) ALTERNATE FEDERAL COCHAIRPERSON.—

20 The President shall appoint an alternate Federal co-
21 chairperson.

22 “(3) QUORUM.—A State alternate shall not be
23 counted toward the establishment of a quorum of
24 the Authority in any instance in which a quorum of
25 the State members is required to be present.

1 “(4) DELEGATION OF POWER.—No power or
2 responsibility of the Authority specified in para-
3 graphs (2) and (3) of subsection (c), and no voting
4 right of any Authority member, shall be delegated to
5 any person—

6 “(A) who is not an Authority member; or

7 “(B) who is not entitled to vote in Author-
8 ity meetings.

9 “(c) VOTING.—

10 “(1) IN GENERAL.—A decision by the Authority
11 shall require a majority vote of the Authority (not
12 including any member representing a State that is
13 delinquent under subsection (g)(2)(C)) to be effec-
14 tive.

15 “(2) QUORUM.—A quorum of State members
16 shall be required to be present for the Authority to
17 make any policy decision, including—

18 “(A) a modification or revision of an Au-
19 thority policy decision;

20 “(B) approval of a State or regional devel-
21 opment plan; and

22 “(C) any allocation of funds among the
23 States.

24 “(3) PROJECT AND GRANT PROPOSALS.—The
25 approval of project and grant proposals shall be—

1 “(A) a responsibility of the Authority; and

2 “(B) conducted in accordance with section

3 382I.

4 “(4) VOTING BY ALTERNATE MEMBERS.—An

5 alternate member shall vote in the case of the ab-

6 sence, death, disability, removal, or resignation of

7 the Federal or State representative for which the al-

8 ternate member is an alternate.

9 “(d) DUTIES.—The Authority shall—

10 “(1) develop, on a continuing basis, comprehen-

11 sive and coordinated plans and programs to establish

12 priorities and approve grants for the economic devel-

13 opment of the region, giving due consideration to

14 other Federal, State, and local planning and devel-

15 opment activities in the region;

16 “(2) not later than 220 days after the date of

17 enactment of this subtitle, establish priorities in a

18 development plan for the region (including 5-year re-

19 gional outcome targets);

20 “(3) assess the needs and assets of the region

21 based on available research, demonstrations, inves-

22 tigations, assessments, and evaluations of the region

23 prepared by Federal, State, and local agencies, uni-

24 versities, local development districts, and other non-

25 profit groups;

1 “(4) formulate and recommend to the Gov-
2 ernors and legislatures of States that participate in
3 the Authority forms of interstate cooperation;

4 “(5) work with State and local agencies in de-
5 veloping appropriate model legislation;

6 “(6)(A) enhance the capacity of, and provide
7 support for, local development districts in the region;
8 or

9 “(B) if no local development district exists in
10 an area in a participating State in the region, foster
11 the creation of a local development district;

12 “(7) encourage private investment in industrial,
13 commercial, and other economic development
14 projects in the region; and

15 “(8) cooperate with and assist State govern-
16 ments with economic development programs of par-
17 ticipating States.

18 “(e) ADMINISTRATION.—In carrying out subsection
19 (d), the Authority may—

20 “(1) hold such hearings, sit and act at such
21 times and places, take such testimony, receive such
22 evidence, and print or otherwise reproduce and dis-
23 tribute a description of the proceedings and reports
24 on actions by the Authority as the Authority con-
25 siders appropriate;

1 “(2) authorize, through the Federal or State co-
2 chairperson or any other member of the Authority
3 designated by the Authority, the administration of
4 oaths if the Authority determines that testimony
5 should be taken or evidence received under oath;

6 “(3) request from any Federal, State, or local
7 department or agency such information as may be
8 available to or procurable by the department or
9 agency that may be of use to the Authority in car-
10 rying out duties of the Authority;

11 “(4) adopt, amend, and repeal bylaws and rules
12 governing the conduct of Authority business and the
13 performance of Authority duties;

14 “(5) request the head of any Federal depart-
15 ment or agency to detail to the Authority such per-
16 sonnel as the Authority requires to carry out duties
17 of the Authority, each such detail to be without loss
18 of seniority, pay, or other employee status;

19 “(6) request the head of any State department
20 or agency or local government to detail to the Au-
21 thority such personnel as the Authority requires to
22 carry out duties of the Authority, each such detail
23 to be without loss of seniority, pay, or other em-
24 ployee status;

1 “(7) provide for coverage of Authority employ-
2 ees in a suitable retirement and employee benefit
3 system by—

4 “(A) making arrangements or entering
5 into contracts with any participating State gov-
6 ernment; or

7 “(B) otherwise providing retirement and
8 other employee benefit coverage;

9 “(8) accept, use, and dispose of gifts or dona-
10 tions of services or real, personal, tangible, or intan-
11 gible property;

12 “(9) enter into and perform such contracts,
13 leases, cooperative agreements, or other transactions
14 as are necessary to carry out Authority duties, in-
15 cluding any contracts, leases, or cooperative agree-
16 ments with—

17 “(A) any department, agency, or instru-
18 mentality of the United States;

19 “(B) any State (including a political sub-
20 division, agency, or instrumentality of the
21 State); or

22 “(C) any person, firm, association, or cor-
23 poration; and

1 “(10) establish and maintain a central office
2 and field offices at such locations as the Authority
3 may select.

4 “(f) FEDERAL AGENCY COOPERATION.—A Federal
5 agency shall—

6 “(1) cooperate with the Authority; and

7 “(2) provide, on request of the Federal cochair-
8 person, appropriate assistance in carrying out this
9 subtitle, in accordance with applicable Federal laws
10 (including regulations).

11 “(g) ADMINISTRATIVE EXPENSES.—

12 “(1) IN GENERAL.—Administrative expenses of
13 the Authority (except for the expenses of the Fed-
14 eral cochairperson, including expenses of the alter-
15 nate and staff of the Federal cochairperson, which
16 shall be paid solely by the Federal Government)
17 shall be paid—

18 “(A) by the Federal Government, in an
19 amount equal to 50 percent of the administra-
20 tive expenses; and

21 “(B) by the States in the region partici-
22 pating in the Authority, in an amount equal to
23 50 percent of the administrative expenses.

24 “(2) STATE SHARE.—

1 “(A) IN GENERAL.—The share of adminis-
2 trative expenses of the Authority to be paid by
3 each State shall be determined by the Author-
4 ity.

5 “(B) NO FEDERAL PARTICIPATION.—The
6 Federal cochairperson shall not participate or
7 vote in any decision under subparagraph (A).

8 “(C) DELINQUENT STATES.—If a State is
9 delinquent in payment of the State’s share of
10 administrative expenses of the Authority under
11 this subsection—

12 “(i) no assistance under this subtitle
13 shall be furnished to the State (including
14 assistance to a political subdivision or a
15 resident of the State); and

16 “(ii) no member of the Authority from
17 the State shall participate or vote in any
18 action by the Authority.

19 “(h) COMPENSATION.—

20 “(1) FEDERAL COCHAIRPERSON.—The Federal
21 cochairperson shall be compensated by the Federal
22 Government at level III of the Executive Schedule in
23 subchapter II of chapter 53 of title 5, United States
24 Code.

1 “(2) ALTERNATE FEDERAL COCHAIRPERSON.—

2 The alternate Federal cochairperson—

3 “(A) shall be compensated by the Federal
4 Government at level V of the Executive Sched-
5 ule described in paragraph (1); and

6 “(B) when not actively serving as an alter-
7 nate for the Federal cochairperson, shall per-
8 form such functions and duties as are delegated
9 by the Federal cochairperson.

10 “(3) STATE MEMBERS AND ALTERNATES.—

11 “(A) IN GENERAL.—A State shall com-
12 pensate each member and alternate rep-
13 resenting the State on the Authority at the rate
14 established by law of the State.

15 “(B) NO ADDITIONAL COMPENSATION.—
16 No State member or alternate member shall re-
17 ceive any salary, or any contribution to or sup-
18 plementation of salary from any source other
19 than the State for services provided by the
20 member or alternate to the Authority.

21 “(4) DETAILED EMPLOYEES.—

22 “(A) IN GENERAL.—No person detailed to
23 serve the Authority under subsection (e)(6)
24 shall receive any salary or any contribution to

1 or supplementation of salary for services pro-
2 vided to the Authority from—

3 “(i) any source other than the State,
4 local, or intergovernmental department or
5 agency from which the person was detailed;
6 or

7 “(ii) the Authority.

8 “(B) VIOLATION.—Any person that vio-
9 lates this paragraph shall be fined not more
10 than \$5,000, imprisoned not more than 1 year,
11 or both.

12 “(C) APPLICABLE LAW.—The Federal co-
13 chairperson, the alternate Federal cochair-
14 person, and any Federal officer or employee de-
15 tailed to duty on the Authority under sub-
16 section (e)(5) shall not be subject to subpara-
17 graph (A), but shall remain subject to sections
18 202 through 209 of title 18, United States
19 Code.

20 “(5) ADDITIONAL PERSONNEL.—

21 “(A) COMPENSATION.—

22 “(i) IN GENERAL.—The Authority
23 may appoint and fix the compensation of
24 an executive director and such other per-
25 sonnel as are necessary to enable the Au-

1 thority to carry out the duties of the Au-
2 thority.

3 “(ii) EXCEPTION.—Compensation
4 under clause (i) shall not exceed the max-
5 imum rate for the Senior Executive Service
6 under section 5382 of title 5, United
7 States Code, including any applicable local-
8 ity-based comparability payment that may
9 be authorized under section 5304(h)(2)(C)
10 of that title.

11 “(B) EXECUTIVE DIRECTOR.—The execu-
12 tive director shall be responsible for—

13 “(i) the carrying out of the adminis-
14 trative duties of the Authority;

15 “(ii) direction of the Authority staff;
16 and

17 “(iii) such other duties as the Author-
18 ity may assign.

19 “(C) NO FEDERAL EMPLOYEE STATUS.—
20 No member, alternate, officer, or employee of
21 the Authority (except the Federal cochairperson
22 of the Authority, the alternate and staff for the
23 Federal cochairperson, and any Federal em-
24 ployee detailed to the Authority under sub-

1 section (e)(5)) shall be considered to be a Fed-
2 eral employee for any purpose.

3 “(i) CONFLICTS OF INTEREST.—

4 “(1) IN GENERAL.—Except as provided under
5 paragraph (2), no State member, alternate, officer,
6 or employee of the Authority shall participate per-
7 sonally and substantially as a member, alternate, of-
8 ficer, or employee of the Authority, through decision,
9 approval, disapproval, recommendation, the ren-
10 dering of advice, investigation, or otherwise, in any
11 proceeding, application, request for a ruling or other
12 determination, contract, claim, controversy, or other
13 matter in which, to knowledge of the member, alter-
14 nate, officer, or employee—

15 “(A) the member, alternate, officer, or em-
16 ployee;

17 “(B) the spouse, minor child, partner, or
18 organization (other than a State or political
19 subdivision of the State) of the member, alter-
20 nate, officer, or employee, in which the member,
21 alternate, officer, or employee is serving as offi-
22 cer, director, trustee, partner, or employee; or

23 “(C) any person or organization with
24 whom the member, alternate, officer, or em-

1 ployee is negotiating or has any arrangement
2 concerning prospective employment;
3 has a financial interest.

4 “(2) DISCLOSURE.—Paragraph (1) shall not
5 apply if the State member, alternate, officer, or
6 employee—

7 “(A) immediately advises the Authority of
8 the nature and circumstances of the proceeding,
9 application, request for a ruling or other deter-
10 mination, contract, claim, controversy, or other
11 particular matter presenting a potential conflict
12 of interest;

13 “(B) makes full disclosure of the financial
14 interest; and

15 “(C) before the proceeding concerning the
16 matter presenting the conflict of interest, re-
17 ceives a written determination by the Authority
18 that the interest is not so substantial as to be
19 likely to affect the integrity of the services that
20 the Authority may expect from the State mem-
21 ber, alternate, officer, or employee.

22 “(3) VIOLATION.—Any person that violates this
23 subsection shall be fined not more than \$10,000, im-
24 prisoned not more than 2 years, or both.

1 “(j) VALIDITY OF CONTRACTS, LOANS, AND
2 GRANTS.—The Authority may declare void any contract,
3 loan, or grant of or by the Authority in relation to which
4 the Authority determines that there has been a violation
5 of any provision under subsection (h)(4), subsection (i),
6 or sections 202 through 209 of title 18, United States
7 Code.

8 **“SEC. 382C. ECONOMIC AND COMMUNITY DEVELOPMENT**
9 **GRANTS.**

10 “(a) IN GENERAL.—The Authority may approve
11 grants to States and public and nonprofit entities for
12 projects, approved in accordance with section 382I—

13 “(1) to develop the transportation infrastruc-
14 ture of the region for the purpose of facilitating eco-
15 nomic development in the region (except that grants
16 for this purpose may only be made to a State or
17 local government);

18 “(2) to assist the region in obtaining the job
19 training, employment-related education, and busi-
20 ness development (with an emphasis on entrepre-
21 neurship) that are needed to build and maintain
22 strong local economies;

23 “(3) to provide assistance to severely distressed
24 and underdeveloped areas that lack financial re-
25 sources for improving basic public services;

1 “(4) to provide assistance to severely distressed
2 and underdeveloped areas that lack financial re-
3 sources for equipping industrial parks and related
4 facilities; and

5 “(5) to otherwise achieve the purposes of this
6 subtitle.

7 “(b) FUNDING.—

8 “(1) IN GENERAL.—Funds for grants under
9 subsection (a) may be provided—

10 “(A) entirely from appropriations to carry
11 out this section;

12 “(B) in combination with funds available
13 under another Federal or Federal grant pro-
14 gram; or

15 “(C) from any other source.

16 “(2) PRIORITY OF FUNDING.—To best build the
17 foundations for long-term economic development and
18 to complement other Federal and State resources in
19 the region, Federal funds available under this sub-
20 title shall be focused on the activities in the fol-
21 lowing order or priority:

22 “(A) Basic public infrastructure in dis-
23 tressed counties and isolated areas of distress.

1 “(2) there are insufficient funds available under
2 the applicable Federal grant law authorizing the
3 program to meet pressing needs of the region.

4 “(b) FEDERAL GRANT PROGRAM FUNDING.—In ac-
5 cordance with subsection (c), the Federal cochairperson
6 may use amounts made available to carry out this subtitle,
7 without regard to any limitations on areas eligible for as-
8 sistance or authorizations for appropriation under any
9 other Act, to fund all or any portion of the basic Federal
10 contribution to a project or activity under a Federal grant
11 program in the region in an amount that is above the fixed
12 maximum portion of the cost of the project otherwise au-
13 thorized by applicable law, but not to exceed 90 percent
14 of the costs of the project (except as provided in section
15 382F(b)).

16 “(c) CERTIFICATION.—

17 “(1) IN GENERAL.—In the case of any program
18 or project for which all or any portion of the basic
19 Federal contribution to the project under a Federal
20 grant program is proposed to be made under this
21 section, no Federal contribution shall be made until
22 the Federal official administering the Federal law
23 authorizing the contribution certifies that the pro-
24 gram or project—

1 “(A) meets the applicable requirements of
2 the applicable Federal grant law; and

3 “(B) could be approved for Federal con-
4 tribution under the law if funds were available
5 under the law for the program or project.

6 “(2) CERTIFICATION BY AUTHORITY.—

7 “(A) IN GENERAL.—The certifications and
8 determinations required to be made by the Au-
9 thority for approval of projects under this sub-
10 title in accordance with section 382I—

11 “(i) shall be controlling; and

12 “(ii) shall be accepted by the Federal
13 agencies.

14 “(B) ACCEPTANCE BY FEDERAL COCHAIR-
15 PERSON.—Any finding, report, certification, or
16 documentation required to be submitted to the
17 head of the department, agency, or instrumen-
18 tality of the Federal Government responsible for
19 the administration of any Federal grant pro-
20 gram shall be accepted by the Federal cochair-
21 person with respect to a supplemental grant for
22 any project under the program.

1 **“SEC. 382E. LOCAL DEVELOPMENT DISTRICTS; CERTIFI-**
2 **CATION AND ADMINISTRATIVE EXPENSES.**

3 “(a) DEFINITION OF LOCAL DEVELOPMENT DIS-
4 TRICT.—In this section, the term ‘local development dis-
5 trict’ means an entity that—

6 “(1) is—

7 “(A) a planning district in existence on the
8 date of enactment of this subtitle that is recog-
9 nized by the Economic Development Adminis-
10 tration of the Department of Commerce; or

11 “(B) where an entity described in subpara-
12 graph (A) does not exist—

13 “(i) organized and operated in a man-
14 ner that ensures broad-based community
15 participation and an effective opportunity
16 for other nonprofit groups to contribute to
17 the development and implementation of
18 programs in the region;

19 “(ii) governed by a policy board with
20 at least a simple majority of members con-
21 sisting of elected officials or employees of
22 a general purpose unit of local government
23 who have been appointed to represent the
24 government;

25 “(iii) certified to the Authority as hav-
26 ing a charter or authority that includes the

1 economic development of counties or parts
2 of counties or other political subdivisions
3 within the region—

4 “(I) by the Governor of each
5 State in which the entity is located; or

6 “(II) by the State officer des-
7 igned by the appropriate State law
8 to make the certification; and

9 “(iv)(I) a nonprofit incorporated body or-
10 ganized or chartered under the law of the State
11 in which the entity is located;

12 “(II) a nonprofit agency or instrumentality
13 of a State or local government;

14 “(III) a public organization established be-
15 fore the date of enactment of this subtitle under
16 State law for creation of multi-jurisdictional,
17 area-wide planning organizations; or

18 “(IV) a nonprofit association or combina-
19 tion of bodies, agencies, and instrumentalities
20 described in subclauses (I) through (III); and

21 “(2) has not, as certified by the Federal
22 cochairperson—

23 “(A) inappropriately used Federal grant
24 funds from any Federal source; or

1 “(B) appointed an officer who, during the
2 period in which another entity inappropriately
3 used Federal grant funds from any Federal
4 source, was an officer of the other entity.

5 “(b) GRANTS TO LOCAL DEVELOPMENT DIS-
6 TRICTS.—

7 “(1) IN GENERAL.—The Authority may make
8 grants for administrative expenses under this sec-
9 tion.

10 “(2) CONDITIONS FOR GRANTS.—

11 “(A) MAXIMUM AMOUNT.—The amount of
12 any grant awarded under paragraph (1) shall
13 not exceed 80 percent of the administrative ex-
14 penses of the local development district receiv-
15 ing the grant.

16 “(B) MAXIMUM PERIOD.—No grant de-
17 scribed in paragraph (1) shall be awarded to a
18 State agency certified as a local development
19 district for a period greater than 3 years.

20 “(C) LOCAL SHARE.—The contributions of
21 a local development district for administrative
22 expenses may be in cash or in kind, fairly evalu-
23 ated, including space, equipment, and services.

24 “(c) DUTIES OF LOCAL DEVELOPMENT DIS-
25 TRICTS.—A local development district shall—

1 “(1) operate as a lead organization serving
2 multicounty areas in the region at the local level;
3 and

4 “(2) serve as a liaison between State and local
5 governments, nonprofit organizations (including
6 community-based groups and educational institu-
7 tions), the business community, and citizens that—

8 “(A) are involved in multijurisdictional
9 planning;

10 “(B) provide technical assistance to local
11 jurisdictions and potential grantees; and

12 “(C) provide leadership and civic develop-
13 ment assistance.

14 **“SEC. 382F. DISTRESSED COUNTIES AND AREAS AND NON-**
15 **DISTRESSED COUNTIES.**

16 “(a) DESIGNATIONS.—Not later than 90 days after
17 the date of enactment of this subtitle, and annually there-
18 after, the Authority, in accordance with such criteria as
19 the Authority may establish, shall designate—

20 “(1) as distressed counties, counties in the re-
21 gion that are the most severely and persistently dis-
22 tressed and underdeveloped and have high rates of
23 poverty or unemployment;

1 “(2) as nondistressed counties, counties in the
2 region that are not designated as distressed counties
3 under paragraph (1); and

4 “(3) as isolated areas of distress, areas located
5 in nondistressed counties (as designated under para-
6 graph (2)) that have high rates of poverty or unem-
7 ployment.

8 “(b) DISTRESSED COUNTIES.—

9 “(1) IN GENERAL.—The Authority shall allo-
10 cate at least 75 percent of the appropriations made
11 available under section 382M for programs and
12 projects designed to serve the needs of distressed
13 counties and isolated areas of distress in the region.

14 “(2) FUNDING LIMITATIONS.—The funding lim-
15 itations under section 382D(b) shall not apply to a
16 project providing transportation or basic public serv-
17 ices to residents of one or more distressed counties
18 or isolated areas of distress in the region.

19 “(c) NONDISTRESSED COUNTIES.—

20 “(1) IN GENERAL.—Except as provided in this
21 subsection, no funds shall be provided under this
22 subtitle for a project located in a county designated
23 as a nondistressed county under subsection (a)(2).

24 “(2) EXCEPTIONS.—

1 “(A) IN GENERAL.—The funding prohibi-
2 tion under paragraph (1) shall not apply to
3 grants to fund the administrative expenses of
4 local development districts under section
5 382E(b).

6 “(B) MULTICOUNTY PROJECTS.—The Au-
7 thority may waive the application of the fund-
8 ing prohibition under paragraph (1) to—

9 “(i) a multicounty project that in-
10 cludes participation by a nondistressed
11 county; or

12 “(ii) any other type of project;
13 if the Authority determines that the project
14 could bring significant benefits to areas of the
15 region outside a nondistressed county.

16 “(C) ISOLATED AREAS OF DISTRESS.—For
17 a designation of an isolated area of distress for
18 assistance to be effective, the designation shall
19 be supported—

20 “(i) by the most recent Federal data
21 available; or

22 “(ii) if no recent Federal data are
23 available, by the most recent data available
24 through the government of the State in

1 which the isolated area of distress is lo-
2 cated.

3 “(d) TRANSPORTATION AND BASIC PUBLIC INFRA-
4 STRUCTURE.—The Authority shall allocate at least 50 per-
5 cent of any funds made available under section 382M for
6 transportation and basic public infrastructure projects au-
7 thorized under paragraphs (1) and (3) of section 382C(a).

8 **“SEC. 382G. DEVELOPMENT PLANNING PROCESS.**

9 “(a) STATE DEVELOPMENT PLAN.—In accordance
10 with policies established by the Authority, each State
11 member shall submit a development plan for the area of
12 the region represented by the State member.

13 “(b) CONTENT OF PLAN.—A State development plan
14 submitted under subsection (a) shall reflect the goals, ob-
15 jectives, and priorities identified in the regional develop-
16 ment plan developed under section 382B(d)(2).

17 “(c) CONSULTATION WITH INTERESTED LOCAL PAR-
18 TIES.—In carrying out the development planning process
19 (including the selection of programs and projects for as-
20 sistance), a State may—

21 “(1) consult with—

22 “(A) local development districts; and

23 “(B) local units of government; and

1 “(2) take into consideration the goals, objec-
2 tives, priorities, and recommendations of the entities
3 described in paragraph (1).

4 “(d) PUBLIC PARTICIPATION.—

5 “(1) IN GENERAL.—The Authority and applica-
6 ble State and local development districts shall en-
7 courage and assist, to the maximum extent prac-
8 ticable, public participation in the development, revi-
9 sion, and implementation of all plans and programs
10 under this subtitle.

11 “(2) REGULATIONS.—The Authority shall de-
12 velop guidelines for providing public participation
13 described in paragraph (1), including public hear-
14 ings.

15 **“SEC. 382H. PROGRAM DEVELOPMENT CRITERIA.**

16 “(a) IN GENERAL.—In considering programs and
17 projects to be provided assistance under this subtitle, and
18 in establishing a priority ranking of the requests for as-
19 sistance provided by the Authority, the Authority shall fol-
20 low procedures that ensure, to the maximum extent prac-
21 ticable, consideration of—

22 “(1) the relationship of the project or class of
23 projects to overall regional development;

24 “(2) the per capita income and poverty and un-
25 employment rates in an area;

1 “(3) the financial resources available to the ap-
2 plicants for assistance seeking to carry out the
3 project, with emphasis on ensuring that projects are
4 adequately financed to maximize the probability of
5 successful economic development;

6 “(4) the importance of the project or class of
7 projects in relation to other projects or classes of
8 projects that may be in competition for the same
9 funds;

10 “(5) the prospects that the project for which as-
11 sistance is sought will improve, on a continuing rath-
12 er than a temporary basis, the opportunities for em-
13 ployment, the average level of income, or the eco-
14 nomic development of the area served by the project;
15 and

16 “(6) the extent to which the project design pro-
17 vides for detailed outcome measurements by which
18 grant expenditures and the results of the expendi-
19 tures may be evaluated.

20 “(b) NO RELOCATION ASSISTANCE.—No financial
21 assistance authorized by this subtitle shall be used to as-
22 sist a person or entity in relocating from one area to an-
23 other, except that financial assistance may be used as oth-
24 erwise authorized by this title to attract businesses from
25 outside the region to the region.

1 “(c) REDUCTION OF FUNDS.—Funds may be pro-
2 vided for a program or project in a State under this sub-
3 title only if the Authority determines that the level of Fed-
4 eral or State financial assistance provided under a law
5 other than this subtitle, for the same type of program or
6 project in the same area of the State within the region,
7 will not be reduced as a result of funds made available
8 by this subtitle.

9 **“SEC. 382I. APPROVAL OF DEVELOPMENT PLANS AND**
10 **PROJECTS.**

11 “(a) IN GENERAL.—A State or regional development
12 plan or any multistate subregional plan that is proposed
13 for development under this subtitle shall be reviewed by
14 the Authority.

15 “(b) EVALUATION BY STATE MEMBER.—An applica-
16 tion for a grant or any other assistance for a project under
17 this subtitle shall be made through and evaluated for ap-
18 proval by the State member of the Authority representing
19 the applicant.

20 “(c) CERTIFICATION.—An application for a grant or
21 other assistance for a project shall be approved only on
22 certification by the State member that the application for
23 the project—

24 “(1) describes ways in which the project com-
25 plies with any applicable State development plan;

1 “(2) meets applicable criteria under section
2 382H;

3 “(3) provides adequate assurance that the pro-
4 posed project will be properly administered, oper-
5 ated, and maintained; and

6 “(4) otherwise meets the requirements of this
7 subtitle.

8 “(d) VOTES FOR DECISIONS.—On certification by a
9 State member of the Authority of an application for a
10 grant or other assistance for a specific project under this
11 section, an affirmative vote of the Authority under section
12 382B(c) shall be required for approval of the application.

13 **“SEC. 382J. CONSENT OF STATES.**

14 “Nothing in this subtitle requires any State to engage
15 in or accept any program under this subtitle without the
16 consent of the State.

17 **“SEC. 382K. RECORDS.**

18 “(a) RECORDS OF THE AUTHORITY.—

19 “(1) IN GENERAL.—The Authority shall main-
20 tain accurate and complete records of all trans-
21 actions and activities of the Authority.

22 “(2) AVAILABILITY.—All records of the Author-
23 ity shall be available for audit and examination by
24 the Comptroller General of the United States and
25 the Inspector General of the Department of Agri-

1 culture (including authorized representatives of the
2 Comptroller General and the Inspector General of
3 the Department of Agriculture).

4 “(b) RECORDS OF RECIPIENTS OF FEDERAL ASSIST-
5 ANCE.—

6 “(1) IN GENERAL.—A recipient of Federal
7 funds under this subtitle shall, as required by the
8 Authority, maintain accurate and complete records
9 of transactions and activities financed with Federal
10 funds and report on the transactions and activities
11 to the Authority.

12 “(2) AVAILABILITY.—All records required
13 under paragraph (1) shall be available for audit by
14 the Comptroller General of the United States, the
15 Inspector General of the Department of Agriculture,
16 and the Authority (including authorized representa-
17 tives of the Comptroller General, the Inspector Gen-
18 eral of the Department of Agriculture, and the Au-
19 thority).

20 “(c) ANNUAL AUDIT.—The Inspector General of the
21 Department of Agriculture shall audit the activities, trans-
22 actions, and records of the Authority on an annual basis.

23 **“SEC. 382L. ANNUAL REPORT.**

24 “Not later than 180 days after the end of each fiscal
25 year, the Authority shall submit to the President and to

1 Congress a report describing the activities carried out
2 under this subtitle.

3 **“SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There is authorized to be appro-
5 priated to the Authority to carry out this subtitle
6 \$30,000,000 for each of fiscal years 2001 through 2002,
7 to remain available until expended.

