

Union Calendar No. 289

107TH CONGRESS
2^D SESSION

H. R. 4775

[Report No. 107-480]

Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2002

Mr. YOUNG, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

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

1 fiscal year ending September 30, 2002, and for other pur-
2 poses, namely:

3 TITLE I—SUPPLEMENTAL APPROPRIATIONS

4 CHAPTER 1

5 DEPARTMENT OF AGRICULTURE

6 FOOD SAFETY AND INSPECTION SERVICE

7 For an additional amount for “Food Safety and In-
8 spection Service”, \$2,000,000, to remain available until
9 expended: *Provided*, That the entire amount shall be avail-
10 able only to the extent an official budget request, that in-
11 cludes designation of the entire amount of the request as
12 an emergency requirement as defined in the Balanced
13 Budget and Emergency Deficit Control Act of 1985, as
14 amended, is transmitted by the President to the Congress:
15 *Provided further*, That the entire amount is designated by
16 the Congress as an emergency requirement pursuant to
17 section 251(b)(2)(A) of such Act.

18 FOOD AND NUTRITION SERVICE

19 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

20 WOMEN, INFANTS, AND CHILDREN (WIC)

21 For an additional amount for “Special Supplemental
22 Nutrition Program for Women, Infants, and Children
23 (WIC)”, \$75,000,000, to remain available until September
24 30, 2003, which shall be placed in reserve for use in only
25 such amounts, and in such manner, as the Secretary de-

1 termines necessary, notwithstanding section 17(i) of the
2 Child Nutrition Act.

3 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

4 SALARIES AND EXPENSES

5 For an additional amount for “Animal and Plant
6 Health Inspection Service, Salaries and Expenses”,
7 \$10,000,000, to remain available until expended, to assist
8 in State efforts to prevent and control transmissible
9 spongiform encephalopathy, including bovine spongiform
10 encephalopathy, chronic wasting disease, and scrapie, in
11 farmed and free-ranging animals: *Provided*, That the en-
12 tire amount shall be available only to the extent an official
13 budget request, that includes designation of the entire
14 amount of the request as an emergency requirement as
15 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.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 FOOD AND DRUG ADMINISTRATION
4 SALARIES AND EXPENSES

5 For an additional amount for “Food and Drug Ad-
6 ministration, Salaries and Expenses”, \$18,000,000, to re-
7 main available until expended: *Provided*, That the entire
8 amount shall be available only to the extent an official
9 budget request, that includes designation of the entire
10 amount of the request as an emergency requirement as
11 defined in the Balanced Budget and Emergency Deficit
12 Control Act of 1985, as amended, is transmitted by the
13 President to the Congress: *Provided further*, That the en-
14 tire amount is designated by the Congress as an emer-
15 gency requirement pursuant to section 251(b)(2)(A) of
16 such Act.

17 GENERAL PROVISIONS—THIS CHAPTER

18 SEC. 101. None of the funds appropriated in this or
19 any other Act for the Department of Health and Human
20 Services may be used to consolidate the Food and Drug
21 Administration Office of Public Affairs or Office of Legis-
22 lation at the Office of the Secretary of Health and Human
23 Services.

24 SEC. 102. Of the funds made available for the Export
25 Enhancement Program, pursuant to section 301(e) of the

1 Agricultural Trade Act of 1978, as amended by Public
2 Law 104–127, not more than \$28,000,000 shall be avail-
3 able in fiscal year 2002.

4 CHAPTER 2

5 DEPARTMENT OF JUSTICE

6 GENERAL ADMINISTRATION

7 SALARIES AND EXPENSES

8 For an additional amount for “Salaries and Ex-
9 penses” for emergency expenses resulting from the Sep-
10 tember 11, 2001, terrorist attacks, \$5,750,000: *Provided*,
11 That the entire amount is designated by the Congress as
12 an emergency requirement pursuant to section
13 251(b)(2)(A) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended.

15 LEGAL ACTIVITIES

16 SALARIES AND EXPENSES, UNITED STATES MARSHALS

17 SERVICE

18 For an additional amount for “Salaries and Ex-
19 penses” for emergency expenses resulting from the Sep-
20 tember 11, 2001, terrorist attacks, \$1,000,000, to remain
21 available until expended: *Provided*, That the entire amount
22 is designated by the Congress as an emergency require-
23 ment pursuant to section 251(b)(2)(A) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985, as
25 amended: *Provided further*, That the entire amount shall

1 be available only to the extent that an official budget re-
2 quest, that includes designation of the entire amount of
3 the request as an emergency requirement as defined in
4 the Balanced Budget and Emergency Deficit Control Act
5 of 1985, as amended, is transmitted by the President to
6 the Congress.

7 FEDERAL BUREAU OF INVESTIGATION

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses” for emergency expenses resulting from the Sep-
11 tember 11, 2001, terrorist attacks, \$112,000,000, to re-
12 main available until September 30, 2004; *Provided*, That
13 the entire amount is designated by the Congress as an
14 emergency requirement pursuant to section 251(b)(2)(A)
15 of the Balanced Budget and Emergency Deficit Control
16 Act of 1985, as amended: *Provided further*, That
17 \$102,000,000 shall be available only to the extent that an
18 official budget request for a specific dollar amount that
19 includes the 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.

1 IMMIGRATION AND NATURALIZATION SERVICE
2 SALARIES AND EXPENSES
3 ENFORCEMENT AND BORDER AFFAIRS

4 For an additional amount for “Salaries and Ex-
5 penses, Enforcement and Border Affairs” for emergency
6 expenses resulting from the September 11, 2001, terrorist
7 attacks, \$75,000,000, to remain available until expended:
8 *Provided*, That none of the funds appropriated in this Act,
9 or in Public Law 107–117, for the Immigration and Natu-
10 ralization Service’s Entry Exit System may be obligated
11 until the INS submits a plan for expenditure that (1)
12 meets the capital planning and investment control review
13 requirements established by the Office of Management
14 and Budget, including OMB Circular A–11, part 3; (2)
15 complies with the acquisition rules, requirements, guide-
16 lines, and systems acquisition management practices of
17 the Federal Government; (3) is reviewed by the General
18 Accounting Office; and (4) has been approved by the Com-
19 mittees on Appropriations: *Provided further*, That the en-
20 tire amount is designated by the Congress as an emer-
21 gency requirement pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985, as amended: *Provided further*, That \$40,000,000
24 shall be available only to the extent that an official budget
25 request for a specific dollar amount that includes the des-
26 ignation of the entire amount of the request as an emer-

1 agency requirement as defined in the Balanced Budget and
2 Emergency Deficit Control Act of 1985, as amended, is
3 transmitted by the President to the Congress.

4 OFFICE OF JUSTICE PROGRAMS

5 JUSTICE ASSISTANCE

6 For an additional amount for “Justice Assistance”
7 for grants, cooperative agreements, and other assistance
8 authorized by sections 819 and 821 of the Antiterrorism
9 and Effective Death Penalty Act of 1996 and section 1014
10 of the USA PATRIOT Act (Public Law 107–56) and for
11 other counter-terrorism programs, including first re-
12 sponder training and equipment to respond to acts of ter-
13 rorism, including incidents involving weapons of mass de-
14 struction or chemical or biological weapons, \$175,000,000,
15 to remain available until expended: *Provided*, That the en-
16 tire amount is designated by the Congress as an emer-
17 gency requirement pursuant to section 251(b)(2)(A) of the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985, as amended.

1 DEPARTMENT OF COMMERCE AND RELATED
2 AGENCIES
3 RELATED AGENCIES
4 OFFICE OF THE UNITED STATES TRADE
5 REPRESENTATIVE
6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses” for emergency expenses for increased security re-
9 quirements, \$1,100,000, to remain available until ex-
10 pended: *Provided*, That the entire amount is designated
11 by the Congress as an emergency requirement pursuant
12 to section 251(b)(2)(A) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended: *Pro-*
14 *vided further*, That the entire amount shall be available
15 only to the extent that an official budget request, that in-
16 cludes designation of the entire amount of the request as
17 an emergency requirement as defined in the Balanced
18 Budget and Emergency Deficit Control Act of 1985, as
19 amended, is transmitted by the President of the Congress.

20 DEPARTMENT OF COMMERCE
21 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
22 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

23 For an additional amount for “Scientific and Tech-
24 nical Research and Services” for emergency expenses re-
25 sulting from new homeland security activities and in-

1 creased security requirements, \$4,000,000: *Provided*, That
2 the entire amount is designated by the Congress as an
3 emergency requirement pursuant to section 251(b)(2)(A)
4 of the Balanced Budget and Emergency Deficit Control
5 Act of 1985, as amended.

6 NATIONAL OCEANIC AND ATMOSPHERIC
7 ADMINISTRATION
8 FISHERIES FINANCE PROGRAM ACCOUNT

9 Funds provided under the heading, “Fisheries Fi-
10 nance Program Account” for the direct loan program au-
11 thorized by the Merchant Marine Act of 1936, as amend-
12 ed, are available to subsidize gross obligations during fis-
13 cal year 2002 for the principal amount of direct loans not
14 to exceed \$5,000,000 for Individual Fishing Quota loans,
15 and not to exceed \$19,000,000 for Traditional loans.

