

GOVERNMENT-WIDE GENERAL PROVISIONS

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year **[2002]** 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information

Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

[SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.]

SEC. **[610]** 609. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. **[611]** 610. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

[SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.]

DEPARTMENTS, AGENCIES, AND CORPORATIONS—Continued

SEC. [613] 611. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year [2002] 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, [2001] 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year [2002] 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section [613] 611; and

(2) during the period consisting of the remainder of fiscal year [2002] 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year [2002] 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year [2002] 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year [2001] 2002 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, [2001] 2002, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, [2001] 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, [2001] 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. [614] 612. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. [615] 613. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without [the] advance [approval of] notice transmitted to the Committees on Appropriations, except that the Federal Law En-

forcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. [616] 614. Notwithstanding section 1346 of title 31, United States Code, or section [610] 609 of this Act, funds made available for the current fiscal year [2002] by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. [617] 615. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. [618] 616. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year [2002] shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. [619] 617. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. [620] 618. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer

or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

[SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.】

[SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.】

SEC. [623] 619. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. [624] 620. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

[SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.】

SEC. [626] 621. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

[SEC. 627. (a) In this section the term “agency”—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.】

SEC. [628] 622. Notwithstanding 31 U.S.C. 1346 and section [610] 609 of this Act, funds made available for the current fiscal year [2002] by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of \$800,000 including the salary of the Executive Director and staff support.

SEC. [629] 623. Notwithstanding 31 U.S.C. 1346 and section [610] 609 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the “Policy and [Operations] Citizen Services” account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year [2002] by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed \$17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

[SEC. 630. (a) IN GENERAL.—Hereafter, in accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) **AFFORDABILITY.—**Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) **ADVANCES.—**Notwithstanding 31 U.S.C. 3324, amounts paid to licensed or regulated child care providers may be in advance of services rendered, covering agreed upon periods, as appropriate.

(d) **DEFINITION.—**For purposes of this section, the term “Executive agency” has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) **NOTIFICATION.—**None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.】

SEC. [631] 624. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. [632] 625. Notwithstanding section 1346 of title 31, United States Code, or section [610] 609 of this Act, funds made available for the current fiscal year [2002] by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget

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shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. [633] 626. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. [634] 627. Subsection (f) of section 403 of Public Law 103-356 (31 U.S.C. 501 note) is amended by striking "October 1, [2001] 2002" and inserting "October 1, [2002] 2003".

SEC. 635. Section 3 of Public Law 93-346 as amended (3 U.S.C. 111 note) is amended by inserting ", utilities (including electrical) for," after "military staffing".

SEC. 636. Section 6 of Public Law 93-346 as amended (3 U.S.C. 111 note) is amended by inserting ", or for use at official functions in or about," after "about".

SEC. 637. During fiscal year 2002 and thereafter, the head of an entity named in 3 U.S.C. 112 may, with respect to civilian personnel of any branch of the Federal Government performing duties in such entity, exercise authority comparable to the authority that may by law (including chapter 57 and sections 8344 and 8468 of title 5, United States Code) be exercised with respect to the employees of an Executive agency (as defined in 5 U.S.C. 105) by the head of such Executive agency, and the authority granted by this section shall be in addition to any other authority available in law.

SEC. 638. Each Executive agency covered by section 630 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of Public Law 105-277) shall submit a report 60 days after the close of fiscal year 2001 to the Office of Personnel Management regarding its efforts to implement the intent of such section 630. The Office of Personnel Management shall prepare a summary of the information received and shall submit the summary report to the House Committee on Appropriations 90 days after the close of fiscal year 2001.

SEC. [639] 628. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 640. (a) Section 8335(a) of title 5, United States Code, is amended by striking the period at the end of the first sentence and inserting: "or completes the age and service requirements for an annuity under section 8336, whichever occurs later."

(b) The amendment made by subsection (a) takes effect on the date of enactment with regard to any individual subject to chapter

83 of title 5, United States Code, who is employed as an air traffic controller on that date.]

SEC. 641. (a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 4507 the following:

"§ 4507a. Awarding of ranks to other senior career employees

"(a) For the purpose of this section, the term 'senior career employee' means an individual appointed to a position classified above GS-15 and paid under section 5376 who is not serving—

"(1) under a time-limited appointment; or

"(2) in a position that is excepted from the competitive service because of its confidential or policy-making character.