8 “(b) ADMINISTRATIVE EXPENSES.—Not more than 5
9 percent of the amount appropriated under subsection (a)
10 for a fiscal year shall be used for administrative expenses
11 of the Authority.

12 **“SEC. 382N. TERMINATION OF AUTHORITY.**

13 “This subtitle and the authority provided under this
14 subtitle expire on October 1, 2002.”.

15 **SEC. 504. AREA COVERED BY LOWER MISSISSIPPI DELTA**
16 **DEVELOPMENT COMMISSION.**

17 (a) IN GENERAL.—Section 4(2)(D) of the Delta De-
18 velopment Act (42 U.S.C. 3121 note; 102 Stat. 2246) is
19 amended by inserting “Natchitoches,” after “Winn,”.

20 (b) CONFORMING AMENDMENT.—The matter under
21 the heading “SALARIES AND EXPENSES” under the head-
22 ing “FARMERS HOME ADMINISTRATION” in title II of
23 Public Law 100–460 (102 Stat. 2246) is amended in the
24 fourth proviso by striking “carry out” and all that follows
25 through “bills are hereby” and inserting “carry out S.

1 2836, the Delta Development Act, as introduced in the
2 Senate on September 27, 1988, and that bill is”.

3 TITLE VI—DAKOTA WATER RESOURCES ACT OF
4 2000

5 **SEC. 601. SHORT TITLE.**

6 This title may be cited as the “Dakota Water Re-
7 sources Act of 2000”.

8 **SEC. 602. PURPOSES AND AUTHORIZATION.**

9 Section 1 of Public Law 89–108 (79 Stat. 433; 100
10 Stat. 418) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (2), by striking “of” and
13 inserting “within”;

14 (B) in paragraph (5), by striking “more
15 timely” and inserting “appropriate”; and

16 (C) in paragraph (7), by striking “feder-
17 ally-assisted water resource development project
18 providing irrigation for 130,940 acres of land”
19 and inserting “multipurpose federally assisted
20 water resource project providing irrigation, mu-
21 nicipal, rural, and industrial water systems,
22 fish, wildlife, and other natural resource con-
23 servation and development, recreation, flood
24 control, ground water recharge, and augmented
25 stream flows”;

1 (2) in subsection (b)—

2 (A) by inserting “, jointly with the State of
3 North Dakota,” after “construct”;

4 (B) by striking “the irrigation of 130,940
5 acres” and inserting “irrigation”;

6 (C) by striking “fish and wildlife conserva-
7 tion” and inserting “fish, wildlife, and other
8 natural resource conservation”;

9 (D) by inserting “augmented stream flows,
10 ground water recharge,” after “flood control,”;
11 and

12 (E) by inserting “(as modified by the Da-
13 kota Water Resources Act of 2000)” before the
14 period at the end;

15 (3) in subsection (e), by striking “terminated”
16 and all that follows and inserting “terminated.”; and

17 (4) by striking subsections (f) and (g) and in-
18 serting the following:

19 “(f) COSTS.—

20 “(1) ESTIMATE.—The Secretary shall
21 estimate—

22 “(A) the actual construction costs of the
23 facilities (including mitigation facilities) in ex-
24 istence as of the date of enactment of the Da-
25 kota Water Resources Act of 2000; and

1 “(B) the annual operation, maintenance,
2 and replacement costs associated with the used
3 and unused capacity of the features in existence
4 as of that date.

5 “(2) REPAYMENT CONTRACT.—An appropriate
6 repayment contract shall be negotiated that provides
7 for the making of a payment for each payment pe-
8 riod in an amount that is commensurate with the
9 percentage of the total capacity of the project that
10 is in actual use during the payment period.

11 “(3) OPERATION AND MAINTENANCE COSTS.—
12 Except as otherwise provided in this Act or Rec-
13 lamation Law—

14 “(A) The Secretary shall be responsible for
15 the costs of operation and maintenance of the
16 proportionate share of unit facilities in exist-
17 ence on the date of enactment of the Dakota
18 Water Resources Act of 2000 attributable to
19 the capacity of the facilities (including mitiga-
20 tion facilities) that remain unused;

21 “(B) The State of North Dakota shall be
22 responsible for costs of operation and mainte-
23 nance of the proportionate share of existing
24 unit facilities that are used and shall be respon-
25 sible for the full costs of operation and mainte-

1 nance of any facility constructed after the date
2 of enactment of the Dakota Water Resources
3 Act of 2000; and

4 “(C) The State of North Dakota shall be
5 responsible for the costs of providing energy to
6 authorized unit facilities.

7 “(g) AGREEMENT BETWEEN THE SECRETARY AND
8 THE STATE.—The Secretary shall enter into one or more
9 agreements with the State of North Dakota to carry out
10 this Act, including operation and maintenance of the com-
11 pleted unit facilities and the design and construction of
12 authorized new unit facilities by the State.

13 “(h) BOUNDARY WATERS TREATY OF 1909.—

14 “(1) DELIVERY OF WATER INTO THE HUDSON
15 BAY BASIN.—Prior to construction of any water sys-
16 tems authorized under this Act to deliver Missouri
17 River water into the Hudson Bay basin, the Sec-
18 retary, in consultation with the Secretary of State
19 and the Administrator of the Environmental Protec-
20 tion Agency, must determine that adequate treat-
21 ment can be provided to meet the requirements of
22 the Treaty between the United States and Great
23 Britain relating to Boundary Waters Between the
24 United States and Canada, signed at Washington,
25 January 11, 1909 (26 Stat. 2448; TS 548) (com-

1 monly known as the Boundary Waters Treaty of
2 1909).

3 “(2) COSTS.—All costs of construction, oper-
4 ation, maintenance, and replacement of water treat-
5 ment and related facilities authorized by this Act
6 and attributable to meeting the requirements of the
7 treaty referred to in paragraph (1) shall be non-
8 reimbursable.”.

9 **SEC. 603. FISH AND WILDLIFE.**

10 Section 2 of Public Law 89–108 (79 Stat. 433; 100
11 Stat. 419) is amended—

12 (1) by striking subsections (b), (c), and (d) and
13 inserting the following:

14 “(b) FISH AND WILDLIFE COSTS.—All fish and wild-
15 life enhancement costs incurred in connection with water-
16 fowl refuges, waterfowl production areas, and wildlife con-
17 servation areas proposed for Federal or State administra-
18 tion shall be nonreimbursable.

19 “(c) RECREATION AREAS.—

20 “(1) COSTS.—If non-Federal public bodies con-
21 tinue to agree to administer land and water areas
22 approved for recreation and agree to bear not less
23 than 50 percent of the separable costs of the unit al-
24 located to recreation and attributable to those areas
25 and all the costs of operation, maintenance, and re-

1 placement incurred in connection therewith, the re-
2 mainder of the separable capital costs so allocated
3 and attributed shall be nonreimbursable.

4 “(2) APPROVAL.—The recreation areas shall be
5 approved by the Secretary in consultation and co-
6 ordination with the State of North Dakota.

7 “(d) NON-FEDERAL SHARE.—The non-Federal share
8 of the separable capital costs of the unit allocated to recre-
9 ation shall be borne by non-Federal interests, using the
10 following methods, as the Secretary may determine to be
11 appropriate:

12 “(1) Services in kind.

13 “(2) Payment, or provision of lands, interests
14 therein, or facilities for the unit.

15 “(3) Repayment, with interest, within 50 years
16 of first use of unit recreation facilities.”;

17 (2) in subsection (e)—

18 (A) by redesignating paragraphs (1) and
19 (2) as paragraphs (2) and (3), respectively;

20 (B) by inserting “(1)” after “(e)”;

21 (C) in paragraph (2) (as redesignated by
22 subparagraph (A))—

23 (i) in the first sentence—

24 (I) by striking “within ten years
25 after initial unit operation to admin-

1 ister for recreation and fish and wild-
2 life enhancement” and inserting “to
3 administer for recreation”; and

4 (II) by striking “which are not
5 included within Federal waterfowl ref-
6 uges and waterfowl production areas”;
7 and

8 (ii) in the second sentence, by striking
9 “or fish and wildlife enhancement”; and

10 (D) in the first sentence of paragraph (3)
11 (as redesignated by subparagraph (A))—

12 (i) by striking “, within ten years
13 after initial operation of the unit,”; and

14 (ii) by striking “paragraph (1) of this
15 subsection” and inserting “paragraph (2)”;

16 (3) in subsection (f), by striking “and fish and
17 wildlife enhancement”; and

18 (4) in subsection (j)—

19 (A) in paragraph (1), by striking “prior to
20 the completion of construction of Lonetree Dam
21 and Reservoir”; and

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

23 “(4) TAAYER RESERVOIR.—Taayer Reservoir is
24 deauthorized as a project feature. The Secretary,
25 acting through the Commissioner of Reclamation,

1 shall acquire (including acquisition through donation
2 or exchange) up to 5,000 acres in the Kraft and
3 Pickell Slough areas and to manage the area as a
4 component of the National Wildlife Refuge System
5 giving consideration to the unique wildlife values of
6 the area. In acquiring the lands which comprise the
7 Kraft and Pickell Slough complex, the Secretary
8 shall acquire wetlands in the immediate vicinity
9 which may be hydrologically related and nearby up-
10 lands as may be necessary to provide for proper
11 management of the complex. The Secretary shall
12 provide for appropriate visitor access and control at
13 the refuge.

14 “(5) DEAUTHORIZATION OF LONETREE DAM
15 AND RESERVOIR.—The Lonetree Dam and Reservoir
16 is deauthorized, and the Secretary shall designate
17 the lands acquired for the former reservoir site as a
18 wildlife conservation area. The Secretary shall enter
19 into an agreement with the State of North Dakota
20 providing for the operation and maintenance of the
21 wildlife conservation area as an enhancement fea-
22 ture, the costs of which shall be paid by the Sec-
23 retary.”.

1 **SEC. 604. INTEREST CALCULATION.**

2 Section 4 of Public Law 89–108 (100 Stat. 435) is
3 amended by adding at the end the following: “Interest
4 during construction shall be calculated only until such
5 date as the Secretary declares any particular feature to
6 be substantially complete, regardless of whether the fea-
7 ture is placed into service.”.

8 **SEC. 605. IRRIGATION FACILITIES.**

9 Section 5 of Public Law 89–108 (100 Stat. 419) is
10 amended—

11 (1) by striking “SEC. 5. (a)(1)” and all that
12 follows through subsection (c) and inserting the fol-
13 lowing:

14 **“SEC. 5. IRRIGATION FACILITIES.**

15 **“(a) IN GENERAL.—**

16 **“(1) AUTHORIZED DEVELOPMENT.—**In addition
17 to the 5,000-acre Oakes Test Area in existence on
18 the date of enactment of the Dakota Water Re-
19 sources Act of 2000, the Secretary may develop irri-
20 gation in—

21 **“(A)** the Turtle Lake service area (13,700
22 acres);

23 **“(B)** the McClusky Canal service area
24 (10,000 acres); and

25 **“(C)** if the investment costs are fully reim-
26 bursed without aid to irrigation from the Pick-

1 Sloan Missouri Basin Program, the New Rock-
2 ford Canal service area (1,200 acres).

3 “(2) DEVELOPMENT NOT AUTHORIZED.—None
4 of the irrigation authorized by this section may be
5 developed in the Hudson Bay/Devils Lake Basin.

6 “(3) NO EXCESS DEVELOPMENT.—The Sec-
7 retary shall not develop irrigation in the service
8 areas described in paragraph (1) in excess of the
9 acreage specified in that paragraph, except that the
10 Secretary shall develop up to 28,000 acres of irriga-
11 tion in other areas of North Dakota (such as the
12 Elk/Charbonneau, Mon-Dak, Nesson Valley, Horse-
13 head Flats, and Oliver-Mercer areas) that are not lo-
14 cated in the Hudson Bay/Devils Lake drainage basin
15 or James River drainage basin.

16 “(4) PUMPING POWER.—Irrigation development
17 authorized by this section shall be considered au-
18 thorized units of the Pick-Sloan Missouri Basin Pro-
19 gram and eligible to receive project pumping power.

20 “(5) PRINCIPAL SUPPLY WORKS.—The Sec-
21 retary shall maintain the Snake Creek Pumping
22 Plant, New Rockford Canal, and McClusky Canal
23 features of the principal supply works. Subject to
24 the provisions of section (8) of this Act, the Sec-
25 retary shall select a preferred alternative to imple-

1 ment the Dakota Water Resources Act of 2000. In
2 making this selection, one of the alternatives the
3 Secretary shall consider is whether to connect the
4 principal supply works in existence on the date of
5 enactment.”;

6 (2) by redesignating subsections (d), (e), and
7 (f) as subsections (b), (c), and (d), respectively;

8 (3) in the first sentence of subsection (b) (as
9 redesignated by paragraph (2)), by striking “(a)(1)”
10 and inserting “(a)”;

11 (4) in the first sentence of subsection (c) (as re-
12 designated by paragraph (2)), by striking “Lucky
13 Mound (7,700 acres), Upper Six Mile Creek (7,500
14 acres)” and inserting “Lucky Mound (7,700 acres)
15 and Upper Six Mile Creek (7,500 acres), or such
16 other lands at Fort Berthold of equal acreage as
17 may be selected by the tribe and approved by the
18 Secretary,”; and

19 (5) by adding at the end the following:

20 “(e) IRRIGATION REPORT TO CONGRESS.—

21 “(1) IN GENERAL.—The Secretary shall inves-
22 tigate and prepare a detailed report on the undesig-
23 nated 28,000 acres in subsection (a)(3) as to costs
24 and benefits for any irrigation units to be developed
25 under Reclamation law.

1 “(2) FINDING.—The report shall include a find-
2 ing on the economic, financial and engineering feasi-
3 bility of the proposed irrigation unit, but shall be
4 limited to the undesignated 28,000 acres.

5 “(3) AUTHORIZATION.—If the Secretary finds
6 that the proposed construction is feasible, such irri-
7 gation units are authorized without further Act of
8 Congress.

9 “(4) DOCUMENTATION.—No expenditure for
10 the construction of facilities authorized under this
11 section shall be made until after the Secretary, in
12 cooperation with the State of North Dakota, has
13 prepared the appropriate documentation in accord-
14 ance with section 1 and pursuant to the National
15 Environmental Policy Act of 1969 (42 U.S.C. 4321
16 et seq.) analyzing the direct and indirect impacts of
17 implementing the report.”.

18 **SEC. 606. POWER.**

19 Section 6 of Public Law 89–108 (79 Stat. 435; 100
20 Stat. 421) is amended—

21 (1) in subsection (b)—

22 (A) by striking “Notwithstanding the pro-
23 visions of” and inserting “Pursuant to the pro-
24 visions of”; and

1 (B) by striking “revenues,” and all that
2 follows and inserting “revenues.”; and

3 (2) by striking subsection (c) and inserting the
4 following:

5 “(c) NO INCREASE IN RATES OR EFFECT ON REPAY-
6 MENT METHODOLOGY.—In accordance with the last sen-
7 tence of section 302(a)(3) of the Department of Energy
8 Organization Act (42 U.S.C. 7152(a)(3)), section 1(e)
9 shall not result in any reallocation of project costs and
10 shall not result in increased rates to Pick-Sloan Missouri
11 Basin Program customers. Nothing in the Dakota Water
12 Resources Act of 2000 alters or affects in any way the
13 repayment methodology in effect as of the date of enact-
14 ment of that Act for other features of the Pick-Sloan Mis-
15 souri Basin Program.”.

16 **SEC. 607. MUNICIPAL, RURAL, AND INDUSTRIAL WATER**
17 **SERVICE.**

18 Section 7 of Public Law 89–108 (100 Stat. 422) is
19 amended—

20 (1) in subsection (a)(3)—

21 (A) in the second sentence—

22 (i) by striking “The non-Federal
23 share” and inserting “Unless otherwise
24 provided in this Act, the non-Federal
25 share”;

1 (ii) by striking “each water system”
2 and inserting “water systems”;

3 (iii) by inserting after the second sen-
4 tence the following: “The State may use
5 the Federal and non-Federal funds to pro-
6 vide grants or loans for municipal, rural,
7 and industrial water systems. The State
8 shall use the proceeds of repaid loans for
9 municipal, rural, and industrial water sys-
10 tems. Proceeds from loan repayments and
11 any interest thereon shall be treated as
12 Federal funds.”; and

13 (iv) by striking the last sentence and
14 inserting the following: “The Southwest
15 Pipeline Project, the Northwest Area
16 Water Supply Project, the Red River Val-
17 ley Water Supply Project, and other mu-
18 nicipal, industrial, and rural water systems
19 in the State of North Dakota shall be eligi-
20 ble for funding under the terms of this sec-
21 tion. Funding provided under this section
22 for the Red River Valley Water Supply
23 Project shall be in addition to funding for
24 that project under section 10(a)(1)(B).
25 The amount of non-Federal contributions

1 made after May 12, 1986, that exceeds the
2 25 percent requirement shall be credited to
3 the State for future use in municipal,
4 rural, and industrial projects under this
5 section.”; and

6 (2) by striking subsections (b), (c), and (d) and
7 inserting the following:

8 “(b) WATER CONSERVATION PROGRAM.—The State
9 of North Dakota may use funds provided under sub-
10 sections (a) and (b)(1)(A) of section 10 to develop and
11 implement a water conservation program. The Secretary
12 and the State shall jointly establish water conservation
13 goals to meet the purposes of the State program and to
14 improve the availability of water supplies to meet the pur-
15 poses of this Act. If the State achieves the established
16 water conservation goals, the non-Federal cost share for
17 future projects under subsection (a)(3) shall be reduced
18 to 24.5 percent.

19 “(c) NONREIMBURSABILITY OF COSTS.—With re-
20 spect to the Southwest Pipeline Project, the Northwest
21 Area Water Supply Project, the Red River Valley Water
22 Supply Project, and other municipal, industrial, and rural
23 water systems in North Dakota, the costs of the features
24 constructed on the Missouri River by the Secretary of the

1 Army before the date of enactment of the Dakota Water
2 Resources Act of 2000 shall be nonreimbursable.

3 “(d) INDIAN MUNICIPAL RURAL AND INDUSTRIAL
4 WATER SUPPLY.—The Secretary shall construct, operate,
5 and maintain such municipal, rural, and industrial water
6 systems as the Secretary determines to be necessary to
7 meet the economic, public health, and environmental needs
8 of the Fort Berthold, Standing Rock, Turtle Mountain (in-
9 cluding the Trenton Indian Service Area), and Fort
10 Totten Indian Reservations and adjacent areas.”.

11 **SEC. 608. SPECIFIC FEATURES.**

12 (a) SYKESTON CANAL.—Sykeston Canal is hereby de-
13 authorized.

14 (b) IN GENERAL.—Public Law 89–108 (100 Stat.
15 423) is amended by striking section 8 and inserting the
16 following:

17 **“SEC. 8. SPECIFIC FEATURES.**

18 “(a) RED RIVER VALLEY WATER SUPPLY
19 PROJECT.—

20 “(1) IN GENERAL.—Subject to the require-
21 ments of this section, the Secretary shall construct
22 a feature or features to provide water to the
23 Sheyenne River water supply and release facility or
24 such other feature or features as are selected under
25 subsection (d).

1 “(2) DESIGN AND CONSTRUCTION.—The fea-
2 ture or features shall be designed and constructed to
3 meet only the following water supply requirements
4 as identified in the report prepared pursuant to sub-
5 section (b) of this section: Municipal, rural, and in-
6 dustrial water supply needs; ground water recharge;
7 and streamflow augmentation.

8 “(3) COMMENCEMENT OF CONSTRUCTION.—(A)
9 If the Secretary selects a project feature under this
10 section that would provide water from the Missouri
11 River or its tributaries to the Sheyenne River water
12 supply and release facility or from the Missouri
13 River or its tributaries to such other conveyance fa-
14 cility as the Secretary selects under this section, no
15 later than 90 days after the completion of the final
16 environmental impact statement, the Secretary shall
17 transmit to Congress a comprehensive report which
18 provides—

19 “(i) a detailed description of the proposed
20 project feature;

21 “(ii) a summary of major issues addressed
22 in the environmental impact statement;

23 “(iii) likely effects, if any, on other States
24 bordering the Missouri River and on the State
25 of Minnesota; and

1 “(iv) a description of how the project fea-
2 ture complies with the requirements of section
3 1(h)(1) of this Act (relating to the Boundary
4 Waters Treaty of 1909).

5 “(B) No project feature or features that would
6 provide water from the Missouri River or its tribu-
7 taries to the Sheyenne River water supply and re-
8 lease facility or from the Missouri River or its tribu-
9 taries to such other conveyance facility as the Sec-
10 retary selects under this section shall be constructed
11 unless such feature is specifically authorized by an
12 Act of Congress approved subsequent to the Sec-
13 retary’s transmittal of the report required in sub-
14 paragraph (A). If, after complying with subsections
15 (b) through (d) of this section, the Secretary selects
16 a feature or features using only in-basin sources of
17 water to meet the water needs of the Red River Val-
18 ley identified in subsection (b), such features are au-
19 thorized without further Act of Congress. The Act of
20 Congress referred to in this subparagraph must be
21 an authorization bill, and shall not be a bill making
22 appropriations.

23 “(C) The Secretary may not commence con-
24 struction on the feature until a master repayment
25 contract or water service agreement consistent with

1 this Act between the Secretary and the appropriate
2 non-Federal entity has been executed.

3 “(b) REPORT ON RED RIVER VALLEY WATER NEEDS
4 AND OPTIONS.—

5 “(1) IN GENERAL.—The Secretary of the Inte-
6 rior shall conduct a comprehensive study of the
7 water quality and quantity needs of the Red River
8 Valley in North Dakota and possible options for
9 meeting those needs.

10 “(2) NEEDS.—The needs addressed in the re-
11 port shall include such needs as—

12 “(A) municipal, rural, and industrial water
13 supplies;

14 “(B) water quality;

15 “(C) aquatic environment;

16 “(D) recreation; and

17 “(E) water conservation measures.

18 “(3) PROCESS.—In conducting the study, the
19 Secretary through an open and public process shall
20 solicit input from gubernatorial designees from
21 States that may be affected by possible options to
22 meet such needs as well as designees from other
23 Federal agencies with relevant expertise. For any
24 option that includes an out-of-basin solution, the
25 Secretary shall consider the effect of the option on

1 other States that may be affected by such option, as
2 well as other appropriate considerations. Upon com-
3 pletion, a draft of the study shall be provided by the
4 Secretary to such States and Federal agencies. Such
5 States and agencies shall be given not less than 120
6 days to review and comment on the study method,
7 findings and conclusions leading to any alternative
8 that may have an impact on such States or on re-
9 sources subject to such Federal agencies' jurisdic-
10 tion. The Secretary shall receive and take into con-
11 sideration any such comments and produce a final
12 report and transmit the final report to Congress.

13 “(4) LIMITATION.—No design or construction
14 of any feature or features that facilitate an out-of-
15 basin transfer from the Missouri River drainage
16 basin shall be authorized under the provisions of this
17 subsection.

18 “(c) ENVIRONMENTAL IMPACT STATEMENT.—

19 “(1) IN GENERAL.—Nothing in this section
20 shall be construed to supersede any requirements
21 under the National Environmental Policy Act or the
22 Administrative Procedures Act.

23 “(2) DRAFT.—

24 “(A) DEADLINE.—Pursuant to an agree-
25 ment between the Secretary and State of North

1 Dakota as authorized under section 1(g), not
2 later than 1 year after the date of enactment
3 of the Dakota Water Resources Act of 2000,
4 the Secretary and the State of North Dakota
5 shall jointly prepare and complete a draft envi-
6 ronmental impact statement concerning all fea-
7 sible options to meet the comprehensive water
8 quality and quantity needs of the Red River
9 Valley and the options for meeting those needs,
10 including the delivery of Missouri River water
11 to the Red River Valley.

12 “(B) REPORT ON STATUS.—If the Sec-
13 retary and State of North Dakota cannot pre-
14 pare and complete the draft environmental im-
15 pact statement within 1 year after the date of
16 enactment of the Dakota Water Resources Act
17 of 2000, the Secretary, in consultation and co-
18 ordination with the State of North Dakota,
19 shall report to Congress on the status of this
20 activity, including an estimate of the date of
21 completion.

22 “(3) FINAL.—

23 “(A) DEADLINE.—Not later than 1 year
24 after filing the draft environmental impact

1 statement, a final environmental impact state-
2 ment shall be prepared and published.

3 “(B) REPORT ON STATUS.—If the Sec-
4 retary and State of North Dakota cannot pre-
5 pare and complete a final environmental impact
6 statement within 1 year of the completion of
7 the draft environmental impact statement, the
8 Secretary, in consultation and coordination with
9 the State of North Dakota, shall report to Con-
10 gress on the status of this activity, including an
11 estimate of the date of completion.

12 “(d) PROCESS FOR SELECTION.—

13 “(1) IN GENERAL.—After reviewing the final
14 report required by subsection (b)(1) and complying
15 with subsection (c), the Secretary, in consultation
16 and coordination with the State of North Dakota in
17 coordination with affected local communities, shall
18 select one or more project features described in sub-
19 section (a) that will meet the comprehensive water
20 quality and quantity needs of the Red River Valley.
21 The Secretary’s selection of an alternative shall be
22 subject to judicial review.

23 “(2) AGREEMENTS.—If the Secretary selects an
24 option under paragraph (1) that uses only in-basin
25 sources of water, not later than 180 days after the

1 record of decision has been executed, the Secretary
2 shall enter into a cooperative agreement with the
3 State of North Dakota to construct the feature or
4 features selected. If the Secretary selects an option
5 under paragraph (1) that would require a further
6 act of Congress under the provisions of subsection
7 (a), not later than 180 days after the date of enact-
8 ment of legislation required under subsection (a) the
9 Secretary shall enter into a cooperative agreement
10 with the State of North Dakota to construct the fea-
11 ture or features authorized by that legislation.

12 “(e) SHEYENNE RIVER WATER SUPPLY AND RE-
13 LEASE OR ALTERNATE FEATURES.—The Secretary shall
14 construct, operate, and maintain a Sheyenne River water
15 supply and release feature (including a water treatment
16 plant) capable of delivering 100 cubic feet per second of
17 water or any other amount determined in the reports
18 under this section, for the cities of Fargo and Grand
19 Forks and surrounding communities, or such other feature
20 or features as may be selected under subsection (d).

21 “(f) DEVILS LAKE.—No funds authorized under this
22 Act may be used to carry out the portion of the feasibility
23 study of the Devils Lake basin, North Dakota, authorized
24 under the Energy and Water Development Appropriations
25 Act of 1993 (Public Law 102–377), that addresses the

1 needs of the area for stabilized lake levels through inlet
2 controls, or to otherwise study any facility or carry out
3 any activity that would permit the transfer of water from
4 the Missouri River drainage basin into Devils Lake, North
5 Dakota.”.

6 **SEC. 609. OAKES TEST AREA TITLE TRANSFER.**

7 Public Law 89–108 (100 Stat. 423) is amended by
8 striking section 9 and inserting the following:

9 **“SEC. 9. OAKES TEST AREA TITLE TRANSFER.**

10 “(a) IN GENERAL.—Not later than 2 years after exe-
11 cution of a record of decision under section 8(d) on wheth-
12 er to use the New Rockford Canal as a means of delivering
13 water to the Red River Basin as described in section 8,
14 the Secretary shall enter into an agreement with the State
15 of North Dakota, or its designee, to convey title and all
16 or any rights, interests, and obligations of the United
17 States in and to the Oakes Test Area as constructed and
18 operated under Public Law 99–294 (100 Stat. 418) under
19 such terms and conditions as the Secretary believes would
20 fully protect the public interest.

21 “(b) TERMS AND CONDITIONS.—The agreement shall
22 define the terms and conditions of the transfer of the fa-
23 cilities, lands, mineral estate, easements, rights-of-way
24 and water rights including the avoidance of costs that the

1 Federal Government would otherwise incur in the case of
2 a failure to agree under subsection (d).

3 “(c) COMPLIANCE.—The action of the Secretary
4 under this section shall comply with all applicable require-
5 ments of Federal, State, and local law.

6 “(d) FAILURE TO AGREE.—If an agreement is not
7 reached within the time limit specified in subsection (a),
8 the Secretary shall dispose of the Oakes Test Area facili-
9 ties under the Federal Property and Administrative Serv-
10 ices Act of 1949 (40 U.S.C. 471 et seq.).”.