16 DEPARTMENTAL MANAGEMENT
17 SALARIES AND EXPENSES

18 For an additional amount for “Salaries and Ex-
19 penses” for emergency expenses resulting from new home-
20 land security activities, \$400,000: *Provided*, That the en-
21 tire amount is designated by the Congress as an emer-
22 gency requirement pursuant to section 251 (b)(2)(A) of
23 the Balanced Budget and Emergency Deficit Control Act
24 of 1985, as amended.

1 THE JUDICIARY
2 SUPREME COURT OF THE UNITED STATES
3 CARE OF THE BUILDING AND GROUNDS

4 For an additional amount for “Care of the Building
5 and Grounds” for emergency expenses for the Supreme
6 Court building, \$10,000,000, to remain available until ex-
7 pended: *Provided*, That the entire amount is designated
8 by the Congress as an emergency requirement pursuant
9 to section 251(b)(2)(A) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985, as amended.

11 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
12 JUDICIAL SERVICES
13 SALARIES AND EXPENSES

14 For an additional amount for “Salaries and Ex-
15 penses” for emergency expenses to enhance security and
16 to provide for extraordinary costs related to terrorist
17 trials, \$6,258,000, to remain available until expended:
18 *Provided*, That the entire amount is designated by the
19 Congress as an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985, as amended: *Provided further*,
22 That \$3,115,000 shall be available only to the extent that
23 an official budget request for a specific dollar amount that
24 includes the designation of the entire amount of the re-
25 quest as an emergency requirement as defined in the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985,
2 as amended, is transmitted by the President of the Con-
3 gress.

4 DEPARTMENT OF STATE AND RELATED
5 AGENCY

6 DEPARTMENT OF STATE

7 ADMINISTRATION OF FOREIGN AFFAIRS

8 DIPLOMATIC AND CONSULAR PROGRAMS

9 For an additional amount for “Diplomatic and Con-
10 sular Programs” for emergency expenses for activities re-
11 lated to combating international terrorism, \$51,050,000,
12 to remain available until September 30, 2003: *Provided*,
13 That the entire amount is designated by the Congress as
14 an emergency requirement pursuant to section
15 251(b)(2)(A) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985, as amended.

17 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

18 For an additional amount for “Educational and Cul-
19 tural Exchange Programs” for emergency expenses for ac-
20 tivities related to combating international terrorism,
21 \$20,000,000, to remain available until expended: *Pro-*
22 *vided*, That the entire amount is designated by the Con-
23 gress as an emergency requirement pursuant to section
24 251(b)(2)(A) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985, as amended: *Provided further*,
26 That \$10,000,000 shall be available only to the extent that

1 an official budget request for a specific dollar amount that
2 includes the designation of the entire amount of the re-
3 quest as an emergency requirement as defined in the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985,
5 as amended, is transmitted by the President to the Con-
6 gress.

7 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

8 For an additional amount for “Embassy Security,
9 Construction, and Maintenance”, for emergency expenses
10 for activities related to combating international terrorism,
11 \$200,516,000, to remain available until expended: *Pro-*
12 *vided*, That the entire amount is designated by the Con-
13 gress as an emergency requirement pursuant to section
14 251(b)(2)(A) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985, as amended.

16 INTERNATIONAL ORGANIZATIONS AND CONFERENCES

17 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

18 For an additional amount for “Contributions to
19 International Organizations” for emergency expenses for
20 activities related to combating international terrorism,
21 \$7,000,000, to remain available until September 30, 2003:
22 *Provided*, That the entire amount is designated by the
23 Congress as an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985, as amended.

1 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
2 ACTIVITIES

3 For an additional amount for “Contributions for
4 International Peacekeeping Activities” to make United
5 States peacekeeping payments to the United Nations at
6 a time of multilateral cooperation in the war on terrorism,
7 \$43,000,000: *Provided*, That the entire amount is des-
8 ignated by the Congress as an emergency requirement
9 pursuant to section 251(b)(2)(A) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985, as amended.

11 RELATED AGENCY

12 BROADCASTING BOARD OF GOVERNORS
13 INTERNATIONAL BROADCASTING OPERATIONS

14 For an additional amount for “International Broad-
15 casting Operations” for emergency expenses for activities
16 related to combating international terrorism, \$7,400,000,
17 to remain available until September 30, 2003: *Provided*,
18 That the entire amount is designated by the Congress as
19 an emergency requirement pursuant to section
20 251(b)(2)(A) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985, as amended.

22 BROADCASTING CAPITAL IMPROVEMENTS

23 For an additional amount for “Broadcasting Capital
24 Improvements” for emergency expenses for activities re-
25 lated to combating international terrorism, \$7,700,000, to
26 remain available until expended: *Provided*, That the entire

1 amount is designated by the Congress as an emergency
2 requirement pursuant to section 251(b)(2)(A) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985,
4 as amended: *Provided further*, That the entire amount
5 shall be available only to the extent that an official budget
6 request, that includes designation of the entire amount of
7 the request as an emergency requirement as defined in
8 the Balanced Budget and Emergency Deficit Control Act
9 of 1985, as amended, is transmitted by the President to
10 the Congress.

11 RELATED AGENCIES

12 SECURITIES AND EXCHANGE COMMISSION

13 SALARIES AND EXPENSES

14 For an additional amount for “Salaries and Ex-
15 penses” for additional staffing to respond to increased
16 needs for enforcement and oversight of corporate finance,
17 \$20,000,000 from fees collected in fiscal year 2002, to re-
18 main available until expended.

19 In addition, for an additional amount for “Salaries
20 and Expenses” for emergency expenses resulting from the
21 September 11, 2001, terrorist attacks, \$9,300,000, to re-
22 main available until expended: *Provided*, That the entire
23 amount is designated by the Congress as an emergency
24 requirement pursuant to section 251(b)(2)(A) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985,

1 as amended: *Provided further*, That the entire amount
2 shall be available only to the extent that an official budget
3 request, that includes designation of the entire amount of
4 the request as an emergency requirement as defined in
5 the Balanced Budget and Emergency Deficit Control Act
6 of 1985, as amended, is transmitted by the President to
7 the Congress.

8 GENERAL PROVISIONS

9 SEC. 201. Funds appropriated by this Act for the
10 Broadcasting Board of Governors and the Department of
11 State may be obligated and expended notwithstanding sec-
12 tion 313 of the Foreign Relations Authorization Act, Fis-
13 cal Years 1994 and 1995, section 15 of the State Depart-
14 ment Basic Authorities Act of 1956, as amended, and sec-
15 tion 504(a)(1) of the National Security Act of 1947 (50
16 U.S.C. 414(a)(1)).

17 SEC. 202. Section 286(e)(3) of the Immigration and
18 Nationality Act (8 U.S.C. 1356(e)(3)) is amended—

19 (1) by striking “is authorized to” and inserting
20 “shall”; and

21 (2) by striking “authorization” and inserting
22 “requirement”.

23 SEC. 203. (a)(1) During fiscal year 2002 and each
24 succeeding fiscal year, notwithstanding any provision of
25 the Federal Rules of Criminal Procedure to the contrary,

1 in order to permit victims of crimes associated with the
2 terrorist acts of September 11, 2001, to watch trial pro-
3 ceedings in the criminal case against Zacarias Moussaoui,
4 the trial court in that case shall order, subject to para-
5 graph (3) and subsection (b), closed circuit televising of
6 the trial proceedings to convenient locations the trial court
7 determines are reasonably necessary, for viewing by those
8 victims.

9 (2)(A) As used in this section and subject to subpara-
10 graph (B), the term “victims of crimes associated with the
11 terrorist acts of September 11, 2001” means individuals
12 who—

13 (i) suffered direct physical harm as a result of
14 the terrorist acts that occurred in New York, Penn-
15 sylvania and Virginia on September 11, 2001 (here-
16 after in this section “terrorist acts”) and were
17 present at the scene of the terrorist acts when they
18 occurred, or immediately thereafter; or

19 (ii) are the spouse, legal guardian, parent,
20 child, brother, or sister of, or who as determined by
21 the court have a relationship of similar significance
22 to, an individual described in subparagraph (A)(i), if
23 the latter individual is under 18 years of age, incom-
24 petent, incapacitated, has a serious injury, or dis-

1 ability that requires assistance of another person for
2 mobility, or is deceased.

3 (B) The term defined in paragraph (A) shall not
4 apply to an individual who participated or conspired in one
5 or more of the terrorist acts.

6 (3) Nothing in this section shall be construed to
7 eliminate or limit the district court's discretion to control
8 the manner, circumstances, or availability of the broadcast
9 where necessary to control the courtroom or protect the
10 integrity of the trial proceedings or the safety of the trial
11 participants. The district court's exercise of such discre-
12 tion shall be entitled to substantial deference.

13 (b) Except as provided in subsection (a), the terms
14 and restrictions of section 235(b), (c), (d) and (e) of the
15 Antiterrorism and Effective Death Penalty Act of 1996
16 (42 U.S.C. 10608(b), (c), (d), and (e)), shall apply to the
17 televising of trial proceedings under this section.