"(b) Each agency employing senior career employees shall submit annually to the Office of Personnel Management recommendations of senior career employees in the agency to be awarded the rank of Meritorious Senior Professional or Distinguished Senior Professional, which may be awarded by the President for sustained accomplishment or sustained extraordinary accomplishment, respectively.

"(c) The recommendations shall be made, reviewed, and awarded under the same terms and conditions (to the extent determined by the Office of Personnel Management) that apply to rank awards for members of the Senior Executive Service under section 4507."

(b) REGULATIONS.—Section 4506 of title 5, United States Code, is amended by striking "the agency awards program" and inserting "the awards programs".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4507a. Awarding of ranks to other senior career employees."

(d) The amendments made by this section shall take effect for awards granted in 2003.]

SEC. 642. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note) is amended by striking "violations occurring between January 1, 2000 and December 31, 2001" and inserting "violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2003".

SEC. [643] 629. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. [644] 630. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 645. (a) Section 1238(e)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398) is amended by adding at the end the following: "The executive director and any personnel who are employees of the United States-China Security Review Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title."

(b) The amendment made by this section shall take effect on January 3, 2001.]

SEC. 646. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.]

SEC. [647] 631. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department

or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

[SEC. 648. DEADLINE FOR SUBMISSION OF ANNUAL REPORTS BY UNITED STATES-CHINA SECURITY REVIEW COMMISSION. Section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by section 1 of Public Law 106–398) is amended by striking “March” and inserting “June.”]

[SEC. 649. Subsection (a) of section 2105 of title 44, United States Code, is amended to read as follows:

“(a)(1) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

“(2) Notwithstanding paragraph (1), the Archivist is authorized to appoint, subject to the consultation requirements set forth in paragraph (f)(2) of section 2203 of this title, a director at each Presidential archival depository established under section 2112 of this title. The Archivist may appoint a director without regard to subchapter I and subchapter VIII of chapter 33 of title 5, United States Code, governing appointments in the competitive service and the Senior Executive Service. A director so appointed shall be responsible for the care and preservation of the Presidential records and historical materials deposited in a Presidential archival depository, shall serve at the pleasure of the Archivist and shall perform such other functions as the Archivist may specify.”]

[SEC. 650. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP. (a) **SHORT TITLE.**—This section may be cited as the “Breast Cancer Research Stamp Act of 2001”.

(b) **REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.**—

(1) **IN GENERAL.**—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following: “(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

“(h) This section shall cease to be effective after December 31, 2003.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect on the earlier of—

- (A) the date of enactment of this Act; or
- (B) July 29, 2002.

(c) **RATE OF POSTAGE.**—Section 414(b) of title 39, United States Code, is amended—

- (1) in paragraph (1), by striking “of not to exceed 25 percent” and inserting “of not less than 15 percent”; and
- (2) by adding after the sentence following paragraph (3) the following: “The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.”]

[SEC. 651. AMENDMENT TO TITLE 39. Section 5402(d) of title 39, United States Code, is amended by—

- (1) inserting “(1)” after “(d)”; and
- (2) inserting at the end the following:

“(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. The authority of the Postal Service under this subparagraph shall not apply in the case of any air carrier who commonly and regularly refuses to accept any live animals as cargo.

“(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary additional expense incurred in handling such shipments.

“(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending June 30, 2002.”.]

[SEC. 652. THE 9/11 HEROES STAMP OF 2001. (a) **SHORT TITLE.**—This section may be cited as the “9/11 Heroes Stamp Act of 2001”.

(b) **IN GENERAL.**—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September

11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

(c) **REQUIREMENTS.**—The provisions of section 416(a), (c), (d), and (f) of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

(1) **RATE OF POSTAGE.**—Section 414(c) of title 39, United States Code, is amended—

(A) in paragraph (1), by striking “of not to exceed 25 percent” and inserting “of not less than 15 percent”; and

(B) by adding after the sentence following paragraph (2) the following: “The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.”.

(2) **DISPOSITION OF AMOUNTS BECOMING AVAILABLE.**—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

(3) **COMMENCEMENT AND TERMINATION DATES.**—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2004.

(d) **LIMITATION.**—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal postage stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

(e) **DESIGN.**—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

(f) **DEFINITIONS.**—For purposes of this section—

(1) the term “emergency relief personnel” means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term “semipostal” has the meaning given such term by section 416 of title 39, United States Code.]

[SEC. 653. DOMESTIC VIOLENCE SEMIPOSTAL STAMP. (a) **SHORT TITLE.**—This section may be cited as the “Stamp Out Domestic Violence Act of 2001”.