11 **SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 10 of Public Law 89–108 (100 Stat. 424;
13 106 Stat. 4669, 4739) is amended—

14 (1) in subsection (a)—

15 (A) by striking “(a)(1) There are author-
16 ized” and inserting the following:

17 “(a) WATER DISTRIBUTION FEATURES.—

18 “(1) IN GENERAL.—

19 “(A) MAIN STEM SUPPLY WORKS.—There
20 is authorized”;

21 (B) in paragraph (1)—

22 (i) in the first sentence, by striking
23 “\$270,395,000 for carrying out the provi-
24 sions of section 5(a) through 5(c) and sec-

1 tion 8(a)(1) of this Act” and inserting
2 “\$164,000,000 to carry out section 5(a)”;

3 (ii) by inserting after subparagraph
4 (A) (as designated by clause (i)) the fol-
5 lowing:

6 “(B) RED RIVER VALLEY WATER SUPPLY
7 PROJECT.—There is authorized to be appro-
8 priated to carry out section 8(a)(1)
9 \$200,000,000.”; and

10 (iii) by striking “Such sums” and in-
11 serting the following:

12 “(C) AVAILABILITY.—Such sums”; and
13 (C) in paragraph (2)—

14 (i) by striking “(2) There is” and in-
15 serting the following:

16 “(2) INDIAN IRRIGATION.—

17 “(A) IN GENERAL.—There is”;

18 (ii) by striking “for carrying out sec-
19 tion 5(e) of this Act” and inserting “to
20 carry out section 5(c)”;

21 (iii) by striking “Such sums” and in-
22 serting the following:

23 “(B) AVAILABILITY.—Such sums”;

24 (2) in subsection (b)—

1 (A) by striking “(b)(1) There is” and in-
2 serting the following:

3 “(b) MUNICIPAL, RURAL, AND INDUSTRIAL WATER
4 SUPPLY.—

5 “(1) STATEWIDE.—

6 “(A) INITIAL AMOUNT.—There is”;

7 (B) in paragraph (1)—

8 (i) by inserting before “Such sums”
9 the following:

10 “(B) ADDITIONAL AMOUNT.—In addition
11 to the amount under subparagraph (A), there is
12 authorized to be appropriated to carry out sec-
13 tion 7(a) \$200,000,000.”; and

14 (ii) by striking “Such sums” and in-
15 serting the following:

16 “(C) AVAILABILITY.—Such sums”; and

17 (C) in paragraph (2)—

18 (i) by striking “(2) There are author-
19 ized to be appropriated \$61,000,000” and
20 all that follows through “Act.” and insert-
21 ing the following:

22 “(2) INDIAN MUNICIPAL, RURAL, AND INDUS-
23 TRIAL AND OTHER DELIVERY FEATURES.—

24 “(A) INITIAL AMOUNT.—There is author-
25 ized to be appropriated—

1 “(i) to carry out section 8(a)(1),
2 \$40,500,000; and

3 “(ii) to carry out section 7(d),
4 \$20,500,000.”;

5 (ii) by inserting before “Such sums”
6 the following:

7 “(B) ADDITIONAL AMOUNT.—

8 “(i) IN GENERAL.—In addition to the
9 amount under subparagraph (A), there is
10 authorized to be appropriated to carry out
11 section 7(d) \$200,000,000.

12 “(ii) ALLOCATION.—The amount
13 under clause (i) shall be allocated as fol-
14 lows:

15 “(I) \$30,000,000 to the Fort
16 Totten Indian Reservation.

17 “(II) \$70,000,000 to the Fort
18 Berthold Indian Reservation.

19 “(IV) \$80,000,000 to the Stand-
20 ing Rock Indian Reservation.

21 “(V) \$20,000,000 to the Turtle
22 Mountain Indian Reservation.”; and

23 (iii) by striking “Such sums” and in-
24 serting the following:

25 “(C) AVAILABILITY.—Such sums”;

1 (3) in subsection (c)—

2 (A) by striking “(c) There is” and insert-
3 ing the following:

4 “(c) RESOURCES TRUST AND OTHER PROVISIONS.—

5 “(1) INITIAL AMOUNT.—There is”; and

6 (B) by striking the second and third sen-
7 tences and inserting the following:

8 “(2) ADDITIONAL AMOUNT.—In addition to
9 amount under paragraph (1), there are authorized
10 to be appropriated—

11 “(A) \$6,500,000 to carry out recreational
12 projects; and

13 “(B) an additional \$25,000,000 to carry
14 out section 11;

15 to remain available until expended.

16 “(3) RECREATIONAL PROJECTS.—Of the funds
17 authorized under paragraph (2) for recreational
18 projects, up to \$1,500,000 may be used to fund a
19 wetland interpretive center in the State of North
20 Dakota.

21 “(4) OPERATION AND MAINTENANCE.—

22 “(A) IN GENERAL.—There are authorized
23 to be appropriated such sums as are necessary
24 for operation and maintenance of the unit (in-

1 including the mitigation and enhancement fea-
2 tures).

3 “(B) AUTHORIZATION LIMITS.—Expendi-
4 tures for operation and maintenance of features
5 substantially completed and features con-
6 structed before the date of enactment of the
7 Dakota Water Resources Act of 2000, including
8 funds expended for such purposes since the
9 date of enactment of Public Law 99–294, shall
10 not be counted against the authorization limits
11 in this section.

12 “(5) MITIGATION AND ENHANCEMENT LAND.—
13 On or about the date on which the features author-
14 ized by section 8(a) are operational, a separate ac-
15 count in the Natural Resources Trust authorized by
16 section 11 shall be established for operation and
17 maintenance of the mitigation and enhancement
18 land associated with the unit.”; and

19 (4) by striking subsection (e) and inserting the
20 following:

21 “(e) INDEXING.—The \$200,000,000 amount under
22 subsection (b)(1)(B), the \$200,000,000 amount under
23 subsection (a)(1)(B), and the funds authorized under sub-
24 section (b)(2) shall be indexed as necessary to allow for
25 ordinary fluctuations of construction costs incurred after

1 the date of enactment of the Dakota Water Resources Act
2 of 2000 as indicated by engineering cost indices applicable
3 for the type of construction involved. All other authorized
4 cost ceilings shall remain unchanged.”.

5 **SEC. 611. NATURAL RESOURCES TRUST.**

6 Section 11 of Public Law 89–108 (100 Stat. 424)
7 is amended—

8 (1) by striking subsection (a) and inserting the
9 following:

10 “(a) CONTRIBUTION.—

11 “(1) INITIAL AUTHORIZATION.—

12 “(A) IN GENERAL.—From the sums appro-
13 priated under section 10 for the Garrison Di-
14 version Unit, the Secretary shall make an an-
15 nual Federal contribution to a Natural Re-
16 sources Trust established by non-Federal inter-
17 ests in accordance with subsection (b) and oper-
18 ated in accordance with subsection (c).

19 “(B) AMOUNT.—The total amount of Fed-
20 eral contributions under subparagraph (A) shall
21 not exceed \$12,000,000.

22 “(2) ADDITIONAL AUTHORIZATION.—

23 “(A) IN GENERAL.—In addition to the
24 amount authorized in paragraph (1), the Sec-
25 retary shall make annual Federal contributions

1 to the Natural Resources Trust until the
2 amount authorized by section 10(c)(2)(B) is
3 reached, in the manner stated in subparagraph
4 (B).

5 “(B) ANNUAL AMOUNT.—The amount of
6 the contribution under subparagraph (A) for
7 each fiscal year shall be the amount that is
8 equal to 5 percent of the total amount that is
9 appropriated for the fiscal year under sub-
10 sections (a)(1)(B) and (b)(1)(B) of section
11 10.”.

12 (2) in subsection (b), by striking “Wetlands
13 Trust” and inserting “Natural Resources Trust”;
14 and

15 (3) in subsection (c)—

16 (A) by striking “Wetland Trust” and in-
17 serting “Natural Resources Trust”;

18 (B) by striking “are met” and inserting
19 “is met”;

20 (C) in paragraph (1), by inserting “, grass-
21 land conservation and riparian areas” after
22 “habitat”; and

23 (D) in paragraph (2), by adding at the end
24 the following:

1 “(C) The power to fund incentives for con-
2 servation practices by landowners.”.

3 TITLE VII

4 **SEC. 701. FINDINGS.**

5 Congress finds that—

6 (1) there is a continuing need for reconciliation
7 between Indians and non-Indians;

8 (2) the need may be met partially through the
9 promotion of the understanding of the history and
10 culture of Sioux Indian tribes;

11 (3) the establishment of a Sioux Nation Tribal
12 Supreme Court will promote economic development
13 on reservations of the Sioux Nation and provide in-
14 vestors that contribute to that development a greater
15 degree of certainty and confidence by—

16 (A) reconciling conflicting tribal laws; and

17 (B) strengthening tribal court systems;

18 (4) the reservations of the Sioux Nation—

19 (A) contain the poorest counties in the
20 United States; and

21 (B) lack adequate tools to promote eco-
22 nomic development and the creation of jobs;

23 (5) the establishment of a Native American
24 Economic Development Council will assist in pro-

1 moting economic growth and reducing poverty on
2 reservations of the Sioux Nation by—

3 (A) coordinating economic development ef-
4 forts;

5 (B) centralizing expertise concerning Fed-
6 eral assistance; and

7 (C) facilitating the raising of funds from
8 private donations to meet matching require-
9 ments under certain Federal assistance pro-
10 grams;

11 (6) there is a need to enhance and strengthen
12 the capacity of Indian tribal governments and tribal
13 justice systems to address conflicts which impair re-
14 lationships within Indian communities and between
15 Indian and non-Indian communities and individuals;
16 and

17 (7) the establishment of the National Native
18 American Mediation Training Center, with the tech-
19 nical assistance of tribal and Federal agencies, in-
20 cluding the Community Relations Service of the De-
21 partment of Justice, would enhance and strengthen
22 the mediation skills that are useful in reducing ten-
23 sions and resolving conflicts in Indian communities
24 and between Indian and non-Indian communities
25 and individuals.

1 **SEC. 702. DEFINITIONS.**

2 In this title:

3 (1) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given that term in section 4(e) of
5 the Indian Self-Determination and Education Assist-
6 ance Act (25 U.S.C. 450b(e)).

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (3) SIOUX NATION.—The term “Sioux Nation”
10 means the Indian tribes comprising the Sioux Na-
11 tion.

12 **SEC. 703. RECONCILIATION CENTER.**

13 (a) ESTABLISHMENT.—The Secretary of Housing
14 and Urban Development, in cooperation with the Sec-
15 retary, shall establish, in accordance with this section, a
16 reconciliation center, to be known as “Reconciliation
17 Place”.

18 (b) LOCATION.—Notwithstanding any other provision
19 of law, the Secretary shall take into trust for the benefit
20 of the Sioux Nation the parcel of land in Stanley County,
21 South Dakota, that is described as “The Reconciliation
22 Place Addition” that is owned on the date of enactment
23 of this Act by the Wakpa Sica Historical Society, Inc.,
24 for the purpose of establishing and operating The Rec-
25 onciliation Place.

1 (c) PURPOSES.—The purposes of Reconciliation
2 Place shall be as follows:

3 (1) To enhance the knowledge and under-
4 standing of the history of Native Americans by—

5 (A) displaying and interpreting the history,
6 art, and culture of Indian tribes for Indians
7 and non-Indians; and

8 (B) providing an accessible repository
9 for—

10 (i) the history of Indian tribes; and

11 (ii) the family history of members of
12 Indian tribes.

13 (2) To provide for the interpretation of the en-
14 counters between Lewis and Clark and the Sioux
15 Nation.

16 (3) To house the Sioux Nation Tribal Supreme
17 Court.

18 (4) To house the Native American Economic
19 Development Council.

20 (5) To house the National Native American Me-
21 diation Training Center to train tribal personnel in
22 conflict resolution and alternative dispute resolution.

23 (d) GRANT.—

24 (1) IN GENERAL.—The Secretary of Housing
25 and Urban Development shall offer to award a grant

1 to the Wakpa Sica Historical Society of Fort Pierre,
2 South Dakota, for the construction of Reconciliation
3 Place.

4 (2) GRANT AGREEMENT.—

5 (A) IN GENERAL.—As a condition to re-
6 ceiving the grant under this subsection, the ap-
7 propriate official of the Wakpa Sica Historical
8 Society shall enter into a grant agreement with
9 the Secretary of Housing and Urban Develop-
10 ment.

11 (B) CONSULTATION.—Before entering into
12 a grant agreement under this paragraph, the
13 Secretary of Housing and Urban Development
14 shall consult with the Secretary concerning the
15 contents of the agreement.

16 (C) DUTIES OF THE WAKPA SICA HISTOR-
17 ICAL SOCIETY.—The grant agreement under
18 this paragraph shall specify the duties of the
19 Wakpa Sica Historical Society under this sec-
20 tion and arrangements for the maintenance of
21 Reconciliation Place.

22 (3) AUTHORIZATION OF APPROPRIATIONS.—

23 There are authorized to be appropriated to the De-
24 partment of Housing and Urban Development

1 \$18,258,441, to be used for the grant under this
2 section.

3 **SEC. 704. SIOUX NATION SUPREME COURT AND NATIONAL**
4 **NATIVE AMERICAN MEDIATION TRAINING**
5 **CENTER.**

6 (a) IN GENERAL.—To ensure the development and
7 operation of the Sioux Nation Tribal Supreme Court and
8 the National Native American Mediation Training Center,
9 the Attorney General of the United States shall use avail-
10 able funds to provide technical and financial assistance to
11 the Sioux Nation.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
13 out this section, there are authorized to be appropriated
14 to the Department of Justice such sums as are necessary.

15 **TITLE VIII—ERIE CANALWAY NATIONAL**
16 **HERITAGE CORRIDOR**

17 **SEC. 801. SHORT TITLE; DEFINITIONS.**

18 (a) SHORT TITLE.—This title may be cited as the
19 “Erie Canalway National Heritage Corridor Act”.

20 (b) DEFINITIONS.—For the purposes of this title, the
21 following definitions shall apply:

22 (1) ERIE CANALWAY.—The term “Erie
23 Canalway” means the 524 miles of navigable canal
24 that comprise the New York State Canal System, in-
25 cluding the Erie, Cayuga and Seneca, Oswego, and

1 Champlain Canals and the historic alignments of
2 these canals, including the cities of Albany and Buf-
3 falo.

4 (2) CANALWAY PLAN.—The term “Canalway
5 Plan” means the comprehensive preservation and
6 management plan for the Corridor required under
7 section 806.

8 (3) COMMISSION.—The term “Commission”
9 means the Erie Canalway National Heritage Cor-
10 ridor Commission established under section 804.

11 (4) CORRIDOR.—The term “Corridor” means
12 the Erie Canalway National Heritage Corridor es-
13 tablished under section 803.

14 (5) GOVERNOR.—The term “Governor” means
15 the Governor of the State of New York.

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 802. FINDINGS AND PURPOSES.**

19 (a) FINDINGS.—Congress finds that—

20 (1) the year 2000 marks the 175th Anniversary
21 of New York State’s creation and stewardship of the
22 Erie Canalway for commerce, transportation, and
23 recreational purposes, establishing the network
24 which made New York the “Empire State” and the
25 Nation’s premier commercial and financial center;

1 (2) the canals and adjacent areas that comprise
2 the Erie Canalway are a nationally significant re-
3 source of historic and recreational value, which merit
4 Federal recognition and assistance;

5 (3) the Erie Canalway was instrumental in the
6 establishment of strong political and cultural ties be-
7 tween New England, upstate New York, and the old
8 Northwest and facilitated the movement of ideas and
9 people ensuring that social reforms like the abolition
10 of slavery and the women's rights movement spread
11 across upstate New York to the rest of the country;

12 (4) the construction of the Erie Canalway was
13 considered a supreme engineering feat, and most
14 American canals were modeled after New York
15 State's canal;

16 (5) at the time of construction, the Erie
17 Canalway was the largest public works project ever
18 undertaken by a State, resulting in the creation of
19 critical transportation and commercial routes to
20 transport passengers and goods;

21 (6) the Erie Canalway played a key role in
22 turning New York City into a major port and New
23 York State into the preeminent center for commerce,
24 industry, and finance in North America and pro-
25 vided a permanent commercial link between the Port

1 of New York and the cities of eastern Canada, a cor-
2 nerstone of the peaceful relationship between the two
3 countries;

4 (7) the Erie Canalway proved the depth and
5 force of American ingenuity, solidified a national
6 identity, and found an enduring place in American
7 legend, song, and art;

8 (8) there is national interest in the preservation
9 and interpretation of the Erie Canalway's important
10 historical, natural, cultural, and scenic resources;
11 and

12 (9) partnerships among Federal, State, and
13 local governments and their regional entities, non-
14 profit organizations, and the private sector offer the
15 most effective opportunities for the preservation and
16 interpretation of the Erie Canalway.

17 (b) PURPOSES.—The purposes of this title are—

18 (1) to designate the Erie Canalway National
19 Heritage Corridor;

20 (2) to provide for and assist in the identifica-
21 tion, preservation, promotion, maintenance, and in-
22 terpretation of the historical, natural, cultural, sce-
23 nic, and recreational resources of the Erie Canalway
24 in ways that reflect its national significance for the
25 benefit of current and future generations;

1 (3) to promote and provide access to the Erie
2 Canalway’s historical, natural, cultural, scenic, and
3 recreational resources;

4 (4) to provide a framework to assist the State
5 of New York, its units of local government, and the
6 communities within the Erie Canalway in the devel-
7 opment of integrated cultural, historical, rec-
8 reational, economic, and community development
9 programs in order to enhance and interpret the
10 unique and nationally significant resources of the
11 Erie Canalway; and

12 (5) to authorize Federal financial and technical
13 assistance to the Commission to serve these pur-
14 poses for the benefit of the people of the State of
15 New York and the Nation.

16 **SEC. 803. THE ERIE CANALWAY NATIONAL HERITAGE COR-**
17 **RIDOR.**

18 (a) ESTABLISHMENT.—To carry out the purposes of
19 this title there is established the Erie Canalway National
20 Heritage Corridor in the State of New York.

21 (b) BOUNDARIES.—The boundaries of the Corridor
22 shall include those lands generally depicted on a map enti-
23 tled “Erie Canalway National Heritage Area” numbered
24 ERIE/80,000 and dated October 2000. This map shall be
25 on file and available for public inspection in the appro-

1 priate office of the National Park Service, the office of
2 the Commission, and the office of the New York State
3 Canal Corporation in Albany, New York.

4 (c) OWNERSHIP AND OPERATION OF THE NEW YORK
5 STATE CANAL SYSTEM.—The New York State Canal Sys-
6 tem shall continue to be owned, operated, and managed
7 by the State of New York.

8 **SEC. 804. THE ERIE CANALWAY NATIONAL HERITAGE COR-**
9 **RIDOR COMMISSION.**

10 (a) ESTABLISHMENT.—There is established the Erie
11 Canalway National Heritage Corridor Commission. The
12 purpose of the Commission shall be—

13 (1) to work with Federal, State, and local au-
14 thorities to develop and implement the Canalway
15 Plan; and

16 (2) to foster the integration of canal-related his-
17 torical, cultural, recreational, scenic, economic, and
18 community development initiatives within the Cor-
19 ridor.

20 (b) MEMBERSHIP.—The Commission shall be com-
21 posed of 27 members as follows:

22 (1) The Secretary of the Interior, ex officio or
23 the Secretary's designee.

24 (2) Seven members, appointed by the Secretary
25 after consideration of recommendations submitted by

1 the Governor and other appropriate officials, with
2 knowledge and experience of the following agencies
3 or those agencies' successors: The New York State
4 Secretary of State, the New York State Department
5 of Environment Conservation, the New York State
6 Office of Parks, Recreation and Historic Preserva-
7 tion, the New York State Department of Agriculture
8 and Markets, the New York State Department of
9 Transportation, and the New York State Canal Cor-
10 poration, and the Empire State Development Cor-
11 poration.

12 (3) The remaining 19 members who reside
13 within the Corridor and are geographically dispersed
14 throughout the Corridor shall be from local govern-
15 ments and the private sector with knowledge of tour-
16 ism, economic and community development, regional
17 planning, historic preservation, cultural or natural
18 resource management, conservation, recreation, and
19 education or museum services. These members will
20 be appointed by the Secretary as follows:

21 (A) Eleven members based on a rec-
22 ommendation from each member of the United
23 States House of Representatives whose district
24 shall encompass the Corridor. Each shall be a

1 resident of the district from which they shall be
2 recommended.

3 (B) Two members based on a rec-
4 ommendation from each United States Senator
5 from New York State.

6 (C) Six members who shall be residents of
7 any county constituting the Corridor. One such
8 member shall have knowledge and experience of
9 the Canal Recreationway Commission.

10 (c) APPOINTMENTS AND VACANCIES.—Members of
11 the Commission other than ex officio members shall be
12 appointed for terms of 3 years. Of the original appoint-
13 ments, six shall be for a term of 1 year, six shall be for
14 a term of 2 years, and seven shall be for a term of 3 years.
15 Any member of the Commission appointed for a definite
16 term may serve after expiration of the term until the suc-
17 cessor of the member is appointed. Any member appointed
18 to fill a vacancy shall serve for the remainder of the term
19 for which the predecessor was appointed. Any vacancy on
20 the Commission shall be filled in the same manner in
21 which the original appointment was made.

22 (d) COMPENSATION.—Members of the Commission
23 shall receive no compensation for their service on the Com-
24 mission. Members of the Commission, other than employ-
25 ees of the State and Canal Corporation, while away from

1 their homes or regular places of business to perform serv-
2 ices for the Commission, shall be allowed travel expenses,
3 including per diem in lieu of subsistence, in the same man-
4 ner as persons employed intermittently in Government
5 service are allowed under section 5703 of title 5, United
6 States Code.

7 (e) ELECTION OF OFFICES.—The Commission shall
8 elect the chairperson and the vice chairperson on an an-
9 nual basis. The vice chairperson shall serve as the chair-
10 person in the absence of the chairperson.

11 (f) QUORUM AND VOTING.—Fourteen members of
12 the Commission shall constitute a quorum but a lesser
13 number may hold hearings. Any member of the Commis-
14 sion may vote by means of a signed proxy exercised by
15 another member of the Commission, however, any member
16 voting by proxy shall not be considered present for pur-
17 poses of establishing a quorum. For the transaction of any
18 business or the exercise of any power of the Commission,
19 the Commission shall have the power to act by a majority
20 vote of the members present at any meeting at which a
21 quorum is in attendance.

22 (g) MEETINGS.—The Commission shall meet at least
23 quarterly at the call of the chairperson or 14 of its mem-
24 bers. Notice of Commission meetings and agendas for the
25 meeting shall be published in local newspapers throughout

1 the Corridor. Meetings of the Commission shall be subject
2 to section 552b of title 5, United States Code (relating
3 to open meetings).

4 (h) POWERS OF THE COMMISSION.—To the extent
5 that Federal funds are appropriated, the Commission is
6 authorized—

7 (1) to procure temporary and intermittent serv-
8 ices and administrative facilities at rates determined
9 to be reasonable by the Commission to carry out the
10 responsibilities of the Commission;

11 (2) to request and accept the services of per-
12 sonnel detailed from the State of New York or any
13 political subdivision, and to reimburse the State or
14 political subdivision for such services;

15 (3) to request and accept the services of any
16 Federal agency personnel, and to reimburse the Fed-
17 eral agency for such services;

18 (4) to appoint and fix the compensation of staff
19 to carry out its duties;

20 (5) to enter into cooperative agreements with
21 the State of New York, with any political subdivision
22 of the State, or any person for the purposes of car-
23 rying out the duties of the Commission;

24 (6) to make grants to assist in the preparation
25 and implementation of the Canalway Plan;

1 (7) to seek, accept, and dispose of gifts, be-
2 quests, grants, or donations of money, personal
3 property, or services, received from any source. For
4 purposes of section 170(c) of the Internal Revenue
5 Code of 1986, any gift to the Commission shall be
6 deemed to be a gift to the United States;

7 (8) to assist others in developing educational,
8 informational, and interpretive programs and facili-
9 ties, and other such activities that may promote the
10 implementation of the Canalway Plan;

11 (9) to hold hearings, sit and act at such times
12 and places, take such testimony, and receive such
13 evidence, as the Commission may consider appro-
14 priate; the Commission may not issue subpoenas or
15 exercise any subpoena authority;

16 (10) to use the United States mails in the same
17 manner as other departments or agencies of the
18 United States;

19 (11) to request and receive from the Adminis-
20 trator of General Services, on a reimbursable basis,
21 such administrative support services as the Commis-
22 sion may request; and

23 (12) to establish such advisory groups as the
24 Commission deems necessary.

1 (i) ACQUISITION OF PROPERTY.—Except as provided
2 for leasing administrative facilities under section
3 804(h)(1), the Commission may not acquire any real prop-
4 erty or interest in real property.

5 (j) TERMINATION.—The Commission shall terminate
6 on the day occurring 10 years after the date of enactment
7 of this title.

8 **SEC. 805. DUTIES OF THE COMMISSION.**

9 (a) PREPARATION OF CANALWAY PLAN.—Not later
10 than 3 years after the Commission receives Federal fund-
11 ing for this purpose, the Commission shall prepare and
12 submit a comprehensive preservation and management
13 Canalway Plan for the Corridor to the Secretary and the
14 Governor for review and approval. In addition to the re-
15 quirements outlined for the Canalway Plan in section 806,
16 the Canalway Plan shall incorporate and integrate existing
17 Federal, State, and local plans to the extent appropriate
18 regarding historic preservation, conservation, education
19 and interpretation, community development, and tourism-
20 related economic development for the Corridor that are
21 consistent with the purpose of this title. The Commission
22 shall solicit public comment on the development of the
23 Canalway Plan.

24 (b) IMPLEMENTATION OF CANALWAY PLAN.—After
25 the Commission receives Federal funding for this purpose,

1 and after review and upon approval of the Canalway Plan
2 by the Secretary and the Governor, the Commission
3 shall—

4 (1) undertake action to implement the
5 Canalway Plan so as to assist the people of the
6 State of New York in enhancing and interpreting
7 the historical, cultural, educational, natural, scenic,
8 and recreational potential of the Corridor identified
9 in the Canalway Plan; and

10 (2) support public and private efforts in con-
11 servation and preservation of the Canalway's cul-
12 tural and natural resources and economic revitaliza-
13 tion consistent with the goals of the Canalway Plan.

14 (c) PRIORITY ACTIONS.—Priority actions which may
15 be carried out by the Commission under section 805(b),
16 include—

17 (1) assisting in the appropriate preservation
18 treatment of the remaining elements of the original
19 Erie Canal;

20 (2) assisting State, local governments, and non-
21 profit organizations in designing, establishing, and
22 maintaining visitor centers, museums, and other in-
23 terpretive exhibits in the Corridor;

1 (3) assisting in the public awareness and appre-
2 ciation for the historic, cultural, natural, scenic, and
3 recreational resources and sites in the Corridor;

4 (4) assisting the State of New York, local gov-
5 ernments, and nonprofit organizations in the preser-
6 vation and restoration of any historic building, site,
7 or district in the Corridor;

8 (5) encouraging, by appropriate means, en-
9 hanced economic development in the Corridor con-
10 sistent with the goals of the Canalway Plan and the
11 purposes of this title; and

12 (6) ensuring that clear, consistent signs identi-
13 fying access points and sites of interest are put in
14 place in the Corridor.

15 (d) ANNUAL REPORTS AND AUDITS.—For any year
16 in which Federal funds have been received under this title,
17 the Commission shall submit an annual report and shall
18 make available an audit of all relevant records to the Gov-
19 ernor and the Secretary identifying its expenses and any
20 income, the entities to which any grants or technical as-
21 sistance were made during the year for which the report
22 was made, and contributions by other parties toward
23 achieving Corridor purposes.