18 SEC. 204. For purposes of section 201(a) of the Fed-
19 eral Property and Administrative Services Act of 1949 (re-
20 lating to Federal sources of supply, including lodging pro-
21 viders, airlines and other transportation providers), the
22 Eisenhower Exchange Fellowship Program shall be
23 deemed an executive agency for the purposes of carrying
24 out the provisions of 20 U.S.C. 5201, and the employees
25 of and participants in the Eisenhower Exchange Fellow-

1 ship Program shall be eligible to have access to such
2 sources of supply on the same basis as employees of an
3 executive agency have such access.

4 CHAPTER 3

5 DEPARTMENT OF DEFENSE—MILITARY

6 MILITARY PERSONNEL

7 MILITARY PERSONNEL, AIR FORCE

8 For an additional amount for “Military Personnel,
9 Air Force”, \$206,000,000: *Provided*, That the entire
10 amount is designated by the Congress as an emergency
11 requirement pursuant to section 251(b)(2)(A) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended.

14 OPERATION AND MAINTENANCE

15 OPERATION AND MAINTENANCE, ARMY

16 For an additional amount for “Operation and Main-
17 tenance, Army”, \$226,000,000, to remain available for ob-
18 ligation until September 30, 2003: *Provided*, That the en-
19 tire amount is designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985, as amended: *Provided further*, That \$119,000,000
23 shall be available only to the extent that an official budget
24 request for \$119,000,000, that includes designation of the
25 entire amount of the request as an emergency requirement

1 as defined in the Balanced Budget and Emergency Deficit
2 Control Act of 1985, as amended, is transmitted by the
3 President to the Congress.

4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for “Operation and Main-
6 tenance, Navy”, \$53,750,000, to remain available for obli-
7 gation until September 30, 2003: *Provided*, That the en-
8 tire amount is designated by the Congress as an emer-
9 gency requirement pursuant to section 251(b)(2)(A) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985, as amended: *Provided further*, That \$17,250,000
12 shall be available only to the extent that an official budget
13 request for \$17,250,000, that includes designation of the
14 entire 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.

18 OPERATION AND MAINTENANCE, AIR FORCE

19 For an additional amount for “Operation and Main-
20 tenance, Air Force”, \$60,500,000, to remain available for
21 obligation until September 30, 2003: *Provided*, That the
22 entire amount is designated by the Congress as an emer-
23 gency requirement pursuant to section 251(b)(2)(A) of the
24 Balanced Budget and Emergency Deficit Control Act of
25 1985, as amended: *Provided further*, That \$19,500,000

1 shall be available only to the extent that an official budget
2 request for \$19,500,000, that includes designation of the
3 entire amount of the request as an emergency requirement
4 as defined in the Balanced Budget and Emergency Deficit
5 Control Act of 1985, as amended, is transmitted by the
6 President to the Congress.

7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

8 For an additional amount for “Operation and Main-
9 tenance, Defense-Wide”, \$751,975,000, to remain avail-
10 able for obligation until September 30, 2003, of which
11 \$420,000,000 may be used, notwithstanding any other
12 provision of law, for payments to Pakistan, Jordan, and
13 other key cooperating nations for logistical and military
14 support provided to United States military operations in
15 connection with the Global War on Terrorism: *Provided*,
16 That such payments may be made in such amounts as
17 the Secretary may determine, in accordance with standard
18 accounting practices and procedures, in consultation with
19 the Director of the Office of Management and Budget and
20 15 days following notification to the appropriate Congres-
21 sional committees: *Provided further*, That amounts for
22 such payments shall be in addition to any other funds that
23 may be available for such purpose: *Provided further*, That
24 the entire amount is designated by the Congress as an
25 emergency requirement pursuant to section 251(b)(2)(A)

1 of the Balanced Budget and Emergency Deficit Control
2 Act of 1985, as amended: *Provided further*, That
3 \$12,975,000 shall be available only to the extent that an
4 official budget request for \$12,975,000, that includes des-
5 ignation of the entire amount of the request as an emer-
6 gency requirement as defined in the Balanced Budget and
7 Emergency Deficit Control Act of 1985, as amended, is
8 transmitted by the President to the Congress.

9 DEFENSE EMERGENCY RESPONSE FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 For an additional amount for the “Defense Emer-
12 gency Response Fund”, \$12,693,972,000, to remain avail-
13 able for obligation until September 30, 2003, of which
14 \$77,900,000 shall be available for enhancements to North
15 American Air Defense Command capabilities: *Provided*,
16 That the Secretary of Defense may transfer the funds pro-
17 vided in this paragraph only to appropriations for military
18 personnel; operation and maintenance; procurement; the
19 Defense Health Program; and working capital funds: *Pro-*
20 *vided further*, That notwithstanding the preceding proviso,
21 \$100,000,000 of the funds provided under this heading
22 are available for transfer to any other appropriations ac-
23 counts of the Department of Defense, for certain classified
24 activities, and notwithstanding any other provision of law,
25 such funds may be obligated to carry out projects not oth-

1 erwise authorized by law: *Provided further*, That the funds
2 transferred shall be merged with and shall be available for
3 the same purposes and for the same time period as the
4 appropriation to which transferred: *Provided further*, That
5 the transfer authority provided in this paragraph is in ad-
6 dition to any other transfer authority available to the De-
7 partment of Defense: *Provided further*, That upon a deter-
8 mination that all or part of the funds transferred from
9 this appropriation are not necessary for the purposes pro-
10 vided herein, such amounts may be transferred back to
11 this appropriation: *Provided further*, That the entire
12 amount is designated by the Congress as an emergency
13 requirement pursuant to section 251(b)(2)(A) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985,
15 as amended: *Provided further*, That \$1,393,972,000 shall
16 be available only to the extent that an official budget re-
17 quest for \$1,393,972,000 that includes designation of the
18 entire amount of the request as an emergency requirement
19 as defined in the Balanced Budget and Emergency Deficit
20 Control Act of 1985, as amended, is transmitted by the
21 President to the Congress.

22 PROCUREMENT

23 OTHER PROCUREMENT, ARMY

24 For an additional amount for “Other Procurement,
25 Army”, \$79,200,000, to remain available for obligation

1 until September 30, 2004: *Provided*, That the entire
2 amount is designated by the Congress as an emergency
3 requirement pursuant to section 251(b)(2)(A) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985,
5 as amended.

6 AIRCRAFT PROCUREMENT, NAVY

7 For an additional amount for “Aircraft Procurement,
8 Navy”, \$22,800,000, to remain available for obligation
9 until September 30, 2004: *Provided*, That the entire
10 amount is designated by the Congress as an emergency
11 requirement pursuant to section 251(b)(2)(A) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended.

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
15 CORPS

16 For an additional amount for “Procurement of Am-
17 munition, Navy and Marine Corps”, \$262,000,000, to re-
18 main available for obligation until September 30, 2004:
19 *Provided*, That the entire amount is designated by the
20 Congress as an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended.

23 OTHER PROCUREMENT, NAVY

24 For an additional amount for “Other Procurement,
25 Navy”, \$2,500,000, to remain available for obligation

1 until September 30, 2004: *Provided*, That the entire
2 amount is designated by the Congress as an emergency
3 requirement pursuant to section 251(b)(2)(A) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985,
5 as amended.

6 PROCUREMENT, MARINE CORPS

7 For an additional amount for “Procurement, Marine
8 Corps”, \$3,500,000, to remain available for obligation
9 until September 30, 2004: *Provided*, That the entire
10 amount is designated by the Congress as an emergency
11 requirement pursuant to section 251(b)(2)(A) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended.

14 AIRCRAFT PROCUREMENT, AIR FORCE

15 For an additional amount for “Aircraft Procurement,
16 Air Force”, \$129,500,000, to remain available for obliga-
17 tion until September 30, 2004: *Provided*, That the entire
18 amount is designated by the Congress as an emergency
19 requirement pursuant to section 251(b)(2)(A) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985,
21 as amended: *Provided further*, That \$36,500,000 shall be
22 available only to the extent that an official budget request
23 for \$36,500,000, that includes designation of the entire
24 amount of the request as an emergency requirement as
25 defined in the Balanced Budget and Emergency Deficit

1 Control Act of 1985, as amended, is transmitted by the
2 President to the Congress.

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For an additional amount for “Procurement of Am-
5 munition, Air Force”, \$115,000,000, to remain available
6 for obligation until September 30, 2004: *Provided*, That
7 the entire amount is designated by the Congress as an
8 emergency requirement pursuant to section 251(b)(2)(A)
9 of the Balanced Budget and Emergency Deficit Control
10 Act of 1985, as amended.

11 OTHER PROCUREMENT, AIR FORCE

12 For an additional amount for “Other Procurement,
13 Air Force”, \$735,340,000, to remain available for obliga-
14 tion until September 30, 2004: *Provided*, That the entire
15 amount is designated by the Congress as an emergency
16 requirement pursuant to section 251(b)(2)(A) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985,
18 as amended.

19 PROCUREMENT, DEFENSE-WIDE

20 For an additional amount for “Procurement, De-
21 fense-Wide”, \$104,425,000, to remain available for obliga-
22 tion until September 30, 2004: *Provided*, That funds may
23 be used to purchase vehicles required for physical security
24 of personnel, notwithstanding price limitations applicable
25 to passenger vehicles, but not to exceed \$175,000 per vehi-

1 cle: *Provided further*, That the entire amount is designated
2 by the Congress as an emergency requirement pursuant
3 to section 251(b)(2)(A) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985, as amended: *Pro-*
5 *vided further*, That \$4,925,000 shall be available only to
6 the extent that an official budget request for \$4,925,000,
7 that includes designation of the entire amount of the re-
8 quest as an emergency requirement as defined in the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985,
10 as amended, is transmitted by the President to the Con-
11 gress.