(b) **IN GENERAL.**—In order to afford the public a direct and tangible way to contribute to funding for domestic violence programs, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

(c) **REQUIREMENTS.**—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

(1) **DISPOSITION OF AMOUNTS BECOMING AVAILABLE.**—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Department of Health and Human Services under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

(2) **COMMENCEMENT AND TERMINATION DATES.**—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable, but not later than January 1, 2004; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2006.

(d) **LIMITATION.**—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

(e) **DEFINITION.**—For purposes of this section the term “semipostal” has the meaning given such term by section 416 of title 39, United States Code.]

DEPARTMENTS, AGENCIES, AND CORPORATIONS—Continued

SEC. 632. ESTABLISHMENT OF AGENCY FEES FOR FECA ADMINISTRATION.

(a) AMENDMENTS TO EMPLOYEES' COMPENSATION FUND.—Section 8147 of title 5 of the United States Code is amended by—

(1) amending subsections (a) and (b) to read as follows:

“(a)(1) There is in the Treasury of the United States the Employees' Compensation Fund, which consists of sums that Congress, from time to time, may appropriate for or transfer to it, and amounts that otherwise accrue to it under this subchapter or other statute.

“(2) The Fund is available without time limit for the payment of compensation and other benefits and expenses authorized by this subchapter or any extension or application thereof, except expenses of the Employees' Compensation Appeals Board established under section 8149 of this subchapter and costs of administration not specified in this paragraph, or as otherwise provided by this subchapter or other statute. For purposes of this paragraph, the “cost of administration” shall refer to expenses for management, operation, and legal support of the program under this subchapter, for the administration of the Fund itself, the amounts determined pursuant to subsection (d) of this section, and expenses for legal services performed by or for the Secretary under sections 8131 and 8132 of this title.

“(3) There is an Administrative Expenses Account within the Fund, which consists of funds deposited pursuant to subsection (c)(3) of this section. The funds in the Account shall remain available until expended. There are hereby authorized to be appropriated out of the Administrative Expenses Account for each fiscal year such sums as may be necessary for the payment of the cost of administration referred to in paragraph (2), except the amounts determined pursuant to subsection (d) of this section or amounts to be expended for legal services performed by or for the Secretary under sections 8131 and 8132 of this title.

“(4) The Secretary of Labor shall submit annually to the Office of Management and Budget estimates of—

“(A) appropriations necessary for the maintenance of the Fund,

“(B) an estimate of the amounts needed for the Administrative Expense Account, and

“(C) an estimate of the amounts to be collected pursuant to subsection (d) of this section and to be used by the Secretary for the cost of administration as authorized in the appropriate annual appropriations act.

“(b)(1) Before August 15 of each year, the Secretary shall furnish to the Secretary of the Treasury a statement for each agency and instrumentality of the United States having an employee who is or may be entitled to compensation benefits under this subchapter, or any extension or application thereof, showing—

“(A) the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding July 1 through June 30 expense period on account of the injury or death of employees or individuals under the jurisdiction of the agency or instrumentality; and

“(B)(i) a surcharge on the amount reflected in subparagraph (A), as determined by the Secretary of Labor, reflecting each agency's portion of the estimate of the total amount needed for the Administrative Expenses Account for the fiscal year beginning in the next calendar year, or

“(ii) the amount owed pursuant to subsection (d) of this section.

“(2) Upon submission of the statement required under paragraph (1), the Secretary shall furnish to each applicable agency a copy of such statement reflecting the amount owed by the agency.

“(3) If an agency or instrumentality (or part or function thereof) is transferred to another agency or instrumentality, the cost of compensation benefits and other expenses paid from the Fund on account of the injury or death of employees of the transferred agency or instrumentality (or part or function) shall be included in costs of the receiving agency or instrumentality.”;

(2) redesignating subsection (c) as subsection (d);

(3) adding the following new subsection (c):

“(c)(1)(A) Except as provided in subparagraph (B), each agency and instrumentality shall include in its annual budget estimates for the fiscal year beginning in the next calendar year, a request for an appropriation in an amount equal to the costs and the surcharge specified in the statement provided under subsection (b) of this section.

“(B) An agency or instrumentality not dependent on an annual appropriation shall deposit in the Treasury to the credit of the Fund a sum equal to its costs and surcharge, if applicable, from available funds during the first fifteen days of October following the furnishing of the statement required under subsection (b)(2) of this section.

“(2) The Secretary of the Treasury shall credit to the Fund the sums specified in the statements furnished pursuant to subsection (b)(1)(A) and (B)(i) when such funds become available.