1 **SEC. 806. CANALWAY PLAN.**

2 (a) CANALWAY PLAN REQUIREMENTS.—The
3 Canalway Plan shall—

4 (1) include a review of existing plans for the
5 Corridor, including the Canal Recreationway Plan
6 and Canal Revitalization Program, and incorporate
7 them to the extent feasible to ensure consistence
8 with local, regional, and State planning efforts;

9 (2) provide a thematic inventory, survey, and
10 evaluation of historic properties that should be con-
11 served, restored, developed, or maintained because of
12 their natural, cultural, or historic significance within
13 the Corridor in accordance with the regulations for
14 the National Register of Historic Places;

15 (3) identify public and private-sector preserva-
16 tion goals and strategies for the Corridor;

17 (4) include a comprehensive interpretive plan
18 that identifies, develops, supports, and enhances in-
19 terpretation and education programs within the Cor-
20 ridor that may include—

21 (A) research related to the construction
22 and history of the canals and the cultural herit-
23 age of the canal workers, their families, those
24 that traveled along the canals, the associated
25 farming activities, the landscape, and the com-
26 munities;

1 (B) documentation of and methods to sup-
2 port the perpetuation of music, art, poetry, lit-
3 erature and folkways associated with the canals;
4 and

5 (C) educational and interpretative pro-
6 grams related to the Erie Canalway developed
7 in cooperation with State and local govern-
8 ments, educational institutions, and nonprofit
9 institutions;

10 (5) include a strategy to further the rec-
11 reational development of the Corridor that will en-
12 able users to uniquely experience the canal system;

13 (6) propose programs to protect, interpret, and
14 promote the Corridor's historical, cultural, rec-
15 reational, educational, scenic, and natural resources;

16 (7) include an inventory of canal-related nat-
17 ural, cultural and historic sites and resources located
18 in the Area;

19 (8) recommend Federal, State, and local strate-
20 gies and policies to support economic development,
21 especially tourism-related development and recre-
22 ation, consistent with the purposes of the Corridor;

23 (9) develop criteria and priorities for financial
24 preservation assistance;

1 (10) identify and foster strong cooperative rela-
2 tionships between the National Park Service, the
3 New York State Canal Corporation, other Federal
4 and State agencies, and nongovernmental organiza-
5 tions;

6 (11) recommend specific areas for development
7 of interpretive, educational, and technical assistance
8 centers associated with the Corridor; and

9 (12) contain a program for implementation of
10 the Canalway Plan by all necessary parties.

11 (b) APPROVAL OF THE CANALWAY PLAN.—The Sec-
12 retary and the Governor shall approve or disapprove the
13 Canalway Plan not later than 90 days after receiving the
14 Canalway Plan.

15 (c) CRITERIA.—The Secretary may not approve the
16 plan unless the Secretary finds that the plan, if imple-
17 mented, would adequately protect the significant histor-
18 ical, cultural, natural, and recreational resources of the
19 Corridor and consistent with such protection provide ade-
20 quate and appropriate outdoor recreational opportunities
21 and economic activities within the Corridor. In deter-
22 mining whether or not to approve the Canalway Plan, the
23 Secretary shall consider whether—

24 (1) the Commission has afforded adequate op-
25 portunity, including public hearings, for public and

1 governmental involvement in the preparation of the
2 Canalway Plan; and

3 (2) the Secretary has received adequate assur-
4 ances from the Governor and appropriate State offi-
5 cials that the recommended implementation program
6 identified in the plan will be initiated within a rea-
7 sonable time after the date of approval of the
8 Canalway Plan and such program will ensure effec-
9 tive implementation of State and local aspects of the
10 Canalway Plan.

11 (d) DISAPPROVAL OF CANALWAY PLAN.—If the Sec-
12 retary or the Governor do not approve the Canalway Plan,
13 the Secretary or the Governor shall advise the Commission
14 in writing within 90 days the reasons therefore and shall
15 indicate any recommendations for revisions. Following
16 completion of any necessary revisions of the Canalway
17 Plan, the Secretary and the Governor shall have 90 days
18 to either approve or disapprove of the revised Canalway
19 Plan.

20 (e) AMENDMENTS TO CANALWAY PLAN.—The Sec-
21 retary and the Governor shall review substantial amend-
22 ments to the Canalway Plan. Funds appropriated pursu-
23 ant to this title may not be expended to implement the
24 changes made by such amendments until the Secretary
25 and the Governor approve the amendments.

1 **SEC. 807. DUTIES OF THE SECRETARY.**

2 (a) IN GENERAL.—The Secretary is authorized to as-
3 sist the Commission in the preparation of the Canalway
4 Plan.

5 (b) TECHNICAL ASSISTANCE.—Pursuant to an ap-
6 proved Canalway Plan, the Secretary is authorized to
7 enter into cooperative agreements with, provide technical
8 assistance to and award grants to the Commission to pro-
9 vide for the preservation and interpretation of the natural,
10 cultural, historical, recreational, and scenic resources of
11 the Corridor, if requested by the Commission.

12 (c) EARLY ACTIONS.—Prior to approval of the
13 Canalway Plan, with the approval of the Commission, the
14 Secretary may provide technical and planning assistance
15 for early actions that are important to the purposes of
16 this title and that protect and preserve resources.

17 (d) CANALWAY PLAN IMPLEMENTATION.—Upon ap-
18 proval of the Canalway Plan, the Secretary is authorized
19 to implement those activities that the Canalway Plan has
20 identified that are the responsibility of the Secretary or
21 agent of the Secretary to undertake in the implementation
22 of the Canalway Plan.

23 (e) DETAIL.—Each fiscal year during the existence
24 of the Commission and upon the request of the Commis-
25 sion, the Secretary shall detail to the Commission, on a
26 nonreimbursable basis, two employees of the Department

1 of the Interior to enable the Commission to carry out the
2 Commission's duties with regard to the preparation and
3 approval of the Canalway Plan. Such detail shall be with-
4 out interruption or loss of civil service status, benefits, or
5 privileges.

6 **SEC. 808. DUTIES OF OTHER FEDERAL ENTITIES.**

7 Any Federal entity conducting or supporting any ac-
8 tivity directly affecting the Corridor, and any unit of Gov-
9 ernment acting pursuant to a grant of Federal funds or
10 a Federal permit or agreement conducting or supporting
11 such activities may—

12 (1) consult with the Secretary and the Commis-
13 sion with respect to such activities;

14 (2) cooperate with the Secretary and the Com-
15 mission in carrying out their duties under this title
16 and coordinate such activities with the carrying out
17 of such duties; and

18 (3) conduct or support such activities in a man-
19 ner consistent with the Canalway Plan unless the
20 Federal entity, after consultation with the Secretary
21 and the Commission, determines there is no prac-
22 ticable alternative.

23 **SEC. 809. SAVINGS PROVISIONS.**

24 (a) **AUTHORITY OF GOVERNMENTS.**—Nothing in this
25 title shall be construed to modify, enlarge, or diminish any

1 authority of the Federal, State, or local governments to
2 regulate any use of land as provided for by law or regula-
3 tion.

4 (b) ZONING OR LAND.—Nothing in this title shall be
5 construed to grant powers of zoning or land use to the
6 Commission.

7 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY.—
8 Nothing in this title shall be construed to affect or to au-
9 thorize the Commission to interfere with—

10 (1) the rights of any person with respect to pri-
11 vate property;

12 (2) any local zoning ordinance or land use plan
13 of the State of New York or political subdivision
14 thereof; or

15 (3) any State or local canal-related development
16 plans including but not limited to the Canal
17 Recreationway Plan and the Canal Revitalization
18 Program.

19 (d) FISH AND WILDLIFE.—The designation of the
20 Corridor shall not be diminish the authority of the State
21 of New York to manage fish and wildlife, including the
22 regulation of fishing and hunting within the Corridor.

23 **SEC. 810. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—

1 (1) CORRIDOR.—There is authorized to be ap-
2 propriated for the Corridor not more than
3 \$1,000,000 for any fiscal year. Not more than a
4 total of \$10,000,000 may be appropriated for the
5 Corridor under this title.

6 (2) MATCHING REQUIREMENT.—Federal fund-
7 ing provided under this paragraph may not exceed
8 50 percent of the total cost of any activity carried
9 out with such funds. The non-Federal share of such
10 support may be in the form of cash, services, or in-
11 kind contributions, fairly valued.

12 (b) OTHER FUNDING.—In addition to the sums au-
13 thorized in subsection (a), there are authorized to be ap-
14 propriated to the Secretary of the Interior such sums as
15 are necessary for the Secretary for planning and technical
16 assistance.

17 **TITLE IX—LAW ENFORCEMENT PAY EQUITY**

18 **SEC. 901. SHORT TITLE.**

19 This title may be cited as the “Law Enforcement Pay
20 Equity Act of 2000”.

1 **SEC. 902. ESTABLISHMENT OF UNIFORM SALARY SCHED-**
 2 **ULE FOR UNITED STATES SECRET SERVICE**
 3 **UNIFORMED DIVISION AND UNITED STATES**
 4 **PARK POLICE.**

5 (a) IN GENERAL.—Section 501(c)(1) of the District
 6 of Columbia Police and Firemen’s Salary Act of 1958 (sec.
 7 4–416(c)(1), D.C. Code) is amended to read as follows:

8 “(c)(1) The annual rates of basic compensation of of-
 9 ficers and members of the United States Secret Service
 10 Uniformed Division and the United States Park Police,
 11 serving in classes corresponding or similar to those in the
 12 salary schedule in section 101, shall be fixed in accordance
 13 with the following schedule of rates:

“Salary class and title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Time between steps	52 weeks			104 weeks			
Years in service		1	2	3	5	7	9
1: Private	32,623	34,587	36,626	38,306	41,001	43,728	45,407
3: Detective			42,378	44,502	46,620	48,746	50,837
4: Sergeant				46,151	48,446	50,746	53,056
5: Lieutenant ¹					50,910	53,462	56,545
7: Captain ¹						59,802	62,799
8: Inspector/Major ¹						69,163	72,760
9: Deputy Chief ¹						79,768	85,158
10: Assistant Chief ²							
11: Chief, United States Secret Service Uni- formed Division, United States Park Po- lice ³							

¹The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

²The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

³The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

“Salary class and title	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
Time between steps	104 weeks		156 weeks	208 weeks			
Years in service	11	13	15	18	22	26	30
1: Private	47,107	48,801	50,498	53,448	55,394	57,036	58,746
3: Detective	52,972	55,086	57,204	61,212	63,337	65,462	67,426
4: Sergeant	55,372	57,691	59,999	63,558	65,867	68,176	70,221
5: Lieutenant ¹	59,120	61,688	64,258	68,197	70,744	73,290	75,489
7: Captain ¹	65,797	68,757	71,747	76,292	79,309	82,325	84,796
8: Inspector/Major ¹	76,542	80,524	83,983	87,645	91,827	95,464	99,075
9: Deputy Chief ¹	90,578	95,980	99,968	103,957	107,945	111,933	115,291
10: Assistant Chief ²							

“Salary class and title	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
11: Chief, United States Secret Service Uniformed Division, United States Park Police ³							

¹The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

²The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

³The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

1 (b) FREEZE OF CURRENT RATE FOR LOCALITY-
2 BASED COMPARABILITY ADJUSTMENTS.—Notwith-
3 standing any other provision of law, including this title
4 or any provision of law amended by this title, no officer
5 or member of the United States Secret Service Uniformed
6 Division or the United States Park Police may be paid
7 locality pay under section 5304 or section 5304a of title
8 5, United States Code, at a percentage rate for the appli-
9 cable locality in excess of the rate in effect for pay periods
10 during calendar year 2000.

11 (c) CONFORMING AMENDMENTS.—

12 (1) APPLICATION OF PROVISIONS TO PARK PO-
13 LICE.—Section 501(c) of such Act (sec. 4–416(c),
14 D.C. Code) is amended—

15 (A) in paragraph (2), by striking “Treas-
16 ury” and inserting the following: “Treasury,
17 and the annual rates of basic compensation of
18 officers and members of the United States Park
19 Police shall be adjusted by the Secretary of the
20 Interior,”;

1 (B) in paragraph (5), by inserting after
2 “Uniformed Division” the following: “or officers
3 and members of the United States Park Po-
4 lice”;

5 (C) in paragraph (6)(A), by inserting after
6 “Uniformed Division” the following: “or the
7 United States Park Police”; and

8 (D) in paragraph (7)(A), by inserting after
9 “Uniformed Division” the following: “or the
10 United States Park Police”.

11 (2) TERMINATION OF CURRENT ADJUSTMENT
12 AUTHORITY.—Section 501(b) of such Act (sec. 4–
13 416(b), D.C. Code) is amended by adding at the end
14 the following new paragraph:

15 “(4) This subsection shall not apply with respect to
16 any pay period for which the salary schedule under sub-
17 section (c) applies to the United States Park Police.”.

18 **SEC. 903. REVISION OF CAPS ON MAXIMUM COMPENSA-**
19 **TION.**

20 (a) ANNUAL SALARY UNDER SCHEDULE.—Section
21 501(e)(2) of the District of Columbia Police and Fire-
22 men’s Salary Act of 1958 (sec. 4–416(c)(2), D.C. Code)
23 is amended by striking the period at the end and inserting
24 the following: “, except that in no case may the annual
25 rate of basic compensation for any such officer or member

1 exceed the rate of basic pay payable for level IV of the
2 Executive Schedule contained in subchapter II of chapter
3 53 of title 5, United States Code.”.

4 (b) REPEAL OF CAP ON COMBINED BASIC PAY AND
5 LONGEVITY PAY.—Section 501(c) of such Act (sec. 4–
6 416(c), D.C. Code) is amended by striking paragraph (4).

7 (c) LIMITATION ON PAY PERIOD EARNINGS FOR
8 COMP TIME.—Section 1(h) of the Act entitled “An Act
9 to provide a 5-day week for officers and members of the
10 Metropolitan Police force, the United States Park Police
11 force, and the White House Police force, and for other
12 purposes”, approved August 15, 1950 (sec. 4–1104(h),
13 D.C. Code), is amended—

14 (1) in paragraphs (1) and (2), by striking
15 “Metropolitan Police force; or of the Fire Depart-
16 ment of the District of Columbia; or of the United
17 States Park Police” each place it appears and in-
18 serting “Metropolitan Police force or of the Fire De-
19 partment of the District of Columbia”; and

20 (2) in paragraph (3), by inserting after “United
21 States Secret Service Uniformed Division” each
22 place it appears the following: “or of the United
23 States Park Police”.

1 **SEC. 904. DETERMINATION OF SERVICE STEP ADJUST-**
2 **MENTS.**

3 (a) METHOD FOR DETERMINATION OF ADJUST-
4 MENTS.—Section 303(a) of the District of Columbia Po-
5 lice and Firemen’s Salary Act of 1958 (sec. 4–412(a),
6 D.C. Code) is amended—

7 (1) in the matter preceding paragraph (1), by
8 “Each” and inserting “Except as provided in para-
9 graph (5), each”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(5) Each officer and member of the United
13 States Secret Service Uniformed Division and the
14 United States Park Police with a current perform-
15 ance rating of ‘satisfactory’ or better, shall have a
16 service step adjustment in the following manner:

17 “(A) Each officer and member in service
18 step 1, 2, or 3 shall be advanced in compensa-
19 tion successively to the next higher service step
20 at the beginning of the 1st pay period imme-
21 diately subsequent to the completion of 52 cal-
22 endar weeks of active service in the officer’s or
23 member’s service step.

24 “(B) Each officer and member in service
25 step 4, 5, 6, 7, 8, or 9 shall be advanced in
26 compensation successively to the next higher

1 service step at the beginning of the 1st pay pe-
2 riod immediately subsequent to the completion
3 of 104 calendar weeks of active service in the
4 officer's or member's service step.

5 “(C) Each officer and member in service
6 step 10 shall be advanced in compensation suc-
7 cessively to the next higher service step at the
8 beginning of the 1st pay period immediately
9 subsequent to the completion of 156 calendar
10 weeks of active service in the officer's or mem-
11 ber's service step.

12 “(D) Each officer and member in service
13 steps 11, 12, or 13 shall be advanced in com-
14 pensation successively to the next higher service
15 step at the beginning of the 1st pay period im-
16 mediately subsequent to the completion of 208
17 calendar weeks of active service in the officer's
18 or member's service step.”.

19 (b) USE OF TOTAL CREDITABLE SERVICE TO DE-
20 TERMINE STEP PLACEMENT.—Section 304 of such Act
21 (sec. 4–413, D.C. Code) is amended—

22 (1) in subsection (a), by striking “(b)” and in-
23 serting “(b) or (c)”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(c)(1) Each officer and member of the United States
2 Secret Service Uniformed Division or the United States
3 Park Police who is promoted or transferred to a higher
4 salary shall receive basic compensation in accordance with
5 the officer’s or member’s total creditable service.

6 “(2) For purposes of this subsection, an officer’s or
7 member’s creditable service is any police service in pay
8 status with the United States Secret Service Uniformed
9 Division, United States Park Police, or Metropolitan Po-
10 lice Department.”.

11 (c) CONFORMING AMENDMENT.—Section 401(a) of
12 such Act (sec. 4–415(a), D.C. Code) is amended by adding
13 at the end the following new paragraph:

14 “(4) This subsection shall not apply to officers and
15 members of the United States Secret Service Uniformed
16 Division or the United States Park Police.”.

17 **SEC. 905. CONVERSION TO NEW SALARY SCHEDULE.**

18 (a) IN GENERAL.—

19 (1) DETERMINATION OF RATES OF BASIC
20 PAY.—Effective on the first day of the 1st pay pe-
21 riod beginning 6 months after the date of enactment
22 of this Act, the Secretary of the Treasury shall fix
23 the rates of basic pay for officers and members of
24 the United States Secret Service Uniformed Divi-
25 sion, and the Secretary of the Interior shall fix the

1 rates of basic pay for officers and members of the
2 United States Park Police, in accordance with this
3 subsection.

4 (2) PLACEMENT ON REVISED SALARY SCHED-
5 ULE.—

6 (A) IN GENERAL.—Each officer and mem-
7 ber shall be placed in and receive basic com-
8 pensation at the corresponding scheduled serv-
9 ice step of the salary schedule under section
10 501(c) of the District of Columbia Police and
11 Firemen's Salary Act of 1958 (as amended by
12 section 902(a)) in accordance with the mem-
13 ber's total years of creditable service, receiving
14 credit for all service step adjustments. If the
15 scheduled rate of pay for the step to which the
16 officer or member would be assigned in accord-
17 ance with this paragraph is lower than the offi-
18 cer's or member's salary immediately prior to
19 the enactment of this paragraph, the officer or
20 member will be placed in and receive compensa-
21 tion at the next higher service step.

22 (B) CREDIT FOR INCREASES DURING
23 TRANSITION.—Each member whose position is
24 to be converted to the salary schedule under
25 section 501(b) of the District of Columbia Po-

1 lice and Firemen’s Salary Act of 1958 (as
2 amended by subsection (a)) and who, prior to
3 the effective date of this section has earned, but
4 has not been credited with, an increase in his
5 or her rate of pay shall be afforded that in-
6 crease before such member is placed in the cor-
7 responding service step in the salary schedule
8 under section 501(b).

9 (C) CREDITABLE SERVICE DESCRIBED.—

10 For purposes of this paragraph, an officer’s or
11 member’s creditable service is any police service
12 in pay status with the United States Secret
13 Service Uniformed Division, United States Park
14 Police, or Metropolitan Police Department.

15 (b) HOLD HARMLESS FOR CURRENT TOTAL COM-
16 PENSATION.—Notwithstanding any other provision of law,
17 if the total rate of compensation for an officer or employee
18 for any pay period occurring after conversion to the salary
19 schedule pursuant to subsection (a) (determined by taking
20 into account any locality-based comparability adjustments,
21 longevity pay, and other adjustments paid in addition to
22 the rate of basic compensation) is less than the officer’s
23 or employee’s total rate of compensation (as so deter-
24 mined) on the date of enactment, the rate of compensation

1 for the officer or employee for the pay period shall be
2 equal to—

3 (1) the rate of compensation on the date of en-
4 actment (as so determined); increased by

5 (2) a percentage equal to 50 percent of sum of
6 the percentage adjustments made in the rate of
7 basic compensation under section 501(c) of the Dis-
8 trict of Columbia Police and Firemen's Salary Act of
9 1958 (as amended by subsection (a)) for pay periods
10 occurring after the date of enactment and prior to
11 the pay period involved.

12 (c) CONVERSION NOT TREATED AS TRANSFER OR
13 PROMOTION.—The conversion of positions and individuals
14 to appropriate classes of the salary schedule under section
15 501(c) of the District of Columbia Police and Firemen's
16 Salary Act of 1958 (as amended by section 902(a)) and
17 the initial adjustments of rates of basic pay of those posi-
18 tions and individuals in accordance with subsection (a)
19 shall not be considered to be transfers or promotions with-
20 in the meaning of section 304 of the District of Columbia
21 Police and Firemen's Salary Act of 1958 (sec. 4-413,
22 D.C. Code).

23 (d) TRANSFER OF CREDIT FOR SATISFACTORY SERV-
24 ICE.—Each individual whose position is converted to the
25 salary schedule under section 501(c) of the District of Co-

1 lumbia Police and Firemen's Salary Act of 1958 (as
2 amended by section 902(a)) in accordance with subsection
3 (a) shall be granted credit for purposes of such individ-
4 ual's first service step adjustment under the salary sched-
5 ule in such section 501(c) for all satisfactory service per-
6 formed by the individual since the individual's last in-
7 crease in basic pay prior to the adjustment under that sec-
8 tion.

9 (e) ADJUSTMENT TO TAKE INTO ACCOUNT GEN-
10 ERAL SCHEDULE ADJUSTMENTS DURING TRANSITION.—
11 The rates provided under the salary schedule under sec-
12 tion 501(c) of the District of Columbia Police and Fire-
13 men's Salary Act of 1958 (as amended by section 902(a))
14 shall be increased by the percentage of any annual adjust-
15 ment applicable to the General Schedule authorized under
16 section 5303 of title 5, United States Code, which takes
17 effect during the period which begins on the date of the
18 enactment of this Act and ends on the first day of the
19 first pay period beginning 6 months after the date of en-
20 actment of this Act.

21 (f) CONVERSION NOT TREATED AS SALARY IN-
22 CREASE FOR PURPOSES OF CERTAIN PENSIONS AND AL-
23 LOWANCES.—The conversion of positions and individuals
24 to appropriate classes of the salary schedule under section
25 501(c) of the District of Columbia Police and Firemen's

1 Salary Act of 1958 (as amended by section 2(a)) and the
2 initial adjustments of rates of basic pay of those positions
3 and individuals in accordance with subsection (a) shall not
4 be treated as an increase in salary for purposes of section
5 3 of the Act entitled “An Act to provide increased pensions
6 for widows and children of deceased members of the Police
7 Department and the Fire Department of the District of
8 Columbia”, approved August 4, 1949 (sec. 4–604, D.C.
9 Code), or section 301 of the District of Columbia Police
10 and Firemen’s Salary Act of 1953 (sec. 4–605, D.C.
11 Code).

12 **SEC. 906. PAY ADJUSTMENTS FOR CERTAIN POSITIONS.**

13 (a) **TECHNICIAN DUTY.**—Section 302 of the District
14 of Columbia Police and Firemen’s Salary Act of 1958 (sec.
15 4–411, D.C. Code) is amended—

16 (1) in subsection (b), by striking “\$810 per
17 annum” and inserting the following: “\$810 per
18 annum, except in the case of an officer or member
19 of the United States Secret Service Uniformed Divi-
20 sion or the United States Park Police, who shall re-
21 ceive a per annum amount equal to 6 percent of the
22 sum of such officer’s or member’s rate of basic com-
23 pensation plus locality pay adjustments”;

24 (2) in subsection (c), by striking “\$595 per
25 annum” each place it appears and inserting the fol-

1 lowing: “\$595 per annum, except in the case of an
2 officer or member of the United States Park Police,
3 who shall receive a per annum amount equal to 6
4 percent of the sum of such officer’s or member’s
5 rate of basic compensation plus locality pay adjust-
6 ments”; and

7 (3) in subsection (e), by inserting after “When-
8 ever any officer or member” the following: “(other
9 than an officer or member of the United States Se-
10 cret Service Uniformed Division or the United
11 States Park Police)”.

12 (b) HELICOPTER PILOT, BOMB DISPOSAL, OR SCUBA
13 DIVING DUTY.—Section 202 of such Act (sec. 4–408,
14 D.C. Code) is amended by striking “\$2,270 per annum”
15 and inserting the following: “\$2,270 per annum, except
16 in the case of an officer or member of the United States
17 Park Police, who shall receive a per annum amount equal
18 to 7 percent of the sum of such officer’s or member’s rate
19 of basic compensation plus locality pay adjustments”.

20 **SEC. 907. CONFORMING PROVISIONS RELATING TO FED-**
21 **ERAL LAW ENFORCEMENT PAY REFORM ACT.**

22 (a) TERMINATION OF EXISTING SPECIAL SALARY
23 RATES AND ADJUSTMENTS.—Beginning on the effective
24 date of this Act—

1 (1) no existing special salary rates shall be au-
2 thorized for members of the United States Park Po-
3 lice under section 5305 of title 5, United States
4 Code (or any previous similar provision of law); and

5 (2) no special rates of pay or special pay ad-
6 justments shall be applicable to members of the
7 United States Park Police pursuant to section 405
8 of the Federal Law Enforcement Pay Reform Act of
9 1990.

10 (b) CONFORMING AMENDMENTS.—(1) Section
11 405(b) of the Federal Law Enforcement Pay Reform Act
12 of 1990 (5 U.S.C. 5303 note) is amended to read as fol-
13 lows:

14 “(b) This subsection applies with respect to any—

15 “(1) special agent within the Diplomatic Secu-
16 rity Service;

17 “(2) probation officer (referred to in section
18 3672 of title 18, United States Code); or

19 “(3) pretrial services officer (referred to in sec-
20 tion 3153 of title 18, United States Code).”.

21 (2) Section 405(c) of such Act (5 U.S.C. 5303 note)
22 is amended to read as follows:

23 “(c) For purposes of this section, the term ‘appro-
24 priate agency head’ means—

1 “(1) with respect to any individual under sub-
2 section (b)(1), the Secretary of State; or

3 “(2) with respect to any individual under sub-
4 section (b)(2) or (b)(3), the Director of the Adminis-
5 trative Office of the United States Courts.”.

6 **SEC. 908. SERVICE LONGEVITY PAYMENTS FOR METRO-**
7 **POLITAN POLICE DEPARTMENT.**

8 (a) INCLUSION OF SERVICE LONGEVITY PAYMENTS
9 IN AMOUNT OF FEDERAL BENEFIT PAYMENTS MADE TO
10 METROPOLITAN POLICE DEPARTMENT OFFICERS AND
11 MEMBERS.—Section 11012 of the District of Columbia
12 Retirement Protection Act of 1997 (Public Law 105–33;
13 111 Stat. 718; D.C. Code, sec. 1–762.2) is amended by
14 adding at the end the following new subsection:

15 “(e) TREATMENT OF INCREASES IN CERTAIN POLICE
16 SERVICE LONGEVITY PAYMENTS.—For purposes of sub-
17 section (a), in determining the amount of a Federal ben-
18 efit payment made to an officer or member of the Metro-
19 politan Police Department, the benefit payment to which
20 the officer or member is entitled under the District Retire-
21 ment Program shall include any amounts which would
22 have been included in the benefit payment under such Pro-
23 gram if the amendments made by the Police Recruiting
24 and Retention Enhancement Amendment Act of 1999 had
25 taken effect prior to the freeze date.”.

1 (b) CONFORMING AMENDMENT.—Section 11003(5)
2 of such Act (Public Law 105–33; 111 Stat. 717; D.C.
3 Code, sec. 1–761.2(5)) is amended by inserting after “ex-
4 cept as” the following: “provided under section 11012(e)
5 and as”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to Federal benefit
8 payments made after the date of the enactment of this
9 Act.

10 **SEC. 909. EFFECTIVE DATE.**

11 Except as provided in section 908(c), this title and
12 the amendments made by this title shall become effective
13 on the first day of the first pay period beginning 6 months
14 after the date of enactment.

15 **TITLE X**

16 **DEPARTMENT OF HOUSING AND URBAN**

17 **DEVELOPMENT**

18 **ADMINISTRATIVE PROVISIONS**

19 **SEC. 1001.** Section 206(d) of the Departments of
20 Veterans Affairs and Housing and Urban Development,
21 and Independent Agencies Appropriations Act, 2000 (42
22 U.S.C. 12701 note) is amended—

23 (1) in paragraph (1), by striking “V” and in-
24 serting “III”; and

1 (2) in paragraph (4), by striking “reimburs-
2 able” and inserting “non-reimbursable”.

3 SEC. 1002. For purposes of part 2, subpart B of the
4 Federal Housing Enterprises Financial Safety and Sound-
5 ness Act of 1992 (Public Law 102–550), notwithstanding
6 any other provision of law or regulation, for purposes of
7 measuring the extent of compliance with the housing goals
8 for the years 2001, 2002, and 2003, the Secretary of
9 Housing and Urban Development shall assign, in the case
10 of the Federal Home Loan Mortgage Corporation, 1.35
11 units of credit toward achievement of each housing goal
12 for each unit of multifamily housing (excepting units lo-
13 cated in properties having between 5 and 50 units) quali-
14 fying as affordable under such housing goal.