12 RESEARCH, DEVELOPMENT, TEST AND
13 EVALUATION
14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 ARMY

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Army”, \$8,200,000, to remain
18 available for obligation until September 30, 2003: *Pro-*
19 *vided*, That the entire amount is designated by the Con-
20 gress as an emergency requirement pursuant to section
21 251(b)(2)(A) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Navy”, \$9,000,000, to remain
5 available for obligation until September 30, 2003: *Pro-*
6 *vided*, That the entire amount is designated by the Con-
7 gress as an emergency requirement pursuant to section
8 251(b)(2)(A) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985, as amended.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 AIR FORCE

12 For an additional amount for “Research, Develop-
13 ment, Test and Evaluation, Air Force”, \$99,800,000, to
14 remain available for obligation until September 30, 2003:
15 *Provided*, That the entire amount is designated by the
16 Congress as an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985, as amended: *Provided further*,
19 That \$39,000,000 shall be available only to the extent that
20 an official budget request for \$39,000,000, that includes
21 designation of the entire amount of the request as an
22 emergency requirement as defined in the Balanced Budget
23 and Emergency Deficit Control Act of 1985, as amended,
24 is transmitted by the President to the Congress.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 DEFENSE-WIDE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Defense-Wide”, \$72,000,000,
5 to remain available for obligation until September 30,
6 2003: *Provided*, That the entire amount is designated by
7 the Congress as an emergency requirement pursuant to
8 section 251(b)(2)(A) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985, as amended: *Provided*
10 *further*, That \$20,000,000 shall be available only to the
11 extent that an official budget request for \$20,000,000,
12 that includes designation of the entire amount of the re-
13 quest as an emergency requirement as defined in the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985,
15 as amended, is transmitted by the President to the Con-
16 gress.

17 GENERAL PROVISIONS—THIS CHAPTER

18 SEC. 301. (a) The appropriation under the heading
19 “Research, Development, Test and Evaluation, Navy” in
20 the Department of Defense Appropriations Act, 2002
21 (Public Law 107–117) is amended by adding the following
22 proviso immediately after “September 30, 2003”: “: *Pro-*
23 *vided*, That funds appropriated in this paragraph which
24 are available for the V–22 may be used to meet unique
25 requirements of the Special Operations Forces”. (b) The

1 amendment made by subsection (a) shall be effective as
2 if enacted as part of the Department of Defense Appro-
3 priations Act, 2002.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 302. During the current fiscal year, amounts
6 in or credited to the Defense Cooperation Account under
7 10 U.S.C. 2608(b) shall be available for transfer, obliga-
8 tion and expenditure, consistent with the purposes for
9 which such amounts were contributed and accepted, by the
10 Secretary of Defense to such appropriations or funds of
11 the Department of Defense as the Secretary shall deter-
12 mine, to be merged with and to be available for the same
13 purposes and the same time period as the appropriation
14 or fund to which transferred: *Provided*, That the Secretary
15 shall provide written notification to the congressional de-
16 fense committees 30 days prior to such transfer: *Provided*
17 *further*, That this transfer authority is in addition to any
18 other transfer authority available to the Department of
19 Defense: *Provided further*, That the entire amount is des-
20 ignated by the Congress as an emergency requirement
21 pursuant to section 251(b)(2)(A) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985, as amended:
23 *Provided further*, That the Secretary of Defense shall re-
24 port to the Congress quarterly all transfers made pursuant
25 to this authority.

1 SEC. 303. During fiscal year 2002, the President may
2 continue to provide assistance to Russia under cooperative
3 threat reduction programs and under title V of the Free-
4 dom Support Act (Public Law 102–511; 106 Stat. 3338)
5 without regard to the certification requirements in section
6 1203(d) of the Cooperative Threat Reduction Act of 1993
7 (22 U.S.C. 5952 (d)) and section 502 of the Freedom
8 Support Act (22 U.S.C. 5852) if the President submits
9 to the Speaker of the House of Representatives and the
10 President pro tempore of the Senate a certification that
11 providing such assistance is vital to the national security
12 interests of the United States.

13 SEC. 304. Funds appropriated by this Act, or made
14 available by the transfer of funds in this Act, for intel-
15 ligence activities are deemed to be specifically authorized
16 by the Congress for purposes of section 504 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 414): *Provided*,
18 That any funds appropriated or transferred to the Central
19 Intelligence Agency for agent operations or covert action
20 programs authorized by the President under section 503
21 of the National Security Act of 1947, as amended, shall
22 remain available until September 30, 2003.

23 SEC. 305. Section 8005 of the Department of De-
24 fense Appropriations Act, 2002 (division A of Public Law
25 107–117; 115 Stat. 2247), is amended by striking “May

1 1, 2002” before the period at the end and inserting “June
2 15, 2002”.

3 SEC. 306. (a) Funds appropriated to the Department
4 of Defense for fiscal year 2002 for operation and mainte-
5 nance under the heading “Chemical Agents and Munitions
6 Destruction, Army”, may be used to pay for additional
7 costs of international inspectors from the Technical Secre-
8 tariat of the Organization for the Prohibition of Chemical
9 Weapons, pursuant to Articles IV and V of the Chemical
10 Weapons Convention, for inspections and monitoring of
11 Department of Defense sites and commercial sites that
12 perform services under contract to the Department of De-
13 fense, resulting from the Department of Defense’s pro-
14 gram to accelerate its chemical demilitarization schedule.

15 (b) Expenses which may be paid under subsection (a)
16 include—

17 (1) salary costs for performance of inspection
18 and monitoring duties;

19 (2) travel, including travel to and from the
20 point of entry into the United States and internal
21 United States travel;

22 (3) per diem, not to exceed United Nations
23 rates and in compliance with United Nations condi-
24 tions for per diem for that organization; and

1 (4) expenses for operation and maintenance of
2 inspection and monitoring equipment.

3 SEC. 307. (a) In fiscal year 2002, funds available to
4 the Department of Defense for assistance to the Govern-
5 ment of Colombia shall be available to support a unified
6 campaign against narcotics trafficking, against activities
7 by organizations designated as terrorist organizations
8 such as the Revolutionary Armed Forces of Colombia
9 (FARC), the National Liberation Army (ELN), and the
10 United Self-Defense Forces of Colombia (AUC), and to
11 take actions to protect human health and welfare in emer-
12 gency circumstances, including undertaking rescue oper-
13 ations.

14 (b) The provision shall also apply to unexpired bal-
15 ances and assistance previously provided from prior years'
16 Acts available for purposes identified in subsection (a).

17 (c) The authority in this section is in addition to au-
18 thorities currently available to provide assistance to Co-
19 lombia.

20 SEC. 308. In addition to amounts appropriated or
21 otherwise made available elsewhere in this Act for the De-
22 partment of Defense or in the Department of Defense and
23 Emergency Supplemental Appropriations for Recovery
24 from and Response to Terrorist Attacks on the United
25 States Act, 2002 (Public Law 107–117), \$93,000,000, to

1 remain available until September 30, 2004, is hereby ap-
2 propriated to the Department of Defense for the procure-
3 ment of three MH-47 Chinook helicopters, as follows:
4 “Aircraft Procurement, Army”, \$63,000,000; and “Pro-
5 curement, Defense-Wide”, \$30,000,000: *Provided*, That
6 the entire amount made available in this section is des-
7 ignated by the Congress as an emergency requirement
8 pursuant to section 251(b)(2)(A) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985, as amended:
10 *Provided further*, That the entire amount shall be available
11 only to the extent that an official budget request for
12 \$93,000,000, that includes designation of the entire
13 amount of the request as an emergency requirement as
14 defined in the Balanced Budget and Emergency Deficit
15 Control Act of 1985, as amended, is transmitted by the
16 President to the Congress.

17 SEC. 309. In addition to amounts appropriated or
18 otherwise made available elsewhere in this Act for the De-
19 partment of Defense or in the Department of Defense and
20 Emergency Supplemental Appropriations for Recovery
21 from and Response to Terrorist Attacks on the United
22 States Act, 2002 (Public Law 107-117), \$100,000,000,
23 to remain available until September 30, 2003, is hereby
24 appropriated to the Department of Defense under the
25 heading “Chemical Agents and Munitions Destruction,

1 Army” for Research, development, test and evaluation, for
2 the purpose of chemical agent destruction at Department
3 of Defense facilities in Aberdeen, Maryland, and Newport,
4 Indiana: *Provided*, That the entire amount made available
5 in this section is designated by the Congress as an emer-
6 gency requirement pursuant to section 251(b)(2)(A) of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985, as amended: *Provided further*, That the entire
9 amount shall be available only to the extent that an official
10 budget request for \$100,000,000, that includes designa-
11 tion of the entire amount as an emergency requirement
12 as defined in the Balanced Budget and Emergency Deficit
13 Control Act of 1985, as amended, is transmitted by the
14 President to the Congress.