“(3) The Secretary of the Treasury shall transfer to the credit of the Administrative Expenses Account therein, the amounts specified in subsection (b)(1)(B)(i).”; and

(4) adding the following new subsection (e) after subsection (d) (as redesignated):

“(e)(1) Upon determination of the Secretary that funds available in the Administrative Expenses Account are less than the limitation established on the amount to be expended from such account by the applicable appropriation for the current year, and that amounts in addition to the amounts currently in the Administrative Expenses Account are needed, the Secretary shall request, and the Secretary of the Treasury shall advance from the Fund to the Administrative Expenses Account, such sums as may be necessary, not to exceed the amount of the limitation established under such appropriation.

“(2)(A) Sums advanced pursuant to paragraph (1) shall be repaid from the Administrative Expenses Account without interest. Except as provided in subparagraph (B), such sums shall be paid in the second quarter of the fiscal year following that in which the advance was made.

“(B)(i) Repayment may be deferred for any amount that the Secretary determines would reduce the account below the limitation established for the fiscal year in which repayment is due as provided in subparagraph (A).

“(ii) Deferred payments shall be made in the second quarter of the first fiscal year subsequent to that provided in subparagraph (A) to the extent that the Secretary determines that such payment would not reduce the account below the limitation established for that subsequent year.”.

(b) TRANSITION PROVISION.—

(1)(A) Upon enactment of this section, the Secretary of Labor shall furnish to the Secretary of the Treasury a supplemental statement for each agency and instrumentality of the United States having an employee who is or may be entitled to compensation benefits under this subchapter, or any extension or application thereof, showing each agency's portion, as determined by the Secretary of Labor, of the amount transferred from the Administrative Expenses Account to the Employment Standards Administration, “Salaries and Expenses” account for fiscal year 2003.

(B) Upon submission of the statement required under subparagraph (A), the Secretary of Labor shall furnish to each applicable agency a copy of such statement reflecting the amount owed by the agency.

(C)(i) Except as provided in clause (ii), the Secretary of the Treasury shall transfer the sums specified in the statements furnished pursuant to subparagraph (A) to the credit of the Administrative Expenses Account when such funds become available.

(ii) An agency or instrumentality not dependent on an annual appropriation shall deposit a sum equal to the amount of its supplemental statement, if applicable, in the Treasury to the credit of the Administrative Expenses Account from available funds.

(2) During fiscal year 2003, the cost of administration, as defined in 5 U.S.C. 8147(a), shall not include legal services, except those performed by or for the Secretary under 5 U.S.C. 8131, and 8132.

SEC. 633. Funds provided for personnel benefits by this or any other appropriations Act shall be available to pay the cost of accruals for pension and post-retirement health benefits as specified in the Managerial Flexibility Act of 2001 (S. 1612, as introduced in the Senate on November 1, 2001), contingent upon enactment of such legislation: Provided, That should such legislation not be enacted prior to the later of enactment of this Act or the end of the current session of Congress, funding in each account in this or any other appropriation Act shall be reduced by the amounts assumed for the cost of such accruals for each such account in the Appendix of the President's Budget for Fiscal Year 2003, as reported by the Director of the Office of Management and Budget.

SEC. 634. Not to exceed 5 percent of any appropriation made under any heading in this or any other Act may be transferred by the President to any other account, to be merged with and available for the same time and the same purposes as the account to which transferred: Provided, That no account to which amounts are transferred shall be increased by more than 50 percent by any such transfers: Provided further, That any such transfer shall become effective 15 days after notice thereof is transmitted to the Committees on Appropriations of the House and Senate. (Treasury and General Government Appropriations Act, 2002.)

[GENERAL PROVISIONS, THIS DIVISION]

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

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

[SEC. 1403. Notwithstanding any other provision of law, of the funds made available in this or any other Act, funds may be transferred to the Department of Defense from an agency receiving Na-

tional Guard services related to homeland security to cover the costs of such services that the agency incurred after the date of enactment of this Act: *Provided*, That such authority to transfer shall expire on April 30, 2002: *Provided further*, That each agency receiving National Guard services related to homeland security shall submit to the House and Senate Committees on Appropriations a detailed report of the National Guard's homeland defense activities and expenses incurred after the date of enactment of this Act and planned for the remainder of fiscal year 2002 for that agency and any proposed transfers 15 days prior to such transfers pursuant to this authority] (*Emergency Supplemental Act, 2002.*)