15 SEC. 1003. Notwithstanding any other provision of
16 law, neither the City of Toledo, Ohio, nor the Secretary
17 of Housing and Urban Development (HUD) is required
18 to enforce any requirements associated with Housing De-
19 velopment Grant number 00H006H6402 provided to the
20 City of Toledo, Ohio, that prohibit or restrict the conver-
21 sion of the rental units in the Beacon Place project to con-
22 dominium ownership: *Provided*, That the City of Toledo
23 and the Secretary of HUD are authorized to take any ac-
24 tions necessary to cause any such prohibition or restriction
25 to be removed from the appropriate land records and oth-

1 erwise terminated: *Provided further*, That converted units
2 shall remain available as rental housing to those persons,
3 including low- and very-low-income persons who presently
4 reside in the units: *Provided further*, That the conversion
5 proposal for Beacon Place apartments shall not reduce the
6 number of affordable housing units in Toledo: *Provided*
7 *further*, That any and all proceeds from such conversion
8 are used to retire debt associated with the Beacon Place
9 project or to rehabilitate the properties known as the
10 Cubbon Properties.

11 SEC. 1004. The Comptroller General of the United
12 States shall conduct a study on the following topics—

13 (a)(1) The adequacy of the capital structure of
14 the Federal Home Loan Bank (FHLB) System as
15 it relates to the risks posed by: (A) the traditional
16 advances business of the FHLB System; (B) the ex-
17 panded collateral provisions and permissible uses of
18 advances under the Gramm-Leach-Bliley Act of
19 1999; and (C) the MPF, and other programs pro-
20 viding for the direct acquisition of mortgages. The
21 analysis should examine the credit risk, interest rate
22 risk, and operations risk associated with each struc-
23 ture;

1 (2) the military code, developed by the United
2 States for transmitting messages, had been deci-
3 phered by the Japanese, and a search by United
4 States intelligence was made to develop new means
5 to counter the enemy;

6 (3) the United States Government called upon
7 the Navajo Nation to support the military effort by
8 recruiting and enlisting 29 Navajo men to serve as
9 Marine Corps Radio Operators;

10 (4) the number of Navajo enlistees later in-
11 creased to more than 350;

12 (5) at the time, the Navajos were often treated
13 as second-class citizens, and they were a people who
14 were discouraged from using their own native lan-
15 guage;

16 (6) the Navajo Marine Corps Radio Operators,
17 who became known as the “Navajo Code Talkers”,
18 were used to develop a code using their native lan-
19 guage to communicate military messages in the Pa-
20 cific;

21 (7) to the enemy’s frustration, the code devel-
22 oped by these Native Americans proved to be un-
23 breakable, and was used extensively throughout the
24 Pacific theater;

1 (8) the Navajo language, discouraged in the
2 past, was instrumental in developing the most sig-
3 nificant and successful military code of the time;

4 (9) at Iwo Jima alone, the Navajo Code Talkers
5 passed over 800 error-free messages in a 48-hour
6 period;

7 (10) use of the Navajo Code was so successful,
8 that—

9 (A) military commanders credited it in sav-
10 ing the lives of countless American soldiers and
11 in the success of the engagements of the United
12 States in the battles of Guadalcanal, Tarawa,
13 Saipan, Iwo Jima, and Okinawa;

14 (B) some Code Talkers were guarded by
15 fellow marines, whose role was to kill them in
16 case of imminent capture by the enemy; and

17 (C) the Navajo Code was kept secret for
18 23 years after the end of World War II;

19 (11) following the conclusion of World War II,
20 the Department of Defense maintained the secrecy
21 of the Navajo code until it was declassified in 1968;
22 and

23 (12) only then did a realization of the sacrifice
24 and valor of these brave Native Americans emerge
25 from history.

1 (b)(1) To express recognition by the United States
2 and its citizens in honoring the Navajo Code Talkers, who
3 distinguished themselves in performing a unique, highly
4 successful communications operation that greatly assisted
5 in saving countless lives and hastening the end of World
6 War II in the Pacific, the President is authorized—

7 (A) to award to each of the original 29 Navajo
8 Code Talkers, or a surviving family member, on be-
9 half of the Congress, a gold medal of appropriate de-
10 sign, honoring the Navajo Code Talkers; and

11 (B) to award to each person who qualified as a
12 Navajo Code Talker (MOS 642), or a surviving fam-
13 ily member, on behalf of the Congress, a silver
14 medal of appropriate design, honoring the Navajo
15 Code Talkers.

16 (2) For purposes of the awards authorized by para-
17 graph (1), the Secretary of the Treasury (in this section
18 referred to as the “Secretary”) shall strike gold and silver
19 medals with suitable emblems, devices, and inscriptions,
20 to be determined by the Secretary.

21 (c) The Secretary may strike and sell duplicates in
22 bronze of the medals struck pursuant to this section,
23 under such regulations as the Secretary may prescribe,
24 and a price sufficient to cover the costs thereof, including

1 labor, materials, dies, use of machinery, and overhead ex-
2 penses, and the cost of the medals.

3 (d) The medals struck pursuant to this section are
4 national medals for purposes of chapter 51, of title 31,
5 United States Code.

6 (e)(1) There is authorized to be charged against the
7 United States Mint Public Enterprise Fund, such sums
8 as may be necessary to pay for the costs of the medals
9 authorized by this section.

10 (2) Amounts received from the sale of duplicate med-
11 als under this section shall be deposited in the United
12 States Mint Public Enterprise Fund.

13 TITLE XII

14 ENVIRONMENTAL PROTECTION AGENCY

15 ADMINISTRATIVE PROVISION

16 **SEC. 1201. ABOVEGROUND STORAGE TANK GRANT PRO-** 17 **GRAM.**

18 (a) DEFINITIONS.—In this provision:

19 (1) ABOVEGROUND STORAGE TANK.—The term
20 “aboveground storage tank” means any tank or
21 combination of tanks (including any connected
22 pipe)—

23 (A) that is used to contain an accumula-
24 tion of regulated substances; and

1 (B) the volume of which (including the vol-
2 ume of any connected pipe) is located wholly
3 above the surface of the ground.

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (3) DENALI COMMISSION.—The term “Denali
8 Commission” means the commission established by
9 section 303(a) of the Denali Commission Act of
10 1998 (42 U.S.C. 3121 note).

11 (4) FEDERAL ENVIRONMENTAL LAW.—The
12 term “Federal environmental law” means—

13 (A) the Oil Pollution Control Act of 1990
14 (33 U.S.C. 2701 et seq.);

15 (B) the Comprehensive Environmental Re-
16 sponse, Compensation, and Liability Act of
17 1980 (42 U.S.C. 9601 et seq.);

18 (C) the Solid Waste Disposal Act (42
19 U.S.C. 6901 et seq.);

20 (D) the Federal Water Pollution Control
21 Act (33 U.S.C. 1251 et seq.); or

22 (E) any other Federal law that is applica-
23 ble to the release into the environment of a reg-
24 ulated substance, as determined by the Admin-
25 istrator.

1 (5) NATIVE VILLAGE.—The term “Native vil-
2 lage” has the meaning given the term in section
3 11(b) in Public Law 92–203 (85 Stat. 688).

4 (6) PROGRAM.—The term “program” means
5 the Aboveground Storage Tank Grant Program es-
6 tablished by subsection (b)(1).

7 (7) REGULATED SUBSTANCE.—The term “regu-
8 lated substance” has the meaning given the term in
9 section 9001 of the Solid Waste Disposal Act (42
10 U.S.C. 6991).

11 (8) STATE.—The term “State” means the State
12 of Alaska.

13 (b) ESTABLISHMENT.—

14 (1) IN GENERAL.—There is established a grant
15 program to be known as the “Aboveground Storage
16 Tank Grant Program”.

17 (2) GRANTS.—Under the program, the Admin-
18 istrator shall award a grant to—

19 (A) the State, on behalf of a Native village;

20 or

21 (B) the Denali Commission.

22 (c) USE OF GRANTS.—The State or the Denali
23 Commission shall use the funds of a grant under sub-
24 section (b) to repair, upgrade, or replace one or more
25 aboveground storage tanks that—

1 (1) leaks or poses an imminent threat of leak-
2 ing, as certified by the Administrator, the Com-
3 mandant of the Coast Guard, or any other appro-
4 priate Federal or State agency (as determined by
5 the Administrator); and

6 (2) is located in a Native village—

7 (A) the median household income of which
8 is less than 80 percent of the median household
9 income in the State;

10 (B) that is located—

11 (i) within the boundaries of—

12 (I) a unit of the National Park
13 System;

14 (II) a unit of the National Wild-
15 life Refuge System; or

16 (III) a National Forest; or

17 (ii) on public land under the adminis-
18 trative jurisdiction of the Bureau of Land
19 Management; or

20 (C) that receives payments from the Fed-
21 eral Government under chapter 69 of title 31,
22 United States Code (commonly known as “pay-
23 ments in lieu of taxes”).

24 (d) REPORTS.—Not later than 1 year after the date
25 on which the State or the Denali Commission receives a

1 grant under subsection (c), and annually thereafter, the
2 State or the Denali Commission, as the case may be, shall
3 submit a report describing each project completed with
4 grant funds and any projects planned for the following
5 year, to—

6 (1) the Administrator;

7 (2) the Committee on Resources of the House
8 of Representatives;

9 (3) the Committee on Environment and Public
10 Works of the Senate;

11 (4) the Committee on Appropriations of the
12 House of Representatives; and

13 (5) the Committee on Appropriations of the
14 Senate.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this Act,
17 to remain available until expended—

18 (1) \$20,000,000 for fiscal year 2001; and

19 (2) such sums as are necessary for each fiscal
20 year thereafter.

1 TITLE XIII
2 NATIONAL AERONAUTICS AND SPACE
3 ADMINISTRATION
4 ADMINISTRATIVE PROVISION

5 SEC. 1301. Of the proceeds in any fiscal year from
6 the sale of timber on Federal property at the John C.
7 Stennis Space Center, or on additional real property with-
8 in the restricted easement area adjacent to the Center, any
9 funds that are in excess of the amount necessary for the
10 expenses of commonly accepted forest management prac-
11 tices on such properties may be retained and used by the
12 National Aeronautics and Space Administration for the
13 acquisition from willing sellers of up to a total of 500 acres
14 of real property to establish education and visitor pro-
15 grams and facilities that promote and preserve the re-
16 gional and national history of the area, including the con-
17 tributions of Stennis Space Center, and, as necessary, for
18 wetlands mitigation.

19 TITLE XIV—CERTAIN ALASKAN CRUISE SHIP
20 OPERATIONS

21 **SEC. 1401. PURPOSE.**

22 The purpose of this title is to:

- 23 (1) Ensure that cruise vessels operating in the
24 waters of the Alexander Archipelago and the navi-
25 gable waters of the United States within the State

1 of Alaska and within the Kachemak Bay National
2 Estuarine Research Reserve comply with all applica-
3 ble environmental laws, including, but not limited to,
4 the Federal Water Pollution Control Act, as amend-
5 ed (33 U.S.C. 1251 et seq.), the Act to Prevent Pol-
6 lution from Ships, as amended (33 U.S.C. 1901 et
7 seq.), and the protections contained within this title.

8 (2) Ensure that cruise vessels do not discharge
9 untreated sewage within the waters of the Alexander
10 Archipelago, the navigable waters of the United
11 States in the State of Alaska, or within the
12 Kachemak Bay National Estuarine Research Re-
13 serve.

14 (3) Prevent the unregulated discharge of treat-
15 ed sewage and graywater while in ports in the State
16 of Alaska or traveling near the shore in the Alex-
17 ander Archipelago and the navigable waters of the
18 United States in the State of Alaska or within the
19 Kachemak Bay National Estuarine Research Re-
20 serve.

21 (4) Ensure that discharges of sewage and
22 graywater from cruise vessels operating in the Alex-
23 ander Archipelago and the navigable waters of the
24 United States in the State of Alaska or within the
25 Kachemak Bay National Estuarine Research Re-

1 serve can be monitored for compliance with the re-
2 quirements contained in this title.

3 **SEC. 1402. APPLICABILITY.**

4 This title applies to all cruise vessels authorized to
5 carry 500 or more passengers for hire.

6 **SEC. 1403. PROHIBITION ON DISCHARGE OF UNTREATED**
7 **SEWAGE.**

8 No person shall discharge any untreated sewage from
9 a cruise vessel into the waters of the Alexander Archi-
10 pelago or the navigable waters of the United States within
11 the State of Alaska or within the Kachemak Bay National
12 Estuarine Research Reserve.

13 **SEC. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEW-**
14 **AGE OR GRAYWATER.**

15 (a) No person shall discharge any treated sewage or
16 graywater from a cruise vessel into the waters of the Alex-
17 ander Archipelago or the navigable waters of the United
18 States within the State of Alaska or within the Kachemak
19 Bay National Estuarine Research Reserve unless—

20 (1) the cruise vessel is underway and pro-
21 ceeding at a speed of not less than six knots;

22 (2) the cruise vessel is not less than one nau-
23 tical mile from the nearest shore, except in areas
24 designated by the Secretary, in consultation with the
25 State of Alaska;

1 (3) the discharge complies with all applicable
2 cruise vessel effluent standards established pursuant
3 to this title and any other applicable law; and

4 (4) the cruise vessel is not in an area where the
5 discharge of treated sewage or graywater is prohib-
6 ited.

7 (b) The Administrator, in consultation with the Sec-
8 retary, may promulgate regulations allowing the discharge
9 of treated sewage or graywater, otherwise prohibited
10 under paragraphs (a)(1) and (a)(2) of this section, where
11 the discharge meets effluent standards determined by the
12 Administrator as appropriate for discharges into the ma-
13 rine environment. In promulgating such regulations, the
14 Administrator shall take into account the best available
15 scientific information on the environmental effects of the
16 regulated discharges. The effluent discharge standards
17 promulgated under this section shall, at a minimum, be
18 consistent with all relevant State of Alaska water quality
19 standards in force at the time of the enactment of this
20 title.

21 (c) Until such time as the Administrator promulgates
22 regulations under paragraph (b) of this section, treated
23 sewage and graywater may be discharged from vessels
24 subject to this title in circumstances otherwise prohibited

1 under paragraphs (a)(1) and (a)(2) of this section, pro-
2 vided that—

3 (1) the discharge satisfies the minimum level of
4 effluent quality specified in 40 CFR 133.102, as in
5 effect on the date of enactment of this section;

6 (2) the geometric mean of the samples from the
7 discharge during any 30-day period does not exceed
8 20 fecal coliform/100 ml and not more than 10 per-
9 cent of the samples exceed 40 fecal coliform/100 ml;

10 (3) concentrations of total residual chlorine may
11 not exceed 10.0 $\mu\text{g/l}$; and

12 (4) prior to any such discharge occurring, the
13 owner, operator or master, or other person in charge
14 of a cruise vessel, can demonstrate test results from
15 at least five samples taken from the vessel represent-
16 ative of the effluent to be discharged, on different
17 days over a 30-day period, conducted in accordance
18 with the guidelines promulgated by the Adminis-
19 trator in 40 CFR Part 136, which confirm that the
20 water quality of the effluents proposed for discharge
21 is in compliance with paragraphs (1), (2), and (3)
22 of this subsection. To the extent not otherwise being
23 done by the owner, operator, master or other person
24 in charge of a cruise vessel pursuant to section
25 1406, the owner, operator, master or other person in

1 charge of a cruise vessel shall demonstrate continued
2 compliance through periodic sampling. Such sam-
3 pling and test results shall be considered environ-
4 mental compliance records that must be made avail-
5 able for inspection pursuant to section 1406(d) of
6 this title.

7 **SEC. 1405. SAFETY EXCEPTION.**

8 Sections 1403 and 1404 of this title shall not apply
9 to discharges made for the purpose of securing the safety
10 of the cruise vessel or saving life at sea, provided that all
11 reasonable precautions have been taken for the purpose
12 of preventing or minimizing the discharge.

13 **SEC. 1406. INSPECTION AND SAMPLING REGIME.**

14 (a) The Secretary shall incorporate into the commer-
15 cial vessel examination program an inspection regime suf-
16 ficient to verify that cruise vessels visiting ports in the
17 State of Alaska or operating in the waters of the Alex-
18 ander Archipelago or the navigable waters of the United
19 States within the State of Alaska or within the Kachemak
20 Bay National Estuarine Research Reserve are in full com-
21 pliance with this title, the Federal Water Pollution Control
22 Act, as amended, and any regulations issued thereunder,
23 other applicable Federal laws and regulations, and all ap-
24 plicable international treaty requirements.

1 (b) The inspection regime shall, at a minimum,
2 include—

3 (1) examination of environmental compliance
4 records and procedures; and

5 (2) inspection of the functionality and proper
6 operation of installed equipment for abatement and
7 control of any discharge.

8 (c) The inspection regime may—

9 (1) include unannounced inspections of any as-
10 pect of cruise vessel operations, equipment or dis-
11 charges pertinent to the verification under sub-
12 section (a) of this section; and

13 (2) require the owner, operator or master, or
14 other person in charge of a cruise vessel subject to
15 this title to maintain and produce a logbook detail-
16 ing the times, types, volumes or flow rates and loca-
17 tions of any discharges of sewage or graywater
18 under this title.

19 (d) The inspection regime shall incorporate a plan for
20 sampling and testing cruise vessel discharges to ensure
21 that any discharges of sewage or graywater are in compli-
22 ance with this title, the Federal Water Pollution Control
23 Act, as amended, and any other applicable laws and regu-
24 lations, and may require the owner, operator or master,
25 or other person in charge of a cruise vessel subject to this

1 title to conduct such samples or tests, and to produce any
2 records of such sampling or testing at the request of the
3 Secretary or Administrator.

4 **SEC. 1407. CRUISE VESSEL EFFLUENT STANDARDS.**

5 Pursuant to this title and the authority of the Fed-
6 eral Water Pollution Control Act, as amended, the Admin-
7 istrator may promulgate effluent standards for treated
8 sewage and graywater from cruise vessels operating in the
9 waters of the Alexander Archipelago or the navigable wa-
10 ters of the United States within the State of Alaska or
11 within the Kachemak Bay National Estuarine Research
12 Reserve. Regulations implementing such standards shall
13 take into account the best available scientific information
14 on the environmental effects of the regulated discharges
15 and the availability of new technologies for wastewater
16 treatment. Until such time as the Administrator promul-
17 gates such effluent standards, treated sewage effluent dis-
18 charges shall not have a fecal coliform bacterial count of
19 greater than 200 per 100 milliliters nor suspended solids
20 greater than 150 milligrams per liter.

21 **SEC. 1408. REPORTS.**

22 (a) Any owner, operator or master, or other person
23 in charge of a cruise vessel who has knowledge of a dis-
24 charge from the cruise vessel in violation of section 1403
25 or 1404 or pursuant to section 1405 of this title, or any

1 regulations promulgated thereunder, shall immediately re-
2 port that discharge to the Secretary, who shall provide a
3 copy to the Administrator upon request.

4 (b) The Secretary may prescribe the form of reports
5 required under this section.

6 **SEC. 1409. ENFORCEMENT.**

7 (a) ADMINISTRATIVE PENALTIES.—

8 (1) VIOLATIONS.—Any person who violates sec-
9 tion 1403, 1404, 1408, or 1413 of this title, or any
10 regulations promulgated pursuant to this title may
11 be assessed a class I or class II civil penalty by the
12 Secretary or Administrator.

13 (2) CLASSES OF PENALTIES.—

14 (A) CLASS I.—The amount of a class I
15 civil penalty under this section may not exceed
16 \$10,000 per violation, except that the maximum
17 amount of any class I civil penalty under this
18 section shall not exceed \$25,000. Before assess-
19 ing a civil penalty under this clause, the Sec-
20 retary or Administrator, as the case may be,
21 shall give to the person to be assessed such pen-
22 alty written notice of the Secretary's or Admin-
23 istrator's proposal to assess the penalty and the
24 opportunity to request, within 30 days of the
25 date the notice is received by such person, a

1 hearing on the proposed penalty. Such hearing
2 shall not be subject to section 554 or 556 of
3 title 5, but shall provide a reasonable oppor-
4 tunity to be heard and to present evidence.

5 (B) CLASS II.—The amount of a class II
6 civil penalty under this section may not exceed
7 \$10,000 per day for each day during which the
8 violation continues, except that the maximum
9 amount of any class II civil penalty under this
10 section shall not exceed \$125,000. Except as
11 otherwise provided in this subsection, a class II
12 civil penalty shall be assessed and collected in
13 the same manner, and subject to the same pro-
14 visions as in the case of civil penalties assessed
15 and collected after notice and an opportunity
16 for a hearing on the record in accordance with
17 section 554 of title 5, United States Code. The
18 Secretary and Administrator may issue rules
19 for discovery procedures for hearings under this
20 paragraph.

21 (3) RIGHTS OF INTERESTED PERSONS.—

22 (A) PUBLIC NOTICE.—Before issuing an
23 order assessing a class II civil penalty under
24 this section, the Secretary or Administrator, as
25 the case may be, shall provide public notice of

1 and reasonable opportunity to comment on the
2 proposed issuance of each order.

3 (B) PRESENTATION OF EVIDENCE.—Any
4 person who comments on a proposed assess-
5 ment of a class II civil penalty under this sec-
6 tion shall be given notice of any hearing held
7 under this paragraph and of the order assessing
8 such penalty. In any hearing held under this
9 paragraph, such person shall have a reasonable
10 opportunity to be heard and present evidence.

11 (C) RIGHTS OF INTERESTED PERSONS TO
12 A HEARING.—If no hearing is held under sub-
13 section (2) before issuance of an order assessing
14 a class II civil penalty under this section, any
15 person who commented on the proposed assess-
16 ment may petition, within 30 days after the
17 issuance of such order, the Administrator or
18 Secretary, as the case may be, to set aside such
19 order and to provide a hearing on the penalty.
20 If the evidence presented by the petitioner in
21 support of the petition is material and was not
22 considered in the issuance of the order, the Ad-
23 ministrator or Secretary shall immediately set
24 aside such order and provide a hearing in ac-
25 cordance with subsection (2)(B). If the Admin-

1 istrator or Secretary denies a hearing under
2 this clause, the Administrator or Secretary shall
3 provide to the petitioner, and publish in the
4 Federal Register, notice of and the reasons for
5 such denial.

6 (4) FINALITY OF ORDER.—An order assessing a
7 class II civil penalty under this paragraph shall be-
8 come final 30 days after its issuance unless a peti-
9 tion for judicial review is filed under subparagraph
10 (6) or a hearing is requested under subsection
11 (3)(C). If such a hearing is denied, such order shall
12 become final 30 days after such denial.

13 (5) EFFECT OF ACTION ON COMPLIANCE.—No
14 action by the Administrator or Secretary under this
15 paragraph shall affect any person's obligation to
16 comply with any section of this title.

17 (6) JUDICIAL REVIEW.—Any person against
18 whom a civil penalty is assessed under this para-
19 graph or who commented on the proposed assess-
20 ment of such penalty in accordance with subsection
21 (3) may obtain review of such assessment—

22 (A) in the case of assessment of a class I
23 civil penalty, in the United States District
24 Court for the District of Columbia or in the
25 District of Alaska; or

1 (B) in the case of assessment of a class II
2 civil penalty, in the United States Court of Ap-
3 peals for the District of Columbia Circuit or for
4 any other circuit in which such person resides
5 or transacts business, by filing a notice of ap-
6 peal in such court within the 30-day period be-
7 ginning on the date the civil penalty order is
8 issued and by simultaneously sending a copy of
9 such notice by certified mail to the Adminis-
10 trator or Secretary, as the case may be, and the
11 Attorney General. The Administrator or Sec-
12 retary shall promptly file in such court a cer-
13 tified copy of the record on which the order was
14 issued. Such court shall not set aside or remand
15 such order unless there is not substantial evi-
16 dence in the record, taken as a whole, to sup-
17 port the finding of a violation or unless the Ad-
18 ministrator's or Secretary's assessment of the
19 penalty constitutes an abuse of discretion and
20 shall not impose additional civil penalties for
21 the same violation unless the Administrator's or
22 Secretary's assessment of the penalty con-
23 stitutes an abuse of discretion.

24 (7) COLLECTION.—If any person fails to pay an
25 assessment of a civil penalty—

1 (A) after the assessment has become final,
2 or

3 (B) after a court in an action brought
4 under subsection (6) has entered a final judg-
5 ment in favor of the Administrator or Sec-
6 retary, as the case may be, the Administrator
7 or Secretary shall request the Attorney General
8 to bring a civil action in an appropriate district
9 court to recover the amount assessed (plus in-
10 terest at currently prevailing rates from the
11 date of the final order or the date of the final
12 judgment, as the case may be). In such an ac-
13 tion, the validity, amount, and appropriateness
14 of such penalty shall not be subject to review.
15 Any person who fails to pay on a timely basis
16 the amount of an assessment of a civil penalty
17 as described in the first sentence of this sub-
18 paragraph shall be required to pay, in addition
19 to such amount and interest, attorneys fees and
20 costs for collection proceedings and a quarterly
21 nonpayment penalty for each quarter during
22 which such failure to pay persists. Such non-
23 payment penalty shall be in an amount equal
24 to 20 percent of the aggregate amount of such
25 person's penalties and nonpayment penalties

1 which are unpaid as of the beginning of such
2 quarter.

3 (8) SUBPOENAS.—The Administrator or Sec-
4 retary, as the case may be, may issue subpoenas for
5 the attendance and testimony of witnesses and the
6 production of relevant papers, books, or documents
7 in connection with hearings under this section. In
8 case of contumacy or refusal to obey a subpoena
9 issued pursuant to this subsection and served upon
10 any person, the district court of the United States
11 for any district in which such person is found, re-
12 sides, or transacts business, upon application by the
13 United States and after notice to such person, shall
14 have jurisdiction to issue an order requiring such
15 person to appear and give testimony before the Ad-
16 ministrator or Secretary or to appear and produce
17 documents before the Administrator or Secretary, or
18 both, and any failure to obey such order of the court
19 may be punished by such court as a contempt there-
20 of.

21 (b) CIVIL PENALTIES.—

22 (1) IN GENERAL.—Any person who violates sec-
23 tion 1403, 1404, 1408, or 1413 of this title, or any
24 regulations promulgated pursuant to this title shall
25 be subject to a civil penalty not to exceed \$25,000

1 per day for each violation. Each day a violation con-
2 tinues constitutes a separate violation.

3 (2) JURISDICTION.—An action to impose a civil
4 penalty under this section may be brought in the
5 district court of the United States for the district in
6 which the defendant is located, resides, or transacts
7 business, and such court shall have jurisdiction to
8 assess such penalty.

9 (3) LIMITATION.—A person is not liable for a
10 civil judicial penalty under this paragraph for a vio-
11 lation if the person has been assessed a civil admin-
12 istrative penalty under paragraph (a) for the viola-
13 tion.

14 (c) DETERMINATION OF AMOUNT.—In determining
15 the amount of a civil penalty under paragraphs (a) or (b)
16 of this section, the court, the Secretary or the Adminis-
17 trator, as the case may be, shall consider the seriousness
18 of the violation or violations, the economic benefit (if any)
19 resulting from the violation, any history of such violations,
20 any good-faith efforts to comply with the applicable re-
21 quirements, the economic impact of the penalty on the vio-
22 lator, and other such matters as justice may require.

23 (d) CRIMINAL PENALTIES.—

24 (1) NEGLIGENT VIOLATIONS.—Any person who
25 negligently violates section 1403, 1404, 1408, or

1 1413 of this title, or any regulations promulgated
2 pursuant to this title commits a Class A mis-
3 demeanor.

4 (2) KNOWING VIOLATIONS.—Any person who
5 knowingly violates section 1403, 1404, 1408, or
6 1413 of this title, or any regulations promulgated
7 pursuant to this title commits a Class D felony.

8 (3) FALSE STATEMENTS.—Any person who
9 knowingly makes any false statement, representa-
10 tion, or certification in any record, report or other
11 document filed or required to be maintained under
12 this title or the regulations issued thereunder, or
13 who falsifies, tampers with, or knowingly renders in-
14 accurate any testing or monitoring device or method
15 required to be maintained under this title, or the
16 regulations issued thereunder, commits a Class D
17 felony.