15 (RESCISSIONS)

16 SEC. 310. Of the funds available in Department of
17 Defense Appropriations Acts or otherwise available to the
18 Department of Defense, the following funds are hereby re-
19 scinded, from the following accounts in the specified
20 amounts:

21 “Other Procurement, Air Force”, 2001/2003,
22 \$29,000,000; and “Procurement, Defense-Wide”,
23 2002/2004, \$30,000,000.

24 SEC. 311. Section 2533a of title 10, United States
25 Code, shall not apply to any transaction entered into to
26 acquire or sustain aircraft under the authority of section

1 8159 of the Department of Defense Appropriations Act,
2 2002 (division A of Public Law 107–117; 115 Stat. 2284).

3 SEC. 312. Notwithstanding any other provision of
4 law, not to exceed \$100,000,000, from appropriations
5 available to the Department of Defense from the “Defense
6 Emergency Response Fund”, may be made available only
7 to reimburse foreign nations for the costs of goods, serv-
8 ices, or use of facilities provided in direct support of oper-
9 ations by U.S. military forces in the global war on ter-
10 rorism: *Provided*, That such reimbursements shall be de-
11 termined and paid in accordance with standard accounting
12 practices and procedures: *Provided further*, That the Sec-
13 retaries of Defense and State shall jointly provide a writ-
14 ten notification to the Committees on Appropriations of
15 the House of Representatives and the Senate 15 days
16 prior to any proposed commitment and obligation of funds
17 pursuant to this section, describing each proposed use of
18 funds and the proposed sources of funds: *Provided further*,
19 That funds proposed for obligation pursuant to the imme-
20 diately preceding proviso shall not be made available for
21 obligation without the prior approval of the Committees
22 on Appropriations.

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CHAPTER 4

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

The paragraph under this heading in the District of Columbia Appropriations Act, 2002 (Public Law 107–96) is amended by striking: “*Provided further*, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance:” and inserting: “*Provided further*, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support attorney compensation consistent with performance measures contained in a negotiated collective bargaining agreement:”.

PUBLIC EDUCATION SYSTEM

(RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year ending September 30, 2002, in the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96; 115 Stat. 935), \$37,000,000 are rescinded.

1 HUMAN SUPPORT SERVICES

2 For an additional amount for “human support serv-
3 ices”, \$37,000,000 from local funds: *Provided*, That
4 \$11,000,000 shall be for the Child and Family Services
5 Agency and \$26,000,000 shall be for the Department of
6 Mental Health.

7 REPAYMENT OF LOANS AND INTEREST

8 (RESCISSION)

9 Of the funds appropriated under this heading in the
10 District of Columbia Appropriations Act, 2002 (Public
11 Law 107–96, 115 Stat. 940), \$7,950,000 are rescinded.

12 CERTIFICATES OF PARTICIPATION

13 For principal and interest payments on the District’s
14 Certificates of Participation, issued to finance the One Ju-
15 diciary Square ground lease underlying the building lo-
16 cated at One Judiciary Square, \$7,950,000 from local
17 funds.

18 ADMINISTRATIVE PROVISION

19 Section 119(b) of the District of Columbia Appro-
20 priations Act, 2002 (Public Law 107–96; 115 Stat. 950)
21 is amended to read as follows:

22 “(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER
23 REPORT AND COUNCIL APPROVAL.—

1 “(1) No such Federal, private, or other grant
2 may be accepted, obligated, or expended pursuant to
3 subsection (a) until—

4 “(A) the Chief Financial Officer of the
5 District of Columbia submits to the Council a
6 report setting forth detailed information regard-
7 ing such grant; and

8 “(B) the Council has reviewed and ap-
9 proved the acceptance, obligation, and expendi-
10 ture of such grant.

11 “(2) For purposes of paragraph (1)(B), the
12 Council shall be deemed to have reviewed and ap-
13 proved the acceptance, obligation, and expenditure of
14 a grant if—

15 “(A) no written notice of disapproval is
16 filed with the Secretary of the Council within
17 14 calendar days of the receipt of the report
18 from the Chief Financial Officer under para-
19 graph (1)(A); or

20 “(B) if such a notice of disapproval is filed
21 within such deadline, the Council does not by
22 resolution disapprove the acceptance, obligation,
23 or expenditure of the grant within 30 calendar
24 days of the initial receipt of the report from the

1 Chief Financial Officer under paragraph
2 (1)(A).”.

3 GENERAL PROVISIONS—THIS CHAPTER

4 SEC. 401. The District of Columbia may use up to
5 1 percent of the funds appropriated to the District of Co-
6 lumbia under the Emergency Supplemental Act, 2002, ap-
7 proved January 10, 2002 (Public Law 107–117; 115 Stat.
8 2230), to fund the administrative costs that are needed
9 to fulfill the purposes of that Act. The District may use
10 these funds for this purpose as of January 10, 2002.

11 SEC. 402. Section 16(d)(2) of the Victims of Violent
12 Crime Compensation Act of 1996 (sec. 4–515(d)(2), D.C.
13 Official Code), as amended by the District of Columbia
14 Appropriations Act, 2002, approved December 21, 2001
15 (Public Law 107–96; 115 Stat. 928) is amended to read
16 as follows: “(2) 50 percent of such balance shall be trans-
17 ferred from the Fund to the Mayor and shall be used with-
18 out fiscal year limitation for outreach activities designed
19 to increase the number of crime victims who apply for such
20 direct compensation payments.”.

21 SEC. 403. (a) Notwithstanding any other provision
22 of law, the positive fund balance of the general fund of
23 the District government which remained at the end of fis-
24 cal year 2000 (as reflected in the complete financial state-
25 ment and report on the activities of the District govern-

1 ment for such fiscal year under section 448(a)(4) of the
2 District of Columbia Home Rule Act) shall be used during
3 fiscal year 2002 to provide the minimum balances required
4 for fiscal year 2002 for the emergency reserve fund under
5 section 450A of the District of Columbia Home Rule Act
6 and the contingency reserve fund under section 450B of
7 such Act.

8 (b) To the extent that the amount of the positive fund
9 balance described in subsection (a) exceeds the amount re-
10 quired to provide the minimum balances in the reserve
11 funds described in such subsection, the District govern-
12 ment shall use the excess amount—

13 (1) to address potential deficits in the budget of
14 the District government for fiscal year 2002, subject
15 to the same conditions applicable under section
16 202(j)(3) of the District of Columbia Financial Re-
17 sponsibility and Management Assistance Act of 1995
18 to the obligation and expenditure of the budget re-
19 serve and cumulative cash reserve under such sec-
20 tion; or

21 (2) if the Chief Financial Officer of the District
22 of Columbia certifies that the excess amount is avail-
23 able and is not required to address potential deficits
24 in the budget of the District government for fiscal
25 year 2002, for Pay-As-You-Go Capital Funds.

1 (c) To the extent that the excess amount described
 2 in subsection (b) is used to address potential deficits in
 3 the budget of the District government for fiscal year 2002,
 4 such amount shall remain available until expended.

5 (d)(1) The item relating to “District of Columbia
 6 Funds—Operating Expenses—Repayment of Loans and
 7 Interest” in the District of Columbia Appropriations Act,
 8 2002 (Public Law 107–96; 115 Stat. 940) is amended by
 9 striking “That any funds set aside” and all that follows
 10 through “That for equipment leases,” and inserting “That
 11 for equipment leases,”.

12 (2) Section 159(c) of the District of Columbia Appro-
 13 priations Act, 2001 (Public Law 106–522; 114 Stat.
 14 2482), as amended by section 133(c) of the District of
 15 Columbia Appropriations Act, 2002 (Public Law 107–96;
 16 115 Stat. 956) is amended by striking paragraph (3).

17 CHAPTER 5

18 DEPARTMENT OF DEFENSE—CIVIL

19 DEPARTMENT OF THE ARMY

20 CORPS OF ENGINEERS—CIVIL

21 OPERATION AND MAINTENANCE, GENERAL

22 For an additional amount for “Operation and Main-
 23 tenance, General” for emergency expenses related to secu-
 24 rity at Corps of Engineers facilities, \$128,400,000, to re-
 25 main available until September 30, 2003: *Provided*, That

1 the entire amount shall be available only to the extent an
2 official budget request for \$128,400,000, that includes
3 designation of the entire amount of the request as an
4 emergency requirement as defined in the Balanced Budget
5 and Emergency Deficit Control Act of 1985, as amended,
6 is transmitted by the President to the Congress: *Provided*
7 *further*, That the entire amount is designated by the Con-
8 gress as an emergency requirement pursuant to section
9 251(b)(2)(A) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985, as amended: *Provided further*,
11 That funds made available under this heading in this Act
12 and in Public Law 107–117 may be used to fund measures
13 and activities undertaken by the Secretary of the Army,
14 acting through the Chief of Engineers, to protect and se-
15 cure any infrastructure owned or operated by, or on behalf
16 of, the U.S. Army Corps of Engineers, including adminis-
17 trative buildings and facilities.