18 (e) AWARDS.—

19 (1) The Secretary, the Administrator, or the
20 court, when assessing any fines or civil penalties, as
21 the case may be, may pay from any fines or civil
22 penalties collected under this section an amount not
23 to exceed one-half of the penalty or fine collected, to
24 any individual who furnishes information which
25 leads to the payment of the penalty or fine. If sev-

1 eral individuals provide such information, the
2 amount shall be divided equitably among such indi-
3 viduals. No officer or employee of the United States,
4 the State of Alaska or any federally recognized Tribe
5 who furnishes information or renders service in the
6 performance of his or her official duties shall be eli-
7 gible for payment under this subsection.

8 (2) The Secretary, Administrator or the court,
9 when assessing any fines or civil penalties, as the
10 case may be, may pay, from any fines or civil pen-
11 alties collected under this section, to the State of
12 Alaska or to any federally recognized Tribe pro-
13 viding information or investigative assistance which
14 leads to payment of the penalty or fine, an amount
15 which reflects the level of information or investiga-
16 tive assistance provided. Should the State of Alaska
17 or a federally recognized Tribe and an individual
18 under paragraph (1) of this section be eligible for an
19 award, the Secretary, the Administrator, or the
20 court, as the case may be, shall divide the amount
21 equitably.

22 (f) LIABILITY IN REM.—A cruise vessel operated in
23 violation of this title or the regulations issued thereunder
24 is liable in rem for any fine imposed under subsection (d)
25 of this section or for any civil penalty imposed under sub-

1 sections (a) or (b) of this section, and may be proceeded
2 against in the United States district court of any district
3 in which the cruise vessel may be found.

4 (g) COMPLIANCE ORDERS.—

5 (1) IN GENERAL.—Whenever on the basis of
6 any information available to him the Administrator
7 finds that any person is in violation of section 1403,
8 1404, 1408, or 1413 of this title, or any regulations
9 promulgated pursuant to this title, the Adminis-
10 trator shall issue an order requiring such person to
11 comply with such section or requirement, or shall
12 bring a civil action in accordance with subsection
13 (b).

14 (2) COPIES OF ORDERS, SERVICE.—A copy of
15 any order issued under this subsection shall be sent
16 immediately by the Administrator to the State of
17 Alaska. In any case in which an order under this
18 subsection is issued to a corporation, a copy of such
19 order shall be served on any appropriate corporate
20 officer. Any order issued under this subsection shall
21 be by personal service, shall state with reasonable
22 specificity the nature of the violation, and shall
23 specify a time for compliance not to exceed 30 days
24 in the case of a violation of an interim compliance
25 schedule or operation and maintenance requirement

1 and not to exceed a time the Administrator deter-
2 mines to be reasonable in the case of a violation of
3 a final deadline, taking into account the seriousness
4 of the violation and any good faith efforts to comply
5 with applicable requirements.

6 (h) CIVIL ACTIONS.—The Administrator is author-
7 ized to commence a civil action for appropriate relief, in-
8 cluding a permanent or temporary injunction, for any vio-
9 lation for which he is authorized to issue a compliance
10 order under this subsection. Any action under subsection
11 (h) may be brought in the district court of the United
12 States for the district in which the defendant is located
13 or resides or is doing business, and such court shall have
14 jurisdiction to restrain such violation and to require com-
15 pliance. Notice of the commencement of such action shall
16 be given immediately to the State of Alaska.

17 **SEC. 1410. DESIGNATION OF CRUISE VESSEL NO-DIS-**
18 **CHARGE ZONES.**

19 If the State of Alaska determines that the protection
20 and enhancement of the quality of some or all of the wa-
21 ters of the Alexander Archipelago or the navigable waters
22 of the United States within the State of Alaska or within
23 the Kachemak Bay National Estuarine Research Reserve
24 require greater environmental protection, the State of
25 Alaska may petition the Administrator to prohibit the dis-

1 charge of graywater and sewage from cruise vessels oper-
2 ating in such waters. The establishment of such a prohibi-
3 tion shall be achieved in the same manner as the peti-
4 tioning process and prohibition of the discharge of sewage
5 pursuant to section 312(f) of the Federal Water Pollution
6 Control Act, as amended, and the regulations promulgated
7 thereunder.

8 **SEC. 1411. SAVINGS CLAUSE.**

9 (a) Nothing in this title shall be construed as restrict-
10 ing, affecting, or amending any other law or the authority
11 of any department, instrumentality, or agency of the
12 United States.

13 (b) Nothing in this title shall in any way affect or
14 restrict, or be construed to affect or restrict, the authority
15 of the State of Alaska or any political subdivision
16 thereof—

17 (1) to impose additional liability or additional
18 requirements; or

19 (2) to impose, or determine the amount of a
20 fine or penalty (whether criminal or civil in nature)
21 for any violation of law; relating to the discharge of
22 sewage (whether treated or untreated) or graywater
23 in the waters of the Alexander Archipelago and the
24 navigable waters of the United States within the

1 State of Alaska or within the Kachemak Bay Na-
2 tional Estuarine Research Reserve.

3 **SEC. 1412. REGULATIONS.**

4 The Secretary and the Administrator each may pre-
5 scribe any regulations necessary to carry out the provi-
6 sions of this title.

7 **SEC. 1413. INFORMATION GATHERING AUTHORITY.**

8 The authority of sections 308(a) and (b) of the Fed-
9 eral Water Pollution Control Act, as amended, shall be
10 available to the Administrator to carry out the provisions
11 of this title. The Administrator and the Secretary shall
12 minimize, to the extent practicable, duplication of or in-
13 consistency with the inspection, sampling, testing, record-
14 keeping, and reporting requirements established by the
15 Secretary under section 1406 of this title.

16 **SEC. 1414. DEFINITIONS.**

17 In this title:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the United
20 States Environmental Protection Agency.

21 (2) CRUISE VESSEL.—The term “cruise vessel”
22 means a passenger vessel as defined in section
23 2101(22) of title 46, United States Code. The term
24 “cruise vessel” does not include a vessel of the
25 United States operated by the Federal Government

1 or a vessel owned and operated by the government
2 of a State.

3 (3) DISCHARGE.—The term “discharge” means
4 any release however caused from a cruise vessel, and
5 includes any escape, disposal, spilling, leaking,
6 pumping, emitting, or emptying.

7 (4) GRAYWATER.—The term “graywater”
8 means only galley, dishwasher, bath, and laundry
9 waste water. The term does not include other wastes
10 or waste streams.

11 (5) NAVIGABLE WATERS.—The term “navigable
12 waters” has the same meaning as in section 502 of
13 the Federal Water Pollution Control Act, as amend-
14 ed.

15 (6) PERSON.—The term “person” means an in-
16 dividual, corporation, partnership, limited liability
17 company, association, State, municipality, commis-
18 sion, or political subdivision of a State, or any feder-
19 ally recognized tribe.

20 (7) SECRETARY.—The term “Secretary” means
21 the Secretary of the department in which the United
22 States Coast Guard is operating.

23 (8) SEWAGE.—The term “sewage” means
24 human body wastes and the wastes from toilets and

1 other receptacles intended to receive or retain body
2 waste.

3 (9) TREATED SEWAGE.—The term “treated
4 sewage” means sewage meeting all applicable efflu-
5 ent limitation standards and processing require-
6 ments of the Federal Water Pollution Control Act,
7 as amended and of this title, and regulations pro-
8 mulgated under either.

9 (10) UNTREATED SEWAGE.—The term “un-
10 treated sewage” means sewage that is not treated
11 sewage.

12 (11) WATERS OF THE ALEXANDER ARCHI-
13 PELAGO.—The term “waters of the Alexander Archi-
14 pelago” means all waters under the sovereignty of
15 the United States within or near Southeast Alaska,
16 beginning at a point $58^{\circ}11'41''\text{N}$, $136^{\circ}39'25''\text{W}$
17 [near Cape Spencer Light], thence southeasterly
18 along a line three nautical miles seaward of the
19 baseline from which the breadth of the territorial sea
20 is measured in the Pacific Ocean and the Dixon En-
21 trance, except where this line intersects geodesics
22 connecting the following five pairs of points:

23 (1) $58^{\circ}05'17''\text{N}$, $136^{\circ}33'49''\text{W}$ and
24 $58^{\circ}11'41''\text{N}$, $136^{\circ}39'25''\text{W}$ [Cross Sound].

1 (2) 56°09'40"N, 134°40'00"W and
2 55°49'15"N, 134°17'40"W [Chatham Strait].

3 (3) 55°49'15"N, 134°17'40"W and
4 55°50'30"N, 133°54'15"W [Sumner Strait].

5 (4) 54°41'30"N, 132°01'00"W and
6 54°51'30"N, 131°20'45"W [Clarence Strait].

7 (5) 54°51'30"N, 131°20'45"W and
8 54°46'15"N, 130°52'00"W [Revillagigedo
9 Channel].

10 The portion of each such geodesic situated beyond
11 three nautical miles from the baseline from which the
12 breadth of the territorial sea is measured forms the outer
13 limit of the waters of the Alexander Archipelago in those
14 five locations.

15 **TITLE XV—LIFE ACT** 16 **AMENDMENTS**

17 **SEC. 1501. SHORT TITLE.**

18 This title may be cited as the “LIFE Act Amend-
19 ments of 2000”.

20 **SEC. 1502. SUBSTITUTION OF ALTERNATIVE ADJUSTMENT** 21 **PROVISION.**

22 (a) EXTENDED APPLICATION OF SECTION 245(i).—

23 (1) IN GENERAL.—Paragraph (1) of section
24 245(i) of the Immigration and Nationality Act (8
25 U.S.C. 1255(i)) is amended—

1 (A) in subparagraph (A), by striking
2 “and” at the end;

3 (B) in subparagraph (B)(i), by striking
4 “January 14, 1998” and inserting “April 30,
5 2001”;

6 (C) in subparagraph (B), by adding “and”
7 at the end; and

8 (D) by inserting after subparagraph (B)
9 the following new subparagraph:

10 “(C) who, in the case of a beneficiary of a peti-
11 tion for classification, or an application for labor
12 certification, described in subparagraph (B) that was
13 filed after January 14, 1998, is physically present in
14 the United States on the date of the enactment of
15 the LIFE Act Amendments of 2000;”.

16 (2) MODIFICATION IN USE OF FUNDS.—Para-
17 graph (3)(B) of such section is amended by inserting
18 before the period the following: “, except that in the
19 case of fees attributable to applications for a bene-
20 ficiary with respect to whom a petition for classifica-
21 tion, or an application for labor certification, de-
22 scribed in paragraph (1)(B) was filed after January
23 14, 1998, one-half of such remaining portion shall
24 be deposited by the Attorney General into the Immi-

1 gration Examinations Fee Account established under
2 section 286(m)”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Subsection (m) of section 245 of the Immi-
5 gration and Nationality Act, as added by section
6 1102(c) of the Legal Immigration Family Equity
7 Act, is repealed.

8 (2) Section 245 of the Immigration and Nation-
9 ality Act, as amended by section 1102(d)(2) of the
10 Legal Immigration Family Equity Act, is amended
11 by striking “or (m)” each place it appears.

12 **SEC. 1503. MODIFICATION OF SECTION 1104 ADJUSTMENT**
13 **PROVISIONS.**

14 (a) INCLUSION OF ADDITIONAL CLASS.—Section
15 1104(b) of the Legal Immigration Family Equity Act is
16 amended—

17 (1) in paragraph (1), by striking “or” at the
18 end;

19 (2) in paragraph (2), by striking the period at
20 the end and inserting “; or”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(3) *Zambrano v. INS*, vacated sub nom. *Immi-*
24 *gration and Naturalization Service v. Zambrano*,
25 509 U.S. 918 (1993).”.

1 (b) CONFORMING APPLICATION OF CONSENT PROVI-
2 SION.—Section 1104(c) of the Legal Immigration Family
3 Equity Act is amended by adding at the end the following
4 new paragraph:

5 “(10) CONFORMING APPLICATION OF CONSENT
6 PROVISION.—In addition to the waivers provided in
7 subsection (d)(2) of such section 245A of the Immi-
8 gration and Nationality Act, the Attorney General
9 may grant the alien a waiver of the grounds of inad-
10 missibility under subparagraphs (A) and (C) of sec-
11 tion 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)). In
12 granting such waivers, the Attorney General shall
13 use standards used in granting consent under sub-
14 paragraphs (A)(iii) and (C)(ii) of such section.”.

15 (c) INAPPLICABILITY OF REMOVAL ORDER REIN-
16 STATEMENT.—Section 1104 of such Act is further
17 amended—

18 (1) by redesignating subsection (g) as sub-
19 section (h); and

20 (2) by inserting after subsection (f) the fol-
21 lowing new subsection:

22 “(g) INAPPLICABILITY OF REMOVAL ORDER REIN-
23 STATEMENT.—Section 241(a)(5) of the Immigration and
24 Nationality Act shall not apply with respect to an alien

1 who is applying for adjustment of status under this sec-
2 tion.”.

3 **SEC. 1504. APPLICATION OF FAMILY UNITY PROVISIONS TO**
4 **SPOUSES AND UNMARRIED CHILDREN OF**
5 **CERTAIN LIFE ACT BENEFICIARIES.**

6 (a) IMMIGRATION BENEFITS.—Except as provided in
7 subsection (d), in the case of an eligible spouse or child
8 (as described in subsection (b)), the Attorney General—

9 (1) shall not remove the alien on a ground spec-
10 ified in paragraph (1)(A), (1)(B), (1)(C), or (3)(A)
11 of section 237(a) of the Immigration and Nationality
12 Act (8 U.S.C. 1227(a)), other than so much of para-
13 graph (1)(A) of such section as relates to a ground
14 of inadmissibility described in paragraph (2) or (3)
15 of section 212(a) of such Act (8 U.S.C. 1182(a));
16 and

17 (2) shall authorize the alien to engage in em-
18 ployment in the United States during the period of
19 time in which protection is provided under para-
20 graph (1) and shall provide the alien with an “em-
21 ployment authorized” endorsement or other appro-
22 priate document signifying authorization of employ-
23 ment.

24 (b) ELIGIBLE SPOUSES AND CHILDREN.—For pur-
25 poses of this section, the term “eligible spouse or child”

1 means an alien who is the spouse or unmarried child of
2 an alien described in section 1104(b) of the Legal Immi-
3 gration Family Equity Act if the spouse or child—

4 (1) entered the United States before December
5 1, 1988; and

6 (2) resided in the United States on such date.

7 (c) PROCESS FOR RELIEF FOR ELIGIBLE SPOUSES
8 AND CHILDREN OUTSIDE THE UNITED STATES.—If an
9 alien has obtained lawful permanent resident status under
10 section 1104 of the Legal Immigration Family Equity Act
11 and the alien has an eligible spouse or child who is no
12 longer physically present in the United States, the Attor-
13 ney General shall establish a process under which the eligi-
14 ble spouse or child may be paroled into the United States
15 in order to obtain the benefits of subsection (a) unless the
16 Attorney General finds that the spouse or child would be
17 inadmissible or deportable on any ground, other than a
18 ground for which the alien would not be subject to removal
19 under subsection (a)(1). An alien so paroled shall not be
20 treated as paroled into the United States for purposes of
21 section 201(c)(4) of the Immigration and Nationality Act
22 (8 U.S.C. 1151(c)(4)).

23 (d) EXCEPTION.—An alien is not eligible for the ben-
24 efits of this section if the Attorney General finds that—

1 (1) the alien has been convicted of a felony or
2 three or more misdemeanors in the United States; or

3 (2) the alien is described in section
4 241(b)(3)(B) of the Immigration and Nationality
5 Act (8 U.S.C. 1231(b)(3)(B)).

6 (e) APPLICATION OF DEFINITIONS.—Except as oth-
7 erwise specifically provided in this section, the definitions
8 contained in the Immigration and Nationality Act shall
9 apply in the administration of this section.

10 **SEC. 1505. MISCELLANEOUS AMENDMENTS TO VARIOUS AD-**
11 **JUSTMENT AND RELIEF ACTS.**

12 (a) NICARAGUAN ADJUSTMENT AND CENTRAL
13 AMERICAN RELIEF ACT.—

14 (1) IN GENERAL.—Section 202(a) of the Nica-
15 ragan Adjustment and Central American Relief Act
16 is amended—

17 (A) by redesignating paragraph (2) as
18 paragraph (3); and

19 (B) by inserting after paragraph (1) the
20 following new paragraph:

21 “(2) RULES IN APPLYING CERTAIN PROVI-
22 SIONS.—In the case of an alien described in sub-
23 section (b) or (d) who is applying for adjustment of
24 status under this section—

1 “(A) the provisions of section 241(a)(5) of
2 the Immigration and Nationality Act shall not
3 apply; and

4 “(B) the Attorney General may grant the
5 alien a waiver on the grounds of inadmissibility
6 under subparagraphs (A) and (C) of section
7 212(a)(9) of such Act.

8 In granting waivers under subparagraph (B), the
9 Attorney General shall use standards used in grant-
10 ing consent under subparagraphs (A)(iii) and (C)(ii)
11 of such section 212(a)(9).”.

12 (2) PERMITTING MOTION TO REOPEN.—Not-
13 withstanding any time and number limitations im-
14 posed by law on motions to reopen exclusion, re-
15 moval, or deportation proceedings (except limitations
16 premised on an alien’s conviction of an aggravated
17 felony (as defined by section 101(a) of the Immigra-
18 tion and Nationality Act)), a national of Cuba or
19 Nicaragua who has become eligible for adjustment of
20 status under the Nicaraguan Adjustment and Cen-
21 tral American Relief Act as a result of the amend-
22 ments made by paragraph (1), may file one motion
23 to reopen exclusion, deportation, or removal pro-
24 ceedings to apply for such adjustment under that
25 Act. The scope of any proceeding reopened on this

1 basis shall be limited to a determination of the
2 alien's eligibility for adjustment of status under that
3 Act. All such motions shall be filed within 180 days
4 of the date of the enactment of this Act.

5 (b) HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT
6 OF 1998.—

7 (1) INAPPLICABILITY OF CERTAIN PROVI-
8 SIONS.—Section 902(a) of the Haitian Refugee Im-
9 migration Fairness Act of 1998 is amended—

10 (A) by redesignating paragraph (2) as
11 paragraph (3); and

12 (B) by inserting after paragraph (1) the
13 following new paragraph:

14 “(2) INAPPLICABILITY OF CERTAIN PROVI-
15 SIONS.—In the case of an alien described in sub-
16 section (b) or (d) who is applying for adjustment of
17 status under this section—

18 “(A) the provisions of section 241(a)(5) of
19 the Immigration and Nationality Act shall not
20 apply; and

21 “(B) the Attorney General may grant the
22 alien a waiver on the grounds of inadmissibility
23 under subparagraphs (A) and (C) of section
24 212(a)(9) of such Act.

1 In granting waivers under subparagraph (B), the
2 Attorney General shall use standards used in grant-
3 ing consent under subparagraphs (A)(iii) and (C)(ii)
4 of such section 212(a)(9).”.

5 (2) PERMITTING MOTION TO REOPEN.—Not-
6 withstanding any time and number limitations im-
7 posed by law on motions to reopen exclusion, re-
8 moval, or deportation proceedings (except limitations
9 premised on an alien’s conviction of an aggravated
10 felony (as defined by section 101(a) of the Immigra-
11 tion and Nationality Act)), a national of Haiti who
12 has become eligible for adjustment of status under
13 the Haitian Refugee Immigration Fairness Act of
14 1998 as a result of the amendments made by para-
15 graph (1), may file one motion to reopen exclusion,
16 deportation, or removal proceedings to apply for
17 such adjustment under that Act. The scope of any
18 proceeding reopened on this basis shall be limited to
19 a determination of the alien’s eligibility for adjust-
20 ment of status under that Act. All such motions
21 shall be filed within 180 days of the date of the en-
22 actment of this Act.

23 (c) SECTION 309 OF IIRIRA.—Section 309 of the Il-
24 legal Immigration Reform and Immigrant Responsibility

1 Act of 1996 is amended by adding at the end the following
2 new subsection:

3 “(h) RELIEF AND MOTIONS TO REOPEN.—

4 “(1) RELIEF.—An alien described in subsection
5 (c)(5)(C)(i) who is otherwise eligible for—

6 “(A) suspension of deportation pursuant to
7 section 244(a) of the Immigration and Nation-
8 ality Act, as in effect before the title III–A ef-
9 fective date; or

10 “(B) cancellation of removal, pursuant to
11 section 240A(b) of the Immigration and Na-
12 tionality Act and subsection (f) of this section;
13 shall not be barred from applying for such relief by
14 operation of section 241(a)(5) of the Immigration
15 and Nationality Act, as in effect after the title III–
16 A effective date.

17 “(2) ADDITIONAL MOTION TO REOPEN PER-
18 MITTED.—Notwithstanding any limitation imposed
19 by law on motions to reopen removal or deportation
20 proceedings (except limitations premised on an
21 alien’s conviction of an aggravated felony (as defined
22 by section 101(a) of the Immigration and Nation-
23 ality Act)), any alien who is described in subsection
24 (c)(5)(C)(i) and who has become eligible for can-
25 cellation of removal or suspension of deportation as

1 a result of the enactment of paragraph (1) may file
2 one motion to reopen removal or deportation pro-
3 ceedings in order to apply for cancellation of removal
4 or suspension of deportation. The scope of any pro-
5 ceeding reopened on this basis shall be limited to a
6 determination of the alien’s eligibility for cancella-
7 tion of removal or suspension of deportation. The
8 Attorney General shall designate a specific time pe-
9 riod in which all such motions to reopen are required
10 to be filed. The period shall begin not later than 60
11 days after the date of the enactment of this sub-
12 section and shall extend for a period not to exceed
13 240 days.

14 “(3) CONSTRUCTION.—Nothing in this sub-
15 section shall preclude an alien from filing a motion
16 to reopen pursuant to section 240(b)(5)(C)(ii) of the
17 Immigration and Nationality Act, or section
18 242B(c)(3)(B) of such Act (as in effect before the
19 title III–A effective date).”.

20 **SEC. 1506. EFFECTIVE DATE.**

21 This title shall take effect as if included in the enact-
22 ment of the Legal Immigration Family Equity Act.

1 TITLE XVI—IMPROVING LITERACY THROUGH
2 FAMILY LITERACY PROJECTS

3 **SEC. 1601. SHORT TITLE.**

4 This title may be cited as the “Literacy Involves
5 Families Together Act”.

6 **SEC. 1602. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 1002(b) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6302(b)) is amended
9 by striking “\$118,000,000 for fiscal year 1995” and in-
10 serting “\$250,000,000 for fiscal year 2001”.

11 **SEC. 1603. IMPROVING BASIC PROGRAMS OPERATED BY**
12 **LOCAL EDUCATIONAL AGENCIES.**

13 Section 1111(c) of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6311(c)) is amended—

15 (1) in paragraph (5), by striking “and” at the
16 end;

17 (2) in paragraph (6), by striking the period at
18 the end and inserting “; and”; and

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

20 “(7) the State educational agency will encour-
21 age local educational agencies and individual schools
22 participating in a program assisted under this part
23 to offer family literacy services (using funds under
24 this part), if the agency or school determines that a
25 substantial number of students served under this

1 part by the agency or school have parents who do
2 not have a high school diploma or its recognized
3 equivalent or who have low levels of literacy.”.

4 **SEC. 1604. EVEN START FAMILY LITERACY PROGRAMS.**

5 (a) PART HEADING.—The part heading for part B
6 of title I of the Elementary and Secondary Education Act
7 of 1965 (20 U.S.C. 6361 et seq.) is amended to read as
8 follows:

9 **“PART B—WILLIAM F. GOODLING EVEN START**
10 **FAMILY LITERACY PROGRAMS”.**

11 (b) STATEMENT OF PURPOSE.—Section 1201 of the
12 Elementary and Secondary Education Act of 1965 (20
13 U.S.C. 6361) is amended—

14 (1) in paragraph (1), by inserting “high qual-
15 ity” after “build on”; and

16 (2) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) promote the academic achievement of chil-
19 dren and adults;”;

20 (3) by striking the period at the end of para-
21 graph (3) and inserting “; and”; and

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

23 “(4) use instructional programs based on sci-
24 entificallly based reading research (as defined in sec-
25 tion 2252) and the prevention of reading difficulties

1 for children and adults, to the extent such research
2 is available.”.

3 (c) PROGRAM AUTHORIZED.—

4 (1) RESERVATION FOR MIGRANT PROGRAMS,
5 OUTLYING AREAS, AND INDIAN TRIBES.—Section
6 1202(a) of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6362(a)) is
8 amended—

9 (A) in paragraph (1), in the matter pre-
10 ceeding subparagraph (A), by inserting “(or, if
11 such appropriated amount exceeds
12 \$200,000,000, 6 percent of such amount)”
13 after “1002(b)”;

14 (B) in paragraph (2), by striking “If the
15 amount of funds made available under this sub-
16 section exceeds \$4,600,000,” and inserting
17 “After the date of the enactment of the Lit-
18 eracy Involves Families Together Act,”; and

19 (C) by adding at the end the following:

20 “(3) COORDINATION OF PROGRAMS FOR AMER-
21 ICAN INDIANS.—The Secretary shall ensure that
22 programs under paragraph (1)(C) are coordinated
23 with family literacy programs operated by the Bu-
24 reau of Indian Affairs in order to avoid duplication
25 and to encourage the dissemination of information

1 on high quality family literacy programs serving
2 American Indians.”.

3 (2) RESERVATION FOR FEDERAL ACTIVITIES.—
4 Section 1202(b) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6362(b)) is
6 amended to read as follows:

7 “(b) RESERVATION FOR FEDERAL ACTIVITIES.—

8 “(1) EVALUATION, TECHNICAL ASSISTANCE,
9 PROGRAM IMPROVEMENT, AND REPLICATION ACTIVI-
10 TIES.—From amounts appropriated under section
11 1002(b), the Secretary may reserve not more than 3
12 percent of such amounts for purposes of—

13 “(A) carrying out the evaluation required
14 by section 1209; and

15 “(B) providing, through grants or con-
16 tracts with eligible organizations, technical as-
17 sistance, program improvement, and replication
18 activities.

19 “(2) RESEARCH.—In the case of fiscal years
20 2001 through 2004, if the amount appropriated
21 under section 1002(b) for any of such years—

22 “(A) is equal to or less than the amounts
23 appropriated for the preceding fiscal year, the
24 Secretary may reserve from such amount only
25 the amount necessary to continue multiyear ac-

1 tivities carried out pursuant to section 1211(b)
2 that began during or prior to the preceding fis-
3 cal year; or

4 “(B) exceeds the amount appropriated for
5 the preceding fiscal year, the Secretary shall re-
6 serve from such excess amount \$2,000,000 or
7 50 percent, whichever is less, to carry out sec-
8 tion 1211(b).”.

9 (d) RESERVATION FOR GRANTS.—Section 1202(c)(1)
10 of the Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 6362(c)(1)) is amended—

12 (1) by striking “From funds reserved under
13 section 2260(b)(3), the Secretary shall award
14 grants,” and inserting “For any fiscal year for
15 which at least one State applies and submits an ap-
16 plication that meets the requirements and goals of
17 this subsection and for which the amount appro-
18 priated under section 1002(b) exceeds the amount
19 appropriated under such section for the preceding
20 fiscal year, the Secretary shall reserve, from the
21 amount of such excess remaining after the applica-
22 tion of subsection (b)(2), the amount of such re-
23 mainder or \$1,000,000, whichever is less, to award
24 grants,”; and

1 (2) by adding at the end “No State may receive
2 more than one grant under this subsection.”.

3 (e) ALLOCATIONS.—Section 1202(d)(2) of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 6362(d)(2)) is amended by striking “that section” and in-
6 serting “that part”.

7 (f) STATE LEVEL ACTIVITIES.—Section 1203(a) of
8 the Elementary and Secondary Education Act of 1965 (20
9 U.S.C. 6363(a)) is amended—

10 (1) by striking “5 percent” and inserting “a
11 total of 6 percent”; and

12 (2) in paragraph (1), by inserting before the
13 semicolon the following: “, not to exceed half of such
14 total”.

15 (g) SUBGRANTS FOR LOCAL PROGRAMS.—Section
16 1203(b)(2) of the Elementary and Secondary Education
17 Act of 1965 (20 U.S.C. 6363(b)(2)) is amended to read
18 as follows:

19 “(2) MINIMUM SUBGRANT AMOUNTS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraphs (B) and (C), no State shall
22 award a subgrant under paragraph (1) in an
23 amount less than \$75,000.

24 “(B) SUBGRANTEES IN NINTH AND SUC-
25 CEEDING YEARS.—No State shall award a

1 subgrant under paragraph (1) in an amount
2 less than \$52,500 to an eligible entity for a fis-
3 cal year to carry out an Even Start program
4 that is receiving assistance under this part or
5 its predecessor authority for the ninth (or any
6 subsequent) fiscal year.

7 “(C) EXCEPTION FOR SINGLE
8 SUBGRANT.—A State may award one subgrant
9 in each fiscal year of sufficient size, scope, and
10 quality to be effective in an amount less than
11 \$75,000 if, after awarding subgrants under
12 paragraph (1) for such fiscal year in accordance
13 with subparagraphs (A) and (B), less than
14 \$75,000 is available to the State to award such
15 subgrants.”.

16 (h) USES OF FUNDS.—Section 1204 of the Elemen-
17 tary and Secondary Education Act of 1965 (20 U.S.C.
18 6364) is amended—

19 (1) in subsection (a), by striking “family-cen-
20 tered education programs” and inserting “family lit-
21 eracy services”; and

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

23 “(c) USE OF FUNDS FOR FAMILY LITERACY SERV-
24 ICES.—

1 “(1) IN GENERAL.—From funds reserved under
2 section 1203(a), a State may use a portion of such
3 funds to assist eligible entities receiving a subgrant
4 under section 1203(b) in improving the quality of
5 family literacy services provided under Even Start
6 programs under this part, except that in no case
7 may a State’s use of funds for this purpose for a fis-
8 cal year result in a decrease from the level of activi-
9 ties and services provided to program participants in
10 the preceding year.

11 “(2) PRIORITY.—In carrying out paragraph (1),
12 a State shall give priority to programs that were of
13 low quality, as evaluated based on the indicators of
14 program quality developed by the State under sec-
15 tion 1210.

16 “(3) TECHNICAL ASSISTANCE TO HELP LOCAL
17 PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying
18 out paragraph (1), a State may use the funds re-
19 ferred to in such paragraph to provide technical as-
20 sistance to help local programs of demonstrated ef-
21 fectiveness to access and leverage additional funds
22 for the purpose of expanding services and reducing
23 waiting lists, including requesting and applying for
24 non-Federal resources.

1 “(4) TECHNICAL ASSISTANCE AND TRAINING.—
2 Assistance under paragraph (1) shall be in the form
3 of technical assistance and training, provided by a
4 State through a grant, contract, or cooperative
5 agreement with an entity that has experience in of-
6 fering high quality training and technical assistance
7 to family literacy providers.”.

8 (i) PROGRAM ELEMENTS.—Section 1205 of the Ele-
9 mentary and Secondary Education Act of 1965 (20 U.S.C.
10 6365) is amended—

11 (1) by redesignating paragraphs (9) and (10)
12 as paragraphs (14) and (15), respectively;

13 (2) by redesignating paragraphs (5) through
14 (8) as paragraphs (6) through (9), respectively;

15 (3) by inserting after paragraph (4) the fol-
16 lowing:

17 “(5) with respect to the qualifications of staff
18 the cost of whose salaries are paid, in whole or in
19 part, with Federal funds provided under this part,
20 ensure that—

21 “(A) not later than 4 years after the date
22 of the enactment of the Literacy Involves Fami-
23 lies Together Act—

24 “(i) a majority of the individuals pro-
25 viding academic instruction—

1 “(I) shall have obtained an asso-
2 ciate’s, bachelor’s, or graduate degree
3 in a field related to early childhood
4 education, elementary or secondary
5 school education, or adult education;
6 and

7 “(II) if applicable, shall meet
8 qualifications established by the State
9 for early childhood education, elemen-
10 tary or secondary school education, or
11 adult education provided as part of an
12 Even Start program or another family
13 literacy program;

14 “(ii) the individual responsible for ad-
15 ministration of family literacy services
16 under this part has received training in the
17 operation of a family literacy program; and

18 “(iii) paraprofessionals who provide
19 support for academic instruction have a
20 high school diploma or its recognized
21 equivalent; and

22 “(B) beginning on the date of the enact-
23 ment of the Literacy Involves Families To-
24 gether Act, all new personnel hired to provide
25 academic instruction—

1 “(i) have obtained an associate’s,
2 bachelor’s, or graduate degree in a field re-
3 lated to early childhood education, elemen-
4 tary or secondary school education, or
5 adult education; and

6 “(ii) if applicable, meet qualifications
7 established by the State for early childhood
8 education, elementary or secondary school
9 education, or adult education provided as
10 part of an Even Start program or another
11 family literacy program;”;

12 (4) in paragraph (8) (as so redesignated by
13 paragraph (2), by striking “or enrichment” and in-
14 serting “and enrichment”.

15 (5) by inserting after paragraph (9) (as so re-
16 designated by paragraph (2)) the following:

17 “(10) use instructional programs based on sci-
18 entifically based reading research (as defined in sec-
19 tion 2252) for children and adults, to the extent
20 such research is available;

21 “(11) encourage participating families to attend
22 regularly and to remain in the program a sufficient
23 time to meet their program goals;

24 “(12) include reading readiness activities for
25 preschool children based on scientifically based read-

1 ing research (as defined in section 2252), to the ex-
2 tent available, to ensure children enter school ready
3 to learn to read;

4 “(13) if applicable, promote the continuity of
5 family literacy to ensure that individuals retain and
6 improve their educational outcomes”; and

7 (5) in paragraph (14) (as so redesignated), by
8 striking “program.” and inserting “program to be
9 used for program improvement.”.

10 (j) ELIGIBLE PARTICIPANTS.—Section 1206 of the
11 Elementary and Secondary Education Act of 1965 (20
12 U.S.C. 6366) is amended—

13 (1) in subsection (a)(1)(B) by striking “part;”
14 and inserting “part, or who are attending secondary
15 school;”; and

16 (2) in subsection (b), by adding at the end the
17 following:

18 “(3) CHILDREN 8 YEARS OF AGE OR OLDER.—
19 If an Even Start program assisted under this part
20 collaborates with a program under part A, and funds
21 received under such part A program contribute to
22 paying the cost of providing programs under this
23 part to children 8 years of age or older, the Even
24 Start program, notwithstanding subsection (a)(2),
25 may permit the participation of children 8 years of

1 age or older if the focus of the program continues
2 to remain on families with young children.”.

3 (k) PLAN.—Section 1207(c) of the Elementary and
4 Secondary Education Act of 1965 (20 U.S.C. 6367(c)) is
5 amended—

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph
8 (A), by inserting “and continuous improve-
9 ment” after “plan of operation”;

10 (B) in subparagraph (A), by striking
11 “goals;” and inserting “objectives, strategies to
12 meet such objectives, and how they are con-
13 sistent with the program indicators established
14 by the State;”;

15 (C) in subparagraph (E), by striking
16 “and” at the end;

17 (D) in subparagraph (F)—

18 (i) by striking “Act, the Goals 2000:
19 Educate America Act,” and inserting
20 “Act”; and

21 (ii) by striking the period at the end
22 and inserting “; and”; and

23 (E) by adding at the end the following:

24 “(G) a description of how the plan pro-
25 vides for rigorous and objective evaluation of

1 progress toward the program objectives de-
2 scribed in subparagraph (A) and for continuing
3 use of evaluation data for program improve-
4 ment.”; and

5 (2) in paragraph (2), in the matter preceding
6 subparagraph (A), by striking “(1)(A)” and insert-
7 ing “(1)”.

8 (l) AWARD OF SUBGRANTS.—Section 1208 of the El-
9 ementary and Secondary Education Act of 1965 (20
10 U.S.C. 6368) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)(B)—

13 (i) by striking “including a high” and
14 inserting “such as a high”; and

15 (ii) by striking “part A;” and insert-
16 ing “part A, a high number or percentage
17 of parents who have been victims of domes-
18 tic violence, or a high number or percent-
19 age of parents who are receiving assistance
20 under a State program funded under part
21 A of title IV of the Social Security Act (42
22 U.S.C. 601 et seq.);”;

23 (B) in paragraph (1)(F), by striking “Fed-
24 eral” and inserting “non-Federal”;

1 (C) in paragraph (1)(H), by inserting
2 “family literacy projects and other” before
3 “local educational agencies”; and

4 (D) in paragraph (3), in the matter pre-
5 ceding subparagraph (A), by striking “one or
6 more of the following individuals:” and insert-
7 ing “one individual with expertise in family lit-
8 eracy programs, and may include other individ-
9 uals, such as one or more of the following:”;
10 and

11 (2) in subsection (b)—

12 (A) by striking paragraph (3) and insert-
13 ing the following:

14 “(3) CONTINUING ELIGIBILITY.—In awarding
15 subgrant funds to continue a program under this
16 part after the first year, the State educational agen-
17 cy shall review the progress of each eligible entity in
18 meeting the objectives of the program referred to in
19 section 1207(e)(1)(A) and shall evaluate the pro-
20 gram based on the indicators of program quality de-
21 veloped by the State under section 1210.”; and

22 (B) by amending paragraph (5)(B) to read
23 as follows:

1 “(B) The Federal share of any subgrant re-
2 newed under subparagraph (A) shall be limited in
3 accordance with section 1204(b).”.

4 (m) RESEARCH.—Section 1211 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 6369b)
6 is amended—

7 (1) in subsection (b), by striking “subsection
8 (a)” and inserting “subsections (a) and (b)”;

9 (2) by redesignating subsection (b) as sub-
10 section (c); and

11 (3) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY
14 LITERACY.—

15 “(1) IN GENERAL.—From amounts reserved
16 under section 1202(b)(2), the National Institute for
17 Literacy, in consultation with the Secretary, shall
18 carry out research that—

19 “(A) is scientifically based reading re-
20 search (as defined in section 2252); and

21 “(B) determines—

22 “(i) the most effective ways of improv-
23 ing the literacy skills of adults with read-
24 ing difficulties; and

1 “(ii) how family literacy services can
2 best provide parents with the knowledge
3 and skills they need to support their chil-
4 dren’s literacy development.

5 “(2) USE OF EXPERT ENTITY.—The National
6 Institute for Literacy, in consultation with the Sec-
7 retary, shall carry out the research under paragraph
8 (1) through an entity, including a Federal agency,
9 that has expertise in carrying out longitudinal stud-
10 ies of the development of literacy skills in children
11 and has developed effective interventions to help
12 children with reading difficulties.”.

13 (n) INDICATORS OF PROGRAM QUALITY.—Not later
14 than 30 days after the date of the enactment of this Act,
15 the Secretary shall notify each State that receives funds
16 under part B of title I of the Elementary and Secondary
17 Education Act of 1965 that to be eligible to receive fiscal
18 year 2001 funds under part B, such State shall submit
19 to the Secretary, not later than June 30, 2001, its indica-
20 tors of program quality as described in section 1210 of
21 the Elementary and Secondary Education Act of 1965. A
22 State that fails to comply with this subsection shall be in-
23 eligible to receive funds under such part in subsequent
24 years unless such State submits to the Secretary, not later
25 than June 30 of the year in which funds are requested,

1 its indicators of program quality as described in section
2 1210 of the Elementary and Secondary Education Act of
3 1965.

4 **SEC. 1605. EDUCATION OF MIGRATORY CHILDREN.**

5 Section 1304(b) of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

7 (1) in paragraph (5), by striking “and” at the
8 end;

9 (2) in paragraph (6), by striking the period at
10 the end and inserting “; and”; and

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

12 “(7) a description of how the State will encour-
13 age programs and projects assisted under this part
14 to offer family literacy services if the program or
15 project serves a substantial number of migratory
16 children who have parents who do not have a high
17 school diploma or its recognized equivalent or who
18 have low levels of literacy.”.

19 **SEC. 1606. DEFINITIONS.**

20 (a) IN GENERAL.—Section 14101 of the Elementary
21 and Secondary Education Act of 1965 (20 U.S.C. 8801)
22 is amended—

23 (1) by redesignating paragraphs (15) through

24 (29) as paragraphs (16) through (30), respectively;

25 and

1 (2) by inserting after paragraph (14) the fol-
2 lowing:

3 “(15) FAMILY LITERACY SERVICES.—The term
4 ‘family literacy services’ means services provided to
5 participants on a voluntary basis that are of suffi-
6 cient intensity in terms of hours, and of sufficient
7 duration, to make sustainable changes in a family,
8 and that integrate all of the following activities:

9 “(A) Interactive literacy activities between
10 parents and their children.

11 “(B) Training for parents regarding how
12 to be the primary teacher for their children and
13 full partners in the education of their children.

14 “(C) Parent literacy training that leads to
15 economic self-sufficiency.

16 “(D) An age-appropriate education to pre-
17 pare children for success in school and life ex-
18 periences.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) EVEN START FAMILY LITERACY PRO-
21 GRAMS.—Section 1202(e) of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C.
23 6362(e)) is amended—

24 (A) by striking paragraph (3); and

1 (B) by redesignating paragraphs (4) and
2 (5) as paragraphs (3) and (4), respectively.

3 (2) **READING AND LITERACY GRANTS.**—(A)
4 Section 2252 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6661a) is amended—

6 (i) by striking paragraph (2); and

7 (ii) by redesignating paragraphs (3)
8 through (5) as paragraphs (2) through (4), re-
9 spectively.

10 (B) Section 2260 of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C. 6661i) is
12 amendmed—

13 (i) in subsection (a), by striking “and sec-
14 tion 1202(c)” each place it appears, and

15 (ii) in subsection (b)—

16 (I) in paragraph (1), by inserting
17 “and” after the semicolon;

18 (II) in paragraph (2), by striking “;
19 and ” and inserting a period; and

20 (III) by striking paragraph (3).

21 **SEC. 1607. INDIAN EDUCATION.**

22 (a) **EARLY CHILDHOOD DEVELOPMENT PROGRAM.**—
23 Section 1143 of the Education Amendments of 1978 (25
24 U.S.C. 2023) is amended—

1 (1) in subsection (b)(1), in the matter pre-
2 ceding subparagraph (A)—

3 (A) by striking “(f)” and inserting “(g)”;

4 and

5 (B) by striking “(e)” and inserting
6 “(f)”;

7 (2) in subsection (d)(1)—

8 (A) by redesignating subparagraphs (D)
9 and (E) as subparagraphs (E) and (F), respec-
10 tively; and

11 (B) by inserting after subparagraph (C)
12 the following:

13 “(D) family literacy services,”;

14 (3) in subsection (e), by striking “(f),” and in-
15 serting “(g),”;

16 (4) by redesignating subsections (e) and (f) as
17 subsections (f) and (g), respectively; and

18 (5) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) Family literacy programs operated under this
21 section, and other family literacy programs operated by
22 the Bureau of Indian Affairs, shall be coordinated with
23 family literacy programs for American Indian children
24 under part B of title I of the Elementary and Secondary
25 Education Act of 1965 in order to avoid duplication and

1 to encourage the dissemination of information on quality
2 family literacy programs serving American Indians.”.

3 (b) DEFINITIONS.—Section 1146 of the Education
4 Amendments of 1978 (25 U.S.C. 2026) is amended—

5 (1) by redesignating paragraphs (7) through
6 (14) as paragraphs (8) through (15), respectively;
7 and

8 (2) by inserting after paragraph (6) the fol-
9 lowing:

10 “(7) the term ‘family literacy services’ has the
11 meaning given such term in section 14101 of the El-
12 elementary and Secondary Education Act of 1965 (20
13 U.S.C. 8801);”.

14 **TITLE XVII—CHILDREN’S**
15 **INTERNET PROTECTION**

16 **SEC. 1701. SHORT TITLE.**

17 This title may be cited as the “Children’s Internet
18 Protection Act”.

19 **SEC. 1702. DISCLAIMERS.**

20 (a) DISCLAIMER REGARDING CONTENT.—Nothing in
21 this title or the amendments made by this title shall be
22 construed to prohibit a local educational agency, elemen-
23 tary or secondary school, or library from blocking access
24 on the Internet on computers owned or operated by that
25 agency, school, or library to any content other than con-

1 tent covered by this title or the amendments made by this
2 title.

3 (b) **DISCLAIMER REGARDING PRIVACY.**—Nothing in
4 this title or the amendments made by this title shall be
5 construed to require the tracking of Internet use by any
6 identifiable minor or adult user.

7 **SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEAS-**
8 **URES.**

9 (a) **IN GENERAL.**—Not later than 18 months after
10 the date of the enactment of this Act, the National Tele-
11 communications and Information Administration shall ini-
12 tiate a notice and comment proceeding for purposes of—

13 (1) evaluating whether or not currently avail-
14 able technology protection measures, including com-
15 mercial Internet blocking and filtering software, ade-
16 quately addresses the needs of educational institu-
17 tions;

18 (2) making recommendations on how to foster
19 the development of measures that meet such needs;
20 and

21 (3) evaluating the development and effective-
22 ness of local Internet safety policies that are cur-
23 rently in operation after community input.

24 (b) **DEFINITIONS.**—In this section:

1 (1) TECHNOLOGY PROTECTION MEASURE.—The
2 term “technology protection measure” means a spe-
3 cific technology that blocks or filters Internet access
4 to visual depictions that are—

5 (A) obscene, as that term is defined in sec-
6 tion 1460 of title 18, United States Code;

7 (B) child pornography, as that term is de-
8 fined in section 2256 of title 18, United States
9 Code; or

10 (C) harmful to minors.

11 (2) HARMFUL TO MINORS.—The term “harmful
12 to minors” means any picture, image, graphic image
13 file, or other visual depiction that—

14 (A) taken as a whole and with respect to
15 minors, appeals to a prurient interest in nudity,
16 sex, or excretion;

17 (B) depicts, describes, or represents, in a
18 patently offensive way with respect to what is
19 suitable for minors, an actual or simulated sex-
20 ual act or sexual contact, actual or simulated
21 normal or perverted sexual acts, or a lewd exhi-
22 bition of the genitals; and

23 (C) taken as a whole, lacks serious literary,
24 artistic, political, or scientific value as to mi-
25 nors.

1 (3) SEXUAL ACT; SEXUAL CONTACT.—The
2 terms “sexual act” and “sexual contact” have the
3 meanings given such terms in section 2246 of title
4 18, United States Code.

5 **Subtitle A—Federal Funding for**
6 **Educational Institution Computers**

7 **SEC. 1711. LIMITATION ON AVAILABILITY OF CERTAIN**
8 **FUNDS FOR SCHOOLS.**

9 Title III of the Elementary and Secondary Education
10 Act of 1965 (20 U.S.C. 6801 et seq.) is amended by add-
11 ing at the end the following:

12 **“PART F—LIMITATION ON AVAILABILITY OF**
13 **CERTAIN FUNDS FOR SCHOOLS**

14 **“SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN**
15 **FUNDS FOR SCHOOLS.**

16 “(a) INTERNET SAFETY.—

17 “(1) IN GENERAL.—No funds made available
18 under this title to a local educational agency for an
19 elementary or secondary school that does not receive
20 services at discount rates under section 254(h)(5) of
21 the Communications Act of 1934, as added by sec-
22 tion 1721 of Children’s Internet Protection Act, may
23 be used to purchase computers used to access the
24 Internet, or to pay for direct costs associated with
25 accessing the Internet, for such school unless the

1 school, school board, local educational agency, or
2 other authority with responsibility for administration
3 of such school both—

4 “(A)(i) has in place a policy of Internet
5 safety for minors that includes the operation of
6 a technology protection measure with respect to
7 any of its computers with Internet access that
8 protects against access through such computers
9 to visual depictions that are—

10 “(I) obscene;

11 “(II) child pornography; or

12 “(III) harmful to minors; and

13 “(ii) is enforcing the operation of such
14 technology protection measure during any use
15 of such computers by minors; and

16 “(B)(i) has in place a policy of Internet
17 safety that includes the operation of a tech-
18 nology protection measure with respect to any
19 of its computers with Internet access that pro-
20 tects against access through such computers to
21 visual depictions that are—

22 “(I) obscene; or

23 “(II) child pornography; and

1 “(ii) is enforcing the operation of such
2 technology protection measure during any use
3 of such computers.

4 “(2) TIMING AND APPLICABILITY OF IMPLE-
5 MENTATION.—

6 “(A) IN GENERAL.—The local educational
7 agency with responsibility for a school covered
8 by paragraph (1) shall certify the compliance of
9 such school with the requirements of paragraph
10 (1) as part of the application process for the
11 next program funding year under this Act fol-
12 lowing the effective date of this section, and for
13 each subsequent program funding year there-
14 after.

15 “(B) PROCESS.—

16 “(i) SCHOOLS WITH INTERNET SAFE-
17 TY POLICIES AND TECHNOLOGY PROTEC-
18 TION MEASURES IN PLACE.—A local edu-
19 cational agency with responsibility for a
20 school covered by paragraph (1) that has
21 in place an Internet safety policy meeting
22 the requirements of paragraph (1) shall
23 certify its compliance with paragraph (1)
24 during each annual program application
25 cycle under this Act.

1 “(ii) SCHOOLS WITHOUT INTERNET
2 SAFETY POLICIES AND TECHNOLOGY PRO-
3 TECTION MEASURES IN PLACE.—A local
4 educational agency with responsibility for a
5 school covered by paragraph (1) that does
6 not have in place an Internet safety policy
7 meeting the requirements of paragraph
8 (1)—

9 “(I) for the first program year
10 after the effective date of this section
11 in which the local educational agency
12 is applying for funds for such school
13 under this Act, shall certify that it is
14 undertaking such actions, including
15 any necessary procurement proce-
16 dures, to put in place an Internet
17 safety policy that meets such require-
18 ments; and

19 “(II) for the second program
20 year after the effective date of this
21 section in which the local educational
22 agency is applying for funds for such
23 school under this Act, shall certify
24 that such school is in compliance with
25 such requirements.

1 Any school covered by paragraph (1) for
2 which the local educational agency con-
3 cerned is unable to certify compliance with
4 such requirements in such second program
5 year shall be ineligible for all funding
6 under this title for such second program
7 year and all subsequent program years
8 until such time as such school comes into
9 compliance with such requirements.

10 “(iii) WAIVERS.—Any school subject
11 to a certification under clause (ii)(II) for
12 which the local educational agency con-
13 cerned cannot make the certification other-
14 wise required by that clause may seek a
15 waiver of that clause if State or local pro-
16 curement rules or regulations or competi-
17 tive bidding requirements prevent the mak-
18 ing of the certification otherwise required
19 by that clause. The local educational agen-
20 cy concerned shall notify the Secretary of
21 the applicability of that clause to the
22 school. Such notice shall certify that the
23 school will be brought into compliance with
24 the requirements in paragraph (1) before
25 the start of the third program year after

1 the effective date of this section in which
2 the school is applying for funds under this
3 title.

4 “(3) DISABLING DURING CERTAIN USE.—An
5 administrator, supervisor, or person authorized by
6 the responsible authority under paragraph (1) may
7 disable the technology protection measure concerned
8 to enable access for bona fide research or other law-
9 ful purposes.

10 “(4) NONCOMPLIANCE.—

11 “(A) USE OF GENERAL EDUCATION PROVI-
12 SIONS ACT REMEDIES.—Whenever the Secretary
13 has reason to believe that any recipient of funds
14 under this title is failing to comply substantially
15 with the requirements of this subsection, the
16 Secretary may—

17 “(i) withhold further payments to the
18 recipient under this title,

19 “(ii) issue a complaint to compel com-
20 pliance of the recipient through a cease
21 and desist order, or

22 “(iii) enter into a compliance agree-
23 ment with a recipient to bring it into com-
24 pliance with such requirements,

1 in same manner as the Secretary is authorized
2 to take such actions under sections 455, 456,
3 and 457, respectively, of the General Education
4 Provisions Act (20 U.S.C. 1234d).

5 “(B) RECOVERY OF FUNDS PROHIBITED.—

6 The actions authorized by subparagraph (A)
7 are the exclusive remedies available with respect
8 to the failure of a school to comply substantially
9 with a provision of this subsection, and the Sec-
10 retary shall not seek a recovery of funds from
11 the recipient for such failure.

12 “(C) RECOMMENCEMENT OF PAYMENTS.—

13 Whenever the Secretary determines (whether by
14 certification or other appropriate evidence) that
15 a recipient of funds who is subject to the with-
16 holding of payments under subparagraph (A)(i)
17 has cured the failure providing the basis for the
18 withholding of payments, the Secretary shall
19 cease the withholding of payments to the recipi-
20 ent under that subparagraph.

21 “(5) DEFINITIONS.—In this section:

22 “(A) COMPUTER.—The term ‘computer’
23 includes any hardware, software, or other tech-
24 nology attached or connected to, installed in, or
25 otherwise used in connection with a computer.

1 “(B) ACCESS TO INTERNET.—A computer
2 shall be considered to have access to the Inter-
3 net if such computer is equipped with a modem
4 or is connected to a computer network which
5 has access to the Internet.

6 “(C) ACQUISITION OR OPERATION.—A ele-
7 mentary or secondary school shall be considered
8 to have received funds under this title for the
9 acquisition or operation of any computer if such
10 funds are used in any manner, directly or
11 indirectly—

12 “(i) to purchase, lease, or otherwise
13 acquire or obtain the use of such com-
14 puter; or

15 “(ii) to obtain services, supplies, soft-
16 ware, or other actions or materials to sup-
17 port, or in connection with, the operation
18 of such computer.

19 “(D) MINOR.—The term ‘minor’ means an
20 individual who has not attained the age of 17.

21 “(E) CHILD PORNOGRAPHY.—The term
22 ‘child pornography’ has the meaning given such
23 term in section 2256 of title 18, United States
24 Code.

1 “(F) HARMFUL TO MINORS.—The term
2 ‘harmful to minors’ means any picture, image,
3 graphic image file, or other visual depiction
4 that—

5 “(i) taken as a whole and with respect
6 to minors, appeals to a prurient interest in
7 nudity, sex, or excretion;

8 “(ii) depicts, describes, or represents,
9 in a patently offensive way with respect to
10 what is suitable for minors, an actual or
11 simulated sexual act or sexual contact, ac-
12 tual or simulated normal or perverted sex-
13 ual acts, or a lewd exhibition of the geni-
14 tals; and

15 “(iii) taken as a whole, lacks serious
16 literary, artistic, political, or scientific
17 value as to minors.

18 “(G) OBSCENE.—The term ‘obscene’ has
19 the meaning given such term in section 1460 of
20 title 18, United States Code.

21 “(H) SEXUAL ACT; SEXUAL CONTACT.—
22 The terms ‘sexual act’ and ‘sexual contact’ have
23 the meanings given such terms in section 2246
24 of title 18, United States Code.

1 of this Children’s Internet Protection Act, may be
2 used to purchase computers used to access the Inter-
3 net, or to pay for direct costs associated with access-
4 ing the Internet, for such library unless—

5 “(A) such library—

6 “(i) has in place a policy of Internet
7 safety for minors that includes the oper-
8 ation of a technology protection measure
9 with respect to any of its computers with
10 Internet access that protects against access
11 through such computers to visual depic-
12 tions that are—

13 “(I) obscene;

14 “(II) child pornography; or

15 “(III) harmful to minors; and

16 “(ii) is enforcing the operation of such
17 technology protection measure during any
18 use of such computers by minors; and

19 “(B) such library—

20 “(i) has in place a policy of Internet
21 safety that includes the operation of a
22 technology protection measure with respect
23 to any of its computers with Internet ac-
24 cess that protects against access through

1 such computers to visual depictions that
2 are—

3 “(I) obscene; or

4 “(II) child pornography; and

5 “(ii) is enforcing the operation of such
6 technology protection measure during any
7 use of such computers.

8 “(2) ACCESS TO OTHER MATERIALS.—Nothing
9 in this subsection shall be construed to prohibit a li-
10 brary from limiting Internet access to or otherwise
11 protecting against materials other than those re-
12 ferred to in subclauses (I), (II), and (III) of para-
13 graph (1)(A)(i).

14 “(3) DISABLING DURING CERTAIN USE.—An
15 administrator, supervisor, or other authority may
16 disable a technology protection measure under para-
17 graph (1) to enable access for bona fide research or
18 other lawful purposes.

19 “(4) TIMING AND APPLICABILITY OF IMPLE-
20 MENTATION.—

21 “(A) IN GENERAL.—A library covered by
22 paragraph (1) shall certify the compliance of
23 such library with the requirements of paragraph
24 (1) as part of the application process for the
25 next program funding year under this Act fol-

1 lowing the effective date of this subsection, and
2 for each subsequent program funding year
3 thereafter.