18 DEPARTMENT OF ENERGY

19 ENERGY PROGRAMS

20 SCIENCE

21 For an additional amount for “Science” for emer-
22 gency expenses necessary to support safeguards and secu-
23 rity activities, \$29,000,000: *Provided*, That the entire
24 amount shall be available only to the extent an official
25 budget request for \$29,000,000, that includes designation

1 of the entire amount of the request as an emergency re-
2 quirement as defined in the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985, as amended, is trans-
4 mitted by the President to the Congress: *Provided further*,
5 That the entire amount is designated by the Congress as
6 an emergency requirement pursuant to section
7 251(b)(2)(A) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985, as amended.

9 NATIONAL NUCLEAR SECURITY ADMINISTRATION

10 WEAPONS ACTIVITIES

11 For an additional amount for “Weapons Activities”
12 for emergency expense resulting from the September 11,
13 2001, terrorist attacks, \$125,400,000: *Provided*, That
14 \$106,000,000 shall be available only to the extent that an
15 official budget request for a specific dollar amount, that
16 includes designation of the entire amount of the request
17 as an emergency requirement as defined in the Balanced
18 Budget and Emergency Deficit Control Act of 1985, as
19 amended, is transmitted by the President to the Congress:
20 *Provided further*, That the entire amount is designated by
21 the Congress as an emergency requirement pursuant to
22 section 251(b)(2)(A) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985, as amended.

1 DEFENSE NUCLEAR NONPROLIFERATION

2 For an additional amount for “Defense Nuclear Non-
3 proliferation” for international safeguards activities,
4 \$5,000,000: *Provided*, That the entire amount shall be
5 available only to the extent an official budget request for
6 \$5,000,000, that includes designation of the entire
7 amount of the request as an emergency requirement as
8 defined in the Balanced Budget and Emergency Deficit
9 Control Act of 1985, as amended, is transmitted by the
10 President to the Congress: *Provided further*, That the en-
11 tire amount is designated by the Congress as an emer-
12 gency requirement pursuant to section 251(b)(2)(A) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985, as amended.

15 ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

16 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

17 MANAGEMENT

18 For an additional amount for “Defense Environ-
19 mental Restoration and Waste Management” for emer-
20 gency expenses necessary to support safeguards and secu-
21 rity activities, \$67,000,000: *Provided*, That the entire
22 amount shall be available only to the extent an official
23 budget request for \$67,000,000, that includes designation
24 of the entire amount of the request as an emergency re-
25 quirement as defined in the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985, as amended, is trans-
2 mitted by the President to the Congress: *Provided further*,
3 That the entire amount is designated by the Congress as
4 an emergency requirement pursuant to section
5 251(b)(2)(A) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985, as amended.

7 DEFENSE FACILITIES CLOSURE PROJECTS

8 For an additional amount for “Defense Facilities Clo-
9 sure Projects” for emergency expense necessary to support
10 safeguards and security activities, \$16,600,000: *Provided*,
11 That the entire amount shall be available only to the ex-
12 tent an official budget request for \$16,600,000, that in-
13 cludes designation of the entire amount of the request as
14 an emergency requirement as defined in the Balanced
15 Budget and Emergency Deficit Control Act of 1985, as
16 amended, is transmitted by the President to the Congress:
17 *Provided further*, That the entire amount is designated by
18 the Congress as an emergency requirement pursuant to
19 section 251(b)(2)(A) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985, as amended.

21 OTHER DEFENSE ACTIVITIES

22 For an additional amount for “Other Defense Activi-
23 ties” for emergency expenses necessary to support energy
24 security and assurance activities, \$7,000,000: *Provided*,
25 That the entire amount is designated by the Congress as

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 CHAPTER 6

5 BILATERAL ECONOMIC ASSISTANCE

6 FUNDS APPROPRIATED TO THE PRESIDENT

7 UNITED STATES AGENCY FOR INTERNATIONAL

8 DEVELOPMENT

9 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

10 For an additional amount for “Child Survival and
11 Health Programs Fund” for emergency expenses for ac-
12 tivities related to combating AIDS, tuberculosis, and ma-
13 laria, \$200,000,000, to remain available until December
14 30, 2002: *Provided*, That funds appropriated in this Act
15 and in prior Acts under this heading and under the head-
16 ing “Child Survival and Disease Programs Fund” and
17 made available for the Global Fund to Fight AIDS, Tu-
18 berculosis, and Malaria shall not exceed 40 percent of the
19 total resources pledged by all donors to the Global Fund
20 for calendar year 2002: *Provided further*, That the entire
21 amount is designated by the Congress as an emergency
22 requirement pursuant to section 251(b)(2)(A) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985,
24 as amended: *Provided further*, That the entire amount pro-
25 vided shall be available only to the extent an official budg-
26 et request that includes designation of the entire amount

1 of the request as an emergency requirement as defined in
2 the Balanced Budget and Emergency Deficit Control Act
3 of 1985, as amended, is transmitted by the President to
4 the Congress.

5 INTERNATIONAL DISASTER ASSISTANCE

6 For an additional amount for “International Disaster
7 Assistance” for emergency expenses for activities related
8 to combating international terrorism, \$190,000,000, to re-
9 main available until September 30, 2003: *Provided*, That
10 the entire amount is designated by the Congress as an
11 emergency requirement pursuant to section 251(b)(2)(A)
12 of the Balanced Budget and Emergency Deficit Control
13 Act of 1985, as amended: *Provided further*, That the entire
14 amount provided shall be available only to the extent an
15 official budget request that includes designation of the en-
16 tire amount of the request as an emergency requirement
17 as defined in the Balanced Budget and Emergency Deficit
18 Control Act of 1985, as amended, is transmitted by the
19 President to the Congress.

20 OPERATING EXPENSES OF THE UNITED STATES AGENCY

21 FOR INTERNATIONAL DEVELOPMENT

22 For an additional amount for “Operating Expenses
23 of the United States Agency for International Develop-
24 ment” for emergency expenses for activities related to
25 combating international terrorism, \$7,000,000: *Provided*,
26 That the entire amount is designated by the Congress as

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 OTHER BILATERAL ECONOMIC ASSISTANCE

5 ECONOMIC SUPPORT FUND

6 For an additional amount for “Economic Support
7 Fund” for emergency expenses for activities related to
8 combating international terrorism, \$460,000,000, to re-
9 main available until September 30, 2003: *Provided*, That
10 the entire amount is designated by the Congress as an
11 emergency requirement pursuant to section 251(b)(2)(A)
12 of the Balanced Budget and Emergency Deficit Control
13 Act of 1985, as amended: *Provided further*, That funds
14 appropriated under this heading, and funds appropriated
15 under this heading in prior Acts that are made available
16 for the purposes of this paragraph, may be made available
17 notwithstanding section 512 of the Foreign Operations,
18 Export Financing, and Related Programs Appropriations
19 Act, 2002 or any similar provision of law.

20 In addition, for an additional amount for “Economic
21 Support Fund”, \$250,000,000, to remain available until
22 September 30, 2003: *Provided*, That \$200,000,000 of the
23 funds appropriated in this paragraph shall be made avail-
24 able for assistance for Israel for activities relating to com-
25 bating international terrorism: *Provided further*, That

1 \$50,000,000 of the funds appropriated in this paragraph
2 shall be transferred to “International Disaster Assist-
3 ance” to be made available for humanitarian and refugee
4 assistance for the West Bank and Gaza: *Provided further,*
5 That none of the funds provided in the preceding proviso
6 shall be available for assistance for the Palestinian Au-
7 thority: *Provided further,* That the entire amount is des-
8 ignated by the Congress as an emergency requirement
9 pursuant to section 251(b)(2)(A) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985, as amended:
11 *Provided further,* That the entire amount provided shall
12 be available only to the extent an official budget request
13 that includes designation of the entire amount of the re-
14 quest as an emergency requirement as defined in the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985,
16 as amended, is transmitted by the President to the Con-
17 gress.

18 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
19 FORMER SOVIET UNION

20 For an additional amount for “Assistance for the
21 Independent States of the Former Soviet Union” for
22 emergency expenses for activities related to combating
23 international terrorism, \$110,000,000, to remain available
24 until September 30, 2003: *Provided,* That the entire
25 amount is designated by the Congress as an emergency
26 requirement pursuant to section 251(b)(2)(A) of the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985,
2 as amended.

3 DEPARTMENT OF STATE

4 INTERNATIONAL NARCOTICS CONTROL AND LAW

5 ENFORCEMENT

6 For an additional amount for “International Nar-
7 cotics Control and Law Enforcement” for emergency ex-
8 penses for activities related to combating international ter-
9 rorism, \$120,000,000, to remain available until September
10 30, 2003: *Provided*, That the entire amount is designated
11 by the Congress as an emergency requirement pursuant
12 to section 251(b)(2)(A) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended.

14 MIGRATION AND REFUGEE ASSISTANCE

15 For an additional amount for “Migration and Ref-
16 ugee Assistance” for emergency expenses for activities re-
17 lated to combating international terrorism, \$10,000,000,
18 to remain available until September 30, 2003: *Provided*,
19 That the entire amount is designated by the Congress as
20 an emergency requirement pursuant to section
21 251(b)(2)(A) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended: *Provided further*,
23 That the entire amount provided shall be available only
24 to the extent an official budget request that includes des-
25 ignation of the entire amount of the request as an emer-
26 gency requirement as defined of the Balanced Budget and

1 Emergency Deficit Control Act of 1985, as amended, is
2 transmitted by the President to the Congress.

3 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
4 RELATED PROGRAMS

5 For an additional amount for “Nonproliferation,
6 Anti-Terrorism, Demining and Related Programs” for
7 emergency expenses for activities related to combating
8 international terrorism, \$83,000,000, to remain available
9 until September 30, 2003: *Provided*, That the entire
10 amount is designated by the Congress as an emergency
11 requirement pursuant to section 251(b)(2)(A) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended.

14 MILITARY ASSISTANCE

15 FUNDS APPROPRIATED TO THE PRESIDENT

16 FOREIGN MILITARY FINANCING PROGRAM

17 For an additional amount for “Foreign Military Fi-
18 nancing Program” for emergency expenses for activities
19 related to combating international terrorism,
20 \$366,500,000: *Provided*, That the entire amount is des-
21 ignated by the Congress as an emergency requirement
22 pursuant to section 251(b)(2)(A) of the Balanced Budget
23 and Emergency Deficit Control Act of 1985, as amended:
24 *Provided further*, That funds appropriated under this
25 heading, and funds appropriated under this heading in
26 prior Acts that are made available for the purposes of this

1 paragraph, may be made available notwithstanding section
2 512 of the Foreign Operations, Export Financing, and Re-
3 lated Programs Appropriations Act, 2002 or any similar
4 provision of law: *Provided further*, That not to exceed
5 \$2,000,000 of the funds appropriated in this paragraph
6 may be obligated for necessary expenses, including the
7 purchase of passenger motor vehicles for use outside of
8 the United States, for the general cost of administering
9 military assistance and sales.

10 PEACEKEEPING OPERATIONS

11 For an additional amount for “Peacekeeping Oper-
12 ations” for emergency expenses for activities related to
13 combating international terrorism, \$20,000,000, to re-
14 main available until September 30, 2003: *Provided*, That
15 the entire amount of designated by the Congress as an
16 emergency requirement pursuant to section 251(b)(2)(A)
17 of the Balanced Budget and Emergency Deficit Control
18 Act of 1985, as amended: *Provided further*, That funds
19 appropriated under this heading, and funds appropriated
20 under this heading in prior Acts that are made available
21 for the purposes of this paragraph, may be made available
22 notwithstanding section 512 of the Foreign Operations,
23 Export Financing, and Related Programs Appropriations
24 Act, 2002 or any similar provision of law.

1 MULTILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 SPECIAL PAYMENTS TO THE INTERNATIONAL FINANCIAL

4 INSTITUTIONS

5 (RESCISSION)

6 The unobligated balances of funds provided in Public
7 Law 92–301 and Public Law 93–142 for maintenance of
8 value payments to international financial institutions are
9 hereby rescinded.

10 GENERAL PROVISIONS—THIS CHAPTER

11 SEC. 601. (a) In fiscal year 2002, funds available to
12 the Department of State for assistance to the Government
13 of Colombia shall be available to support a unified cam-
14 paign against narcotics trafficking, against activities by
15 organizations designated as terrorist organizations such as
16 the Revolutionary Armed Forces of Colombia (FARC), the
17 National Liberation Army (ELN), and the United Self-
18 Defense Forces of Colombia (AUC), and to take actions
19 to protect human health and welfare in emergency cir-
20 cumstances, including undertaking rescue operations.

21 (b) This provision shall also apply to unexpired bal-
22 ances and assistance previously provided from prior years’
23 Acts available for the purposes identified in subsection (a).

24 (c) The authority in this section is in addition to au-
25 thorities currently available to provide assistance to Co-
26 lombia.

(RESCISSION)

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SEC. 602. Of the funds appropriated under the headings “Development Assistance” and “Economic Support Fund” in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106–113) and in prior Acts making appropriations for foreign operations, export financing, and related programs, \$60,000,000 are rescinded.

ANDEAN SECURITY STRATEGY

SEC. 603. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the United States policy and strategy to assist Colombia as well as to achieve a robust security environment in the Andean region.

(b) The report required by subsection (a) shall address the following:

(1) The key objectives of the United States assistance to the Government of Colombia.

(2) The actions required of the United States to support and achieve those objectives, as well as a time schedule and cost estimates for implementing such actions.

1 (3) The role of the United States in the efforts
2 of the Government of Colombia to provide security
3 within the country.

4 (4) How the strategy regarding Colombia re-
5 lates to and affects the strategy of the United States
6 to achieve regional security between, and within, An-
7 dean countries, and how those Andean countries are
8 working with Colombia to achieve regional security.

9 (5) A strategy, time schedule, and cost esti-
10 mates for providing material, technical, and
11 logistical support to the Government of Colombia to
12 assist it contain and eliminate the threat which the
13 United Self-Defense Forces (AUC) of Colombia
14 poses to the national security of that country.

15 (6) A strategy to assist the Government of Co-
16 lombia reach a negotiated political solution to the in-
17 ternal conflict as well as help it facilitate the design
18 and implementation of a comprehensive strategy
19 which addresses the underlying socio-political
20 sources of the insurgencies and paramilitary
21 counter-insurgency.

22 (c) In this section, the term “appropriate congres-
23 sional committees means—

1 (1) the Committee on International Relations
2 and the Committee on Appropriations of the House
3 of Representatives; and

4 (2) the Committee on Foreign Relations and
5 the Committee on Appropriations of the Senate.

6 UNITED NATIONS POPULATION FUND

7 SEC. 604. Section 576 of Public Law 107–115 is
8 amended—

9 (1) in subsection (a) by striking “not more
10 than”; and

11 (2) by adding the following new subsection:

12 “(d) OBLIGATION AND DISBURSEMENT.—Funds
13 made available pursuant to subsection (a) shall be obli-
14 gated and disbursed not later than July 10, 2002, unless
15 otherwise prohibited by law.”.

16 SEC. 605. Notwithstanding any other provision of
17 this Act or of any other law, section 576 of Public Law
18 107–115 is amended to read in its entirety as follows:

19 “UNITED NATIONS POPULATION FUND

20 “SEC. 576. (a) LIMITATIONS ON AMOUNT OF CON-
21 TRIBUTION.—Of the amounts made available under ‘Inter-
22 national Organizations and Programs’, not more than
23 \$34,000,000 for fiscal year 2002 shall be made available
24 for the United Nations Population Fund (hereafter in this
25 section referred to as the ‘UNFPA’).

1 “(b) PROHIBITION ON USE OF FUNDS IN CHINA.—
2 None of the funds made available under ‘International Or-
3 ganizations and Programs’ may be made available for the
4 UNFPA for a country program in the People’s Republic
5 of China.

6 “(c) CONDITIONS ON AVAILABILITY OF FUNDS.—
7 Amounts made available under ‘International Organiza-
8 tions and Programs’ for fiscal year 2002 for the UNFPA
9 may not be made available to UNFPA unless—

10 “(1) the UNFPA maintains amounts made
11 available to the UNFPA under this section in an ac-
12 count separate from other accounts of the UNFPA;

13 “(2) the UNFPA does not commingle amounts
14 made available to the UNFPA under this section
15 with other sums; and

16 “(3) the UNFPA does not fund abortions.

17 “(d) DETERMINATION BY PRESIDENT.—Not later
18 than July 31, 2002, the President shall transmit to the
19 Committees on Appropriations his determination whether
20 UNFPA supports or participates in the management of
21 a program of coercive abortion or involuntary steriliza-
22 tion.”.

1 CHAPTER 7
2 DEPARTMENT OF THE INTERIOR
3 BUREAU OF LAND MANAGEMENT
4 MANAGEMENT OF LANDS AND RESOURCES

5 For an additional amount for “Management of Lands
6 and Resources”, \$658,000, for emergency security ex-
7 penses, to remain available until expended: *Provided*, That
8 the entire amount is designated by the Congress as an
9 emergency requirement pursuant to section 251(b)(2)(A)
10 of the Balanced Budget and Emergency Deficit Control
11 Act of 1985, as amended: *Provided further*, That these
12 funds shall be available only to the extent that an official
13 budget request for a specific dollar amount, that includes
14 designation of the entire amount as an emergency require-
15 ment as defined by such Act, is transmitted by the Presi-
16 dent to the Congress.

17 UNITED STATES FISH AND WILDLIFE SERVICE
18 RESOURCE MANAGEMENT

19 For an additional amount for “Resource Manage-
20 ment”, \$1,443,000, for emergency security expenses, to
21 remain available until expended: *Provided*, That the entire
22 amount is designated by the Congress as an emergency
23 requirement pursuant to section 251(b)(2)(A) of the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985,
25 as amended: *Provided further*, That these funds shall be

1 available only to the extent that an official budget request
2 for a specific dollar amount, that includes designation of
3 the entire amount as an emergency requirement as defined
4 by such Act, is transmitted by the President to the Con-
5 gress.

6 NATIONAL PARK SERVICE

7 OPERATION OF THE NATIONAL PARK SYSTEM

8 For an additional amount for “Operation of the Na-
9 tional Park System”, \$1,173,000, for emergency security
10 expenses, to remain available until expended: *Provided*,
11 That the entire amount is designated by the Congress as
12 an emergency requirement pursuant to section
13 251(b)(2)(A) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended: *Provided further*,
15 That these funds shall be available only to the extent that
16 an official budget request for a specific dollar amount,
17 that includes designation of the entire amount as an emer-
18 gency requirement as defined by such Act, is transmitted
19 by the President to the Congress.