4 “(B) PROCESS.—

5 “(i) LIBRARIES WITH INTERNET
6 SAFETY POLICIES AND TECHNOLOGY PRO-
7 TECTION MEASURES IN PLACE.—A library
8 covered by paragraph (1) that has in place
9 an Internet safety policy meeting the re-
10 quirements of paragraph (1) shall certify
11 its compliance with paragraph (1) during
12 each annual program application cycle
13 under this Act.

14 “(ii) LIBRARIES WITHOUT INTERNET
15 SAFETY POLICIES AND TECHNOLOGY PRO-
16 TECTION MEASURES IN PLACE.—A library
17 covered by paragraph (1) that does not
18 have in place an Internet safety policy
19 meeting the requirements of paragraph
20 (1)—

21 “(I) for the first program year
22 after the effective date of this sub-
23 section in which the library applies for
24 funds under this Act, shall certify
25 that it is undertaking such actions, in-

1 including any necessary procurement
2 procedures, to put in place an Inter-
3 net safety policy that meets such re-
4 quirements; and

5 “(II) for the second program
6 year after the effective date of this
7 subsection in which the library applies
8 for funds under this Act, shall certify
9 that such library is in compliance with
10 such requirements.

11 Any library covered by paragraph (1) that
12 is unable to certify compliance with such
13 requirements in such second program year
14 shall be ineligible for all funding under this
15 Act for such second program year and all
16 subsequent program years until such time
17 as such library comes into compliance with
18 such requirements.

19 “(iii) WAIVERS.—Any library subject
20 to a certification under clause (ii)(II) that
21 cannot make the certification otherwise re-
22 quired by that clause may seek a waiver of
23 that clause if State or local procurement
24 rules or regulations or competitive bidding
25 requirements prevent the making of the

1 certification otherwise required by that
2 clause. The library shall notify the Direc-
3 tor of the Institute of Museum and Li-
4 brary Services of the applicability of that
5 clause to the library. Such notice shall cer-
6 tify that the library will comply with the
7 requirements in paragraph (1) before the
8 start of the third program year after the
9 effective date of this subsection for which
10 the library is applying for funds under this
11 Act.

12 “(5) NONCOMPLIANCE.—

13 “(A) USE OF GENERAL EDUCATION PROVI-
14 SIONS ACT REMEDIES.—Whenever the Director
15 of the Institute of Museum and Library Serv-
16 ices has reason to believe that any recipient of
17 funds this Act is failing to comply substantially
18 with the requirements of this subsection, the
19 Director may—

20 “(i) withhold further payments to the
21 recipient under this Act,

22 “(ii) issue a complaint to compel com-
23 pliance of the recipient through a cease
24 and desist order, or

1 “(iii) enter into a compliance agree-
2 ment with a recipient to bring it into com-
3 pliance with such requirements.

4 “(B) RECOVERY OF FUNDS PROHIBITED.—
5 The actions authorized by subparagraph (A)
6 are the exclusive remedies available with respect
7 to the failure of a library to comply substan-
8 tially with a provision of this subsection, and
9 the Director shall not seek a recovery of funds
10 from the recipient for such failure.

11 “(C) RECOMMENCEMENT OF PAYMENTS.—
12 Whenever the Director determines (whether by
13 certification or other appropriate evidence) that
14 a recipient of funds who is subject to the with-
15 holding of payments under subparagraph (A)(i)
16 has cured the failure providing the basis for the
17 withholding of payments, the Director shall
18 cease the withholding of payments to the recipi-
19 ent under that subparagraph.

20 “(6) SEPARABILITY.—If any provision of this
21 subsection is held invalid, the remainder of this sub-
22 section shall not be affected thereby.

23 “(7) DEFINITIONS.—In this section:

24 “(A) CHILD PORNOGRAPHY.—The term
25 ‘child pornography’ has the meaning given such

1 term in section 2256 of title 18, United States
2 Code.

3 “(B) HARMFUL TO MINORS.—The term
4 ‘harmful to minors’ means any picture, image,
5 graphic image file, or other visual depiction
6 that—

7 “(i) taken as a whole and with respect
8 to minors, appeals to a prurient interest in
9 nudity, sex, or excretion;

10 “(ii) depicts, describes, or represents,
11 in a patently offensive way with respect to
12 what is suitable for minors, an actual or
13 simulated sexual act or sexual contact, ac-
14 tual or simulated normal or perverted sex-
15 ual acts, or a lewd exhibition of the geni-
16 tals; and

17 “(iii) taken as a whole, lacks serious
18 literary, artistic, political, or scientific
19 value as to minors.

20 “(C) MINOR.—The term ‘minor’ means an
21 individual who has not attained the age of 17.

22 “(D) OBSCENE.—The term ‘obscene’ has
23 the meaning given such term in section 1460 of
24 title 18, United States Code.

1 “(E) SEXUAL ACT; SEXUAL CONTACT.—
 2 The terms ‘sexual act’ and ‘sexual contact’ have
 3 the meanings given such terms in section 2246
 4 of title 18, United States Code.”.

5 (b) EFFECTIVE DATE.—The amendment made by
 6 this section shall take effect 120 days after the date of
 7 the enactment of this Act.

8 **Subtitle B—Universal Service** 9 **Discounts**

10 **SEC. 1721. REQUIREMENT FOR SCHOOLS AND LIBRARIES** 11 **TO ENFORCE INTERNET SAFETY POLICIES** 12 **WITH TECHNOLOGY PROTECTION MEASURES** 13 **FOR COMPUTERS WITH INTERNET ACCESS AS** 14 **CONDITION OF UNIVERSAL SERVICE DIS-** 15 **COUNTS.**

16 (a) SCHOOLS.—Section 254(h) of the Communica-
 17 tions Act of 1934 (47 U.S.C. 254(h)) is amended—

18 (1) by redesignating paragraph (5) as para-
 19 graph (7); and

20 (2) by inserting after paragraph (4) the fol-
 21 lowing new paragraph (5):

22 “(5) REQUIREMENTS FOR CERTAIN SCHOOLS
 23 WITH COMPUTERS HAVING INTERNET ACCESS.—

24 “(A) INTERNET SAFETY.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), an elementary or sec-
3 ondary school having computers with
4 Internet access may not receive services at
5 discount rates under paragraph (1)(B) un-
6 less the school, school board, local edu-
7 cational agency, or other authority with re-
8 sponsibility for administration of the
9 school—

10 “(I) submits to the Commission
11 the certifications described in sub-
12 paragraphs (B) and (C);

13 “(II) submits to the Commission
14 a certification that an Internet safety
15 policy has been adopted and imple-
16 mented for the school under sub-
17 section (1); and

18 “(III) ensures the use of such
19 computers in accordance with the cer-
20 tifications.

21 “(ii) APPLICABILITY.—The prohibi-
22 tion in clause (i) shall not apply with re-
23 spect to a school that receives services at
24 discount rates under paragraph (1)(B)
25 only for purposes other than the provision

1 of Internet access, Internet service, or in-
2 ternal connections.

3 “(iii) PUBLIC NOTICE; HEARING.—An
4 elementary or secondary school described
5 in clause (i), or the school board, local edu-
6 cational agency, or other authority with re-
7 sponsibility for administration of the
8 school, shall provide reasonable public no-
9 tice and hold at least one public hearing or
10 meeting to address the proposed Internet
11 safety policy. In the case of an elementary
12 or secondary school other than an elemen-
13 tary or secondary school as defined in sec-
14 tion 14101 of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C.
16 8801), the notice and hearing required by
17 this clause may be limited to those mem-
18 bers of the public with a relationship to the
19 school.

20 “(B) CERTIFICATION WITH RESPECT TO
21 MINORS.—A certification under this subpara-
22 graph is a certification that the school, school
23 board, local educational agency, or other au-
24 thority with responsibility for administration of
25 the school—

1 “(i) is enforcing a policy of Internet
2 safety for minors that includes monitoring
3 the online activities of minors and the op-
4 eration of a technology protection measure
5 with respect to any of its computers with
6 Internet access that protects against access
7 through such computers to visual depic-
8 tions that are—

9 “(I) obscene;

10 “(II) child pornography; or

11 “(III) harmful to minors; and

12 “(ii) is enforcing the operation of such
13 technology protection measure during any
14 use of such computers by minors.

15 “(C) CERTIFICATION WITH RESPECT TO
16 ADULTS.—A certification under this paragraph
17 is a certification that the school, school board,
18 local educational agency, or other authority
19 with responsibility for administration of the
20 school—

21 “(i) is enforcing a policy of Internet
22 safety that includes the operation of a
23 technology protection measure with respect
24 to any of its computers with Internet ac-
25 cess that protects against access through

1 such computers to visual depictions that
2 are—

3 “(I) obscene; or

4 “(II) child pornography; and

5 “(ii) is enforcing the operation of such
6 technology protection measure during any
7 use of such computers.

8 “(D) DISABLING DURING ADULT USE.—An
9 administrator, supervisor, or other person au-
10 thorized by the certifying authority under sub-
11 paragraph (A)(i) may disable the technology
12 protection measure concerned, during use by an
13 adult, to enable access for bona fide research or
14 other lawful purpose.

15 “(E) TIMING OF IMPLEMENTATION.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii) in the case of any school covered by
18 this paragraph as of the effective date of
19 this paragraph under section 1721(h) of
20 the Children’s Internet Protection Act, the
21 certification under subparagraphs (B) and
22 (C) shall be made—

23 “(I) with respect to the first pro-
24 gram funding year under this sub-
25 section following such effective date,

1 not later than 120 days after the be-
2 ginning of such program funding year;
3 and

4 “(II) with respect to any subse-
5 quent program funding year, as part
6 of the application process for such
7 program funding year.

8 “(ii) PROCESS.—

9 “(I) SCHOOLS WITH INTERNET
10 SAFETY POLICY AND TECHNOLOGY
11 PROTECTION MEASURES IN PLACE.—

12 A school covered by clause (i) that has
13 in place an Internet safety policy and
14 technology protection measures meet-
15 ing the requirements necessary for
16 certification under subparagraphs (B)
17 and (C) shall certify its compliance
18 with subparagraphs (B) and (C) dur-
19 ing each annual program application
20 cycle under this subsection, except
21 that with respect to the first program
22 funding year after the effective date
23 of this paragraph under section
24 1721(h) of the Children’s Internet
25 Protection Act, the certifications shall

1 be made not later than 120 days after
2 the beginning of such first program
3 funding year.

4 “(II) SCHOOLS WITHOUT INTER-
5 NET SAFETY POLICY AND TECH-
6 NOLOGY PROTECTION MEASURES IN
7 PLACE.—A school covered by clause
8 (i) that does not have in place an
9 Internet safety policy and technology
10 protection measures meeting the re-
11 quirements necessary for certification
12 under subparagraphs (B) and (C)—

13 “(aa) for the first program
14 year after the effective date of
15 this subsection in which it is ap-
16 plying for funds under this sub-
17 section, shall certify that it is un-
18 dertaking such actions, including
19 any necessary procurement pro-
20 cedures, to put in place an Inter-
21 net safety policy and technology
22 protection measures meeting the
23 requirements necessary for cer-
24 tification under subparagraphs
25 (B) and (C); and

1 “(bb) for the second pro-
2 gram year after the effective date
3 of this subsection in which it is
4 applying for funds under this
5 subsection, shall certify that it is
6 in compliance with subpara-
7 graphs (B) and (C).

8 Any school that is unable to certify
9 compliance with such requirements in
10 such second program year shall be in-
11 eligible for services at discount rates
12 or funding in lieu of services at such
13 rates under this subsection for such
14 second year and all subsequent pro-
15 gram years under this subsection,
16 until such time as such school comes
17 into compliance with this paragraph.

18 “(III) WAIVERS.—Any school
19 subject to subclause (II) that cannot
20 come into compliance with subpara-
21 graphs (B) and (C) in such second
22 year program may seek a waiver of
23 subclause (II)(bb) if State or local
24 procurement rules or regulations or
25 competitive bidding requirements pre-

1 vent the making of the certification
2 otherwise required by such subclause.
3 A school, school board, local edu-
4 cational agency, or other authority
5 with responsibility for administration
6 of the school shall notify the Commis-
7 sion of the applicability of such sub-
8 clause to the school. Such notice shall
9 certify that the school in question will
10 be brought into compliance before the
11 start of the third program year after
12 the effective date of this subsection in
13 which the school is applying for funds
14 under this subsection.

15 “(F) NONCOMPLIANCE.—

16 “(i) FAILURE TO SUBMIT CERTIFI-
17 CATION.—Any school that knowingly fails
18 to comply with the application guidelines
19 regarding the annual submission of certifi-
20 cation required by this paragraph shall not
21 be eligible for services at discount rates or
22 funding in lieu of services at such rates
23 under this subsection.

24 “(ii) FAILURE TO COMPLY WITH CER-
25 TIFICATION.—Any school that knowingly

1 fails to ensure the use of its computers in
2 accordance with a certification under sub-
3 paragraphs (B) and (C) shall reimburse
4 any funds and discounts received under
5 this subsection for the period covered by
6 such certification.

7 “(iii) REMEDY OF NONCOMPLIANCE.—

8 “(I) FAILURE TO SUBMIT.—A

9 school that has failed to submit a cer-
10 tification under clause (i) may remedy
11 the failure by submitting the certifi-
12 cation to which the failure relates.
13 Upon submittal of such certification,
14 the school shall be eligible for services
15 at discount rates under this sub-
16 section.

17 “(II) FAILURE TO COMPLY.—A

18 school that has failed to comply with
19 a certification as described in clause
20 (ii) may remedy the failure by ensur-
21 ing the use of its computers in accord-
22 ance with such certification. Upon
23 submittal to the Commission of a cer-
24 tification or other appropriate evi-
25 dence of such remedy, the school shall

1 be eligible for services at discount
2 rates under this subsection.”.

3 (b) LIBRARIES.—Such section 254(h) is further
4 amended by inserting after paragraph (5), as amended by
5 subsection (a) of this section, the following new para-
6 graph:

7 “(6) REQUIREMENTS FOR CERTAIN LIBRARIES
8 WITH COMPUTERS HAVING INTERNET ACCESS.—

9 “(A) INTERNET SAFETY.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), a library having one or
12 more computers with Internet access may
13 not receive services at discount rates under
14 paragraph (1)(B) unless the library—

15 “(I) submits to the Commission
16 the certifications described in sub-
17 paragraphs (B) and (C); and

18 “(II) submits to the Commission
19 a certification that an Internet safety
20 policy has been adopted and imple-
21 mented for the library under sub-
22 section (1); and

23 “(III) ensures the use of such
24 computers in accordance with the cer-
25 tifications.

1 “(ii) APPLICABILITY.—The prohibi-
2 tion in clause (i) shall not apply with re-
3 spect to a library that receives services at
4 discount rates under paragraph (1)(B)
5 only for purposes other than the provision
6 of Internet access, Internet service, or in-
7 ternal connections.

8 “(iii) PUBLIC NOTICE; HEARING.—A
9 library described in clause (i) shall provide
10 reasonable public notice and hold at least
11 one public hearing or meeting to address
12 the proposed Internet safety policy.

13 “(B) CERTIFICATION WITH RESPECT TO
14 MINORS.—A certification under this subpara-
15 graph is a certification that the library—

16 “(i) is enforcing a policy of Internet
17 safety that includes the operation of a
18 technology protection measure with respect
19 to any of its computers with Internet ac-
20 cess that protects against access through
21 such computers to visual depictions that
22 are—

23 “(I) obscene;

24 “(II) child pornography; or

25 “(III) harmful to minors; and

1 “(ii) is enforcing the operation of such
2 technology protection measure during any
3 use of such computers by minors.

4 “(C) CERTIFICATION WITH RESPECT TO
5 ADULTS.—A certification under this paragraph
6 is a certification that the library—

7 “(i) is enforcing a policy of Internet
8 safety that includes the operation of a
9 technology protection measure with respect
10 to any of its computers with Internet ac-
11 cess that protects against access through
12 such computers to visual depictions that
13 are—

14 “(I) obscene; or

15 “(II) child pornography; and

16 “(ii) is enforcing the operation of such
17 technology protection measure during any
18 use of such computers.

19 “(D) DISABLING DURING ADULT USE.—An
20 administrator, supervisor, or other person au-
21 thorized by the certifying authority under sub-
22 paragraph (A)(i) may disable the technology
23 protection measure concerned, during use by an
24 adult, to enable access for bona fide research or
25 other lawful purpose.

1 “(E) TIMING OF IMPLEMENTATION.—

2 “(i) IN GENERAL.—Subject to clause
3 (ii) in the case of any library covered by
4 this paragraph as of the effective date of
5 this paragraph under section 1721(h) of
6 the Children’s Internet Protection Act, the
7 certification under subparagraphs (B) and
8 (C) shall be made—

9 “(I) with respect to the first pro-
10 gram funding year under this sub-
11 section following such effective date,
12 not later than 120 days after the be-
13 ginning of such program funding year;
14 and

15 “(II) with respect to any subse-
16 quent program funding year, as part
17 of the application process for such
18 program funding year.

19 “(ii) PROCESS.—

20 “(I) LIBRARIES WITH INTERNET
21 SAFETY POLICY AND TECHNOLOGY
22 PROTECTION MEASURES IN PLACE.—
23 A library covered by clause (i) that
24 has in place an Internet safety policy
25 and technology protection measures

1 meeting the requirements necessary
2 for certification under subparagraphs
3 (B) and (C) shall certify its compli-
4 ance with subparagraphs (B) and (C)
5 during each annual program applica-
6 tion cycle under this subsection, ex-
7 cept that with respect to the first pro-
8 gram funding year after the effective
9 date of this paragraph under section
10 1721(h) of the Children’s Internet
11 Protection Act, the certifications shall
12 be made not later than 120 days after
13 the beginning of such first program
14 funding year.

15 “(II) LIBRARIES WITHOUT
16 INTERNET SAFETY POLICY AND TECH-
17 NOLOGY PROTECTION MEASURES IN
18 PLACE.—A library covered by clause
19 (i) that does not have in place an
20 Internet safety policy and technology
21 protection measures meeting the re-
22 quirements necessary for certification
23 under subparagraphs (B) and (C)—

24 “(aa) for the first program
25 year after the effective date of

1 this subsection in which it is ap-
2 plying for funds under this sub-
3 section, shall certify that it is un-
4 dertaking such actions, including
5 any necessary procurement pro-
6 cedures, to put in place an Inter-
7 net safety policy and technology
8 protection measures meeting the
9 requirements necessary for cer-
10 tification under subparagraphs
11 (B) and (C); and

12 “(bb) for the second pro-
13 gram year after the effective date
14 of this subsection in which it is
15 applying for funds under this
16 subsection, shall certify that it is
17 in compliance with subpara-
18 graphs (B) and (C).

19 Any library that is unable to certify
20 compliance with such requirements in
21 such second program year shall be in-
22 eligible for services at discount rates
23 or funding in lieu of services at such
24 rates under this subsection for such
25 second year and all subsequent pro-

1 gram years under this subsection,
2 until such time as such library comes
3 into compliance with this paragraph.

4 “(III) WAIVERS.—Any library
5 subject to subclause (II) that cannot
6 come into compliance with subpara-
7 graphs (B) and (C) in such second
8 year may seek a waiver of subclause
9 (II)(bb) if State or local procurement
10 rules or regulations or competitive
11 bidding requirements prevent the
12 making of the certification otherwise
13 required by such subclause. A library,
14 library board, or other authority with
15 responsibility for administration of the
16 library shall notify the Commission of
17 the applicability of such subclause to
18 the library. Such notice shall certify
19 that the library in question will be
20 brought into compliance before the
21 start of the third program year after
22 the effective date of this subsection in
23 which the library is applying for funds
24 under this subsection.

25 “(F) NONCOMPLIANCE.—

1 “(i) FAILURE TO SUBMIT CERTIFI-
2 CATION.—Any library that knowingly fails
3 to comply with the application guidelines
4 regarding the annual submission of certifi-
5 cation required by this paragraph shall not
6 be eligible for services at discount rates or
7 funding in lieu of services at such rates
8 under this subsection.

9 “(ii) FAILURE TO COMPLY WITH CER-
10 TIFICATION.—Any library that knowingly
11 fails to ensure the use of its computers in
12 accordance with a certification under sub-
13 paragraphs (B) and (C) shall reimburse all
14 funds and discounts received under this
15 subsection for the period covered by such
16 certification.

17 “(iii) REMEDY OF NONCOMPLIANCE.—

18 “(I) FAILURE TO SUBMIT.—A li-
19 brary that has failed to submit a cer-
20 tification under clause (i) may remedy
21 the failure by submitting the certifi-
22 cation to which the failure relates.
23 Upon submittal of such certification,
24 the library shall be eligible for services

1 at discount rates under this sub-
2 section.

3 “(II) FAILURE TO COMPLY.—A
4 library that has failed to comply with
5 a certification as described in clause
6 (ii) may remedy the failure by ensur-
7 ing the use of its computers in accord-
8 ance with such certification. Upon
9 submittal to the Commission of a cer-
10 tification or other appropriate evi-
11 dence of such remedy, the library
12 shall be eligible for services at dis-
13 count rates under this subsection.”.

14 (c) DEFINITIONS.—Paragraph (7) of such section, as
15 redesignated by subsection (a)(1) of this section, is
16 amended by adding at the end the following:

17 “(D) MINOR.—The term ‘minor’ means
18 any individual who has not attained the age of
19 17 years.

20 “(E) OBSCENE.—The term ‘obscene’ has
21 the meaning given such term in section 1460 of
22 title 18, United States Code.

23 “(F) CHILD PORNOGRAPHY.—The term
24 ‘child pornography’ has the meaning given such

1 term in section 2256 of title 18, United States
2 Code.

3 “(G) HARMFUL TO MINORS.—The term
4 ‘harmful to minors’ means any picture, image,
5 graphic image file, or other visual depiction
6 that—

7 “(i) taken as a whole and with respect
8 to minors, appeals to a prurient interest in
9 nudity, sex, or excretion;

10 “(ii) depicts, describes, or represents,
11 in a patently offensive way with respect to
12 what is suitable for minors, an actual or
13 simulated sexual act or sexual contact, ac-
14 tual or simulated normal or perverted sex-
15 ual acts, or a lewd exhibition of the geni-
16 tals; and

17 “(iii) taken as a whole, lacks serious
18 literary, artistic, political, or scientific
19 value as to minors.

20 “(H) SEXUAL ACT; SEXUAL CONTACT.—
21 The terms ‘sexual act’ and ‘sexual contact’ have
22 the meanings given such terms in section 2246
23 of title 18, United States Code.

24 “(I) TECHNOLOGY PROTECTION MEAS-
25 URE.—The term ‘technology protection meas-

1 ure’ means a specific technology that blocks or
2 filters Internet access to the material covered
3 by a certification under paragraph (5) or (6) to
4 which such certification relates.”.

5 (d) CONFORMING AMENDMENT.—Paragraph (4) of
6 such section is amended by striking “paragraph (5)(A)”
7 and inserting “paragraph (7)(A)”.

8 (e) SEPARABILITY.—If any provision of paragraph
9 (5) or (6) of section 254(h) of the Communications Act
10 of 1934, as amended by this section, or the application
11 thereof to any person or circumstance is held invalid, the
12 remainder of such paragraph and the application of such
13 paragraph to other persons or circumstances shall not be
14 affected thereby.

15 (f) REGULATIONS.—

16 (1) REQUIREMENT.—The Federal Communica-
17 tions Commission shall prescribe regulations for pur-
18 poses of administering the provisions of paragraphs
19 (5) and (6) of section 254(h) of the Communications
20 Act of 1934, as amended by this section.

21 (2) DEADLINE.—Notwithstanding any other
22 provision of law, the Commission shall prescribe reg-
23 ulations under paragraph (1) so as to ensure that
24 such regulations take effect 120 days after the date
25 of the enactment of this Act.

1 (g) AVAILABILITY OF CERTAIN FUNDS FOR ACQUI-
2 TION OF TECHNOLOGY PROTECTION MEASURES.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of law, funds available under section 3134
5 or part A of title VI of the Elementary and Sec-
6 ondary Education Act of 1965, or under section 231
7 of the Library Services and Technology Act, may be
8 used for the purchase or acquisition of technology
9 protection measures that are necessary to meet the
10 requirements of this title and the amendments made
11 by this title. No other sources of funds for the pur-
12 chase or acquisition of such measures are authorized
13 by this title, or the amendments made by this title.

14 (2) TECHNOLOGY PROTECTION MEASURE DE-
15 FINED.—In this section, the term “technology pro-
16 tection measure” has the meaning given that term
17 in section 1703.

18 (h) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect 120 days after the date of
20 the enactment of this Act.

21 **Subtitle C—Neighborhood**
22 **Children’s Internet Protection**

23 **SEC. 1731. SHORT TITLE.**

24 This subtitle may be cited as the “Neighborhood Chil-
25 dren’s Internet Protection Act”.

1 **SEC. 1732. INTERNET SAFETY POLICY REQUIRED.**

2 Section 254 of the Communications Act of 1934 (47
3 U.S.C. 254) is amended by adding at the end the fol-
4 lowing:

5 “(l) INTERNET SAFETY POLICY REQUIREMENT FOR
6 SCHOOLS AND LIBRARIES.—

7 “(1) IN GENERAL.—In carrying out its respon-
8 sibilities under subsection (h), each school or library
9 to which subsection (h) applies shall—

10 “(A) adopt and implement an Internet
11 safety policy that addresses—

12 “(i) access by minors to inappropriate
13 matter on the Internet and World Wide
14 Web;

15 “(ii) the safety and security of minors
16 when using electronic mail, chat rooms,
17 and other forms of direct electronic com-
18 munications;

19 “(iii) unauthorized access, including
20 so-called ‘hacking’, and other unlawful ac-
21 tivities by minors online;

22 “(iv) unauthorized disclosure, use,
23 and dissemination of personal identifica-
24 tion information regarding minors; and

1 “(v) measures designed to restrict mi-
2 nors’ access to materials harmful to mi-
3 nors; and

4 “(B) provide reasonable public notice and
5 hold at least one public hearing or meeting to
6 address the proposed Internet safety policy.

7 “(2) LOCAL DETERMINATION OF CONTENT.—A
8 determination regarding what matter is inappro-
9 priate for minors shall be made by the school board,
10 local educational agency, library, or other authority
11 responsible for making the determination. No agency
12 or instrumentality of the United States Government
13 may—

14 “(A) establish criteria for making such de-
15 termination;

16 “(B) review the determination made by the
17 certifying school, school board, local educational
18 agency, library, or other authority; or

19 “(C) consider the criteria employed by the
20 certifying school, school board, local educational
21 agency, library, or other authority in the ad-
22 ministration of subsection (h)(1)(B).

23 “(3) AVAILABILITY FOR REVIEW.—Each Inter-
24 net safety policy adopted under this subsection shall
25 be made available to the Commission, upon request

1 of the Commission, by the school, school board, local
2 educational agency, library, or other authority re-
3 sponsible for adopting such Internet safety policy for
4 purposes of the review of such Internet safety policy
5 by the Commission.

6 “(4) EFFECTIVE DATE.—This subsection shall
7 apply with respect to schools and libraries on or
8 after the date that is 120 days after the date of the
9 enactment of the Children’s Internet Protection
10 Act.”.

11 **SEC. 1733. IMPLEMENTING REGULATIONS.**

12 Not later than 120 days after the date of enactment
13 of this Act, the Federal Communications Commission shall
14 prescribe regulations for purposes of section 254(l) of the
15 Communications Act of 1934, as added by section 1732
16 of this Act.

17 **Subtitle D—Expedited Review**

18 **SEC. 1741. EXPEDITED REVIEW.**

19 (a) THREE-JUDGE DISTRICT COURT HEARING.—
20 Notwithstanding any other provision of law, any civil ac-
21 tion challenging the constitutionality, on its face, of this
22 title or any amendment made by this title, or any provision
23 thereof, shall be heard by a district court of three judges
24 convened pursuant to the provisions of section 2284 of
25 title 28, United States Code.

1 (b) APPELLATE REVIEW.—Notwithstanding any
2 other provision of law, an interlocutory or final judgment,
3 decree, or order of the court of three judges in an action
4 under subsection (a) holding this title or an amendment
5 made by this title, or any provision thereof, unconstitu-
6 tional shall be reviewable as a matter of right by direct
7 appeal to the Supreme Court. Any such appeal shall be
8 filed not more than 20 days after entry of such judgment,
9 decree, or order.

10 This Act may be cited as the “Miscellaneous Appro-
11 priations Act, 2001”.

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