20 CONSTRUCTION

21 For an additional amount for “Construction”,
22 \$19,300,000, for emergency security expenses, to remain
23 available until expended: *Provided*, That the entire amount
24 is designated by the Congress as an emergency require-
25 ment pursuant to section 251(b)(2)(A) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985, as
2 amended: *Provided further*, That these funds shall be
3 available only to the extent that an official budget request
4 for a specific dollar amount, that includes designation of
5 the entire amount as an emergency requirement as defined
6 by such Act, is transmitted by the President to the Con-
7 gress.

8 UNITED STATES GEOLOGICAL SURVEY

9 SURVEYS, INVESTIGATIONS, AND RESEARCH

10 For an additional amount for “Surveys, Investiga-
11 tions, and Research”, \$25,700,000, for emergency secu-
12 rity expenses, to remain available until expended: *Pro-*
13 *vided*, That the entire amount is designated by the Con-
14 gress as an emergency requirement pursuant to section
15 251(b)(2)(A) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985, as amended: *Provided further*,
17 That these funds shall be available only to the extent that
18 an official budget request for a specific dollar amount,
19 that includes designation of the entire amount as an emer-
20 gency requirement as defined by such Act, is transmitted
21 by the President to the Congress.

1 BUREAU OF INDIAN AFFAIRS
2 OPERATION OF INDIAN PROGRAMS
3 (INCLUDING RESCISSION OF FUNDS)

4 For an additional amount for “Operation of Indian
5 Programs”, \$134,000, for emergency security expenses, to
6 remain available until expended: *Provided*, That the entire
7 amount is designated by the Congress as an emergency
8 requirement pursuant to section 251(b)(2)(A) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985,
10 as amended: *Provided further*, That these funds shall be
11 available only to the extent that an official budget request
12 for a specific dollar amount, that includes designation of
13 the entire amount as an emergency requirement as defined
14 by such Act, is transmitted by the President to the Con-
15 gress.

16 Of the funds provided under this heading in Public
17 Law 107–20 for electric power operations and related ac-
18 tivities at the San Carlos Irrigation Project, \$5,000,000
19 is rescinded.

20 Funds provided under this heading in Public Law
21 107–20, for electric power operations and related activities
22 at the San Carlos Irrigation Project, and remaining within
23 the account may be used for unanticipated trust reform
24 projects and costs related to the ongoing Cobell litigation
25 or other litigation concerning the management of Indian

1 trust funds: *Provided*, That funds made available herein
2 may, as needed, be transferred to or merged with any ac-
3 count funded in the Interior and Related Agencies Appro-
4 priations Act to reimburse costs incurred for these litiga-
5 tion activities.

6 DEPARTMENTAL OFFICES

7 DEPARTMENTAL MANAGEMENT

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses”, \$905,000, for emergency security expenses, to re-
11 main available until expended: *Provided*, That the entire
12 amount is designated by the Congress as an emergency
13 requirement pursuant to section 251(b)(2)(A) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985,
15 as amended: *Provided further*, That these funds shall be
16 available only to the extent that an official budget request
17 for a specific dollar amount, that includes designation of
18 the entire amount as an emergency requirement as defined
19 by such Act, is transmitted by the President to the Con-
20 gress.

21 RELATED AGENCY

22 SMITHSONIAN INSTITUTION

23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, of the Smithsonian Institution, \$11,000,000, for

1 emergency security expenses, to remain available until ex-
2 pended: *Provided*, That the entire amount is designated
3 by the Congress as an emergency requirement pursuant
4 to section 251(b)(2)(A) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985, as amended: *Pro-*
6 *vided further*, That these funds shall be available only to
7 the extent that an official budget request for a specific
8 dollar amount, that includes designation of the entire
9 amount as an emergency requirement as defined by such
10 Act, is transmitted by the President to the Congress.

11 CONSTRUCTION

12 For an additional amount for “Construction”, for
13 emergency security expenses, \$2,000,000, to remain avail-
14 able until expended: *Provided*, That the entire amount is
15 designated by the Congress as an emergency requirement
16 pursuant to section 251(b)(2)(A) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985, as amended:
18 *Provided further*, That these funds shall be available only
19 to the extent that an official budget request for a specific
20 dollar amount, that includes designation of the entire
21 amount as an emergency requirement as defined by such
22 Act, is transmitted by the President to the Congress.

23 GENERAL PROVISIONS—THIS CHAPTER

24 SEC. 701. Within 10 days of enactment of this Act,
25 funds appropriated to the Forest Service under the head-

1 ing “Wildland Fire Management” in Public Law 107–63
2 for the following purposes: \$5,000,000 for research activi-
3 ties and \$10,000,000 for capital improvement and mainte-
4 nance of fire facilities shall be released and made available
5 for immediate obligation. These funds are not available for
6 transfer for purposes other than those described in this
7 section.

8 SEC. 702. None of the funds appropriated in this or
9 any other Act, except funds appropriated to the Office of
10 Management and Budget, shall be available to study the
11 transfer of any research activities from the Smithsonian
12 Institution to the National Science Foundation.

13 SEC. 703. In fiscal year 2002 and thereafter, the Sec-
14 retary of the Interior may charge reasonable fees for serv-
15 ices provided at Midway Atoll National Wildlife Refuge,
16 including fuel sales, and retain those fees, to be credited
17 to the United States Fish and Wildlife Service, “Resource
18 Management” account and remain available until ex-
19 pended for operation and maintenance of infrastructure
20 and staffing required for non-refuge specific needs, includ-
21 ing the purchase of fuel supplies.

22 SEC. 704. In entering into agreements with foreign
23 countries pursuant to the Wildfire Suppression Assistance
24 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
25 the Secretary of the Interior are authorized to enter into

1 reciprocal agreements where the individuals furnished
2 under said agreements to provide wildfire services are con-
3 sidered, for purposes of tort liability, employees of the
4 country receiving said services when the individuals are
5 fighting fires. The Secretary of Agriculture or the Sec-
6 retary of the Interior shall not enter into any agreement
7 under this provision unless the foreign country (either di-
8 rectly or through its fire organization) agrees to assume
9 any and all liability for the acts or omissions of American
10 firefighters engaged in firefighting in a foreign country.
11 When an agreement is reached for furnishing fire fighting
12 services, the only remedies for acts or omissions com-
13 mitted while fighting fires shall be that provided under
14 the laws of the host country and those remedies shall be
15 the exclusive remedies for any claim arising out of fighting
16 fires in a foreign country. Neither the firefighter, the send-
17 ing country or any organization associated with the fire-
18 fighter shall be subject to any action whatsoever per-
19 taining to or arising out of fighting fires.

20 SEC. 705. Hereafter, for purposes of section 7 of the
21 Endangered Species Act of 1973 (16 U.S.C. 1536), the
22 Secretary of Defense may be held responsible for water
23 consumption that occurs on a military installation (or out-
24 side of military installation but under the direct authority
25 and control of the Secretary). The Secretary of Defense

1 is not responsible for water consumption that occurs out-
2 side of a military installation and is beyond the direct au-
3 thority and control of the Secretary of Defense even
4 through the water is derived from a watershed basin
5 shared by the military installation and the water consump-
6 tion outside of the installation may impact a critical habi-
7 tat or endangered species outside the installation.

8 CHAPTER 8

9 DEPARTMENT OF LABOR

10 EMPLOYMENT AND TRAINING ADMINISTRATION

11 TRAINING AND EMPLOYMENT SERVICES

12 For an additional amount for “Training and Employ-
13 ment Services”, \$300,000,000, to remain available
14 through September 30, 2003; of which not less than
15 \$190,000,000 is available for carrying out sections 171(d)
16 and 173 of the Workforce Investment Act of 1998, except
17 that not more than \$20,000,000 may be used for carrying
18 out section 171(d); and of which \$110,000,000, to remain
19 available through June 30, 2002, is available for carrying
20 out section 132(a)(2)(B) of such Act: *Provided*, That not-
21 withstanding sections 132(b)(2)(B) and 133(b)(2)(B) of
22 such Act, such funds for carrying out section 132(a)(2)(B)
23 shall be allotted and allocated in a manner that restores
24 to the affected States and local workforce investment
25 areas the \$110,000,000 that was subject to rescission

1 under Public Law 107–20: *Provided further*, That the en-
2 tire amount is designated by the Congress as an emer-
3 gency requirement pursuant to section 251(b)(2)(A) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985, as amended: *Provided further*, That the entire
6 amount shall be available only to the extent that an official
7 budget request for a specific dollar amount that includes
8 designation of the entire amount of the request as an
9 emergency requirement as defined in such Act, is trans-
10 mitted by the President to Congress.

11 DEPARTMENT OF HEALTH AND HUMAN
12 SERVICES

13 HEALTH RESOURCES AND SERVICES ADMINISTRATION
14 HEALTH RESOURCES AND SERVICES

15 The matter preceding the first proviso under this
16 heading in Public Law 107–116 is amended—

17 (1) by inserting “IV,” after “titles II, III,”; and

18 (2) by striking “\$311,978,000” and inserting
19 “\$315,333,000”.

20 CENTERS FOR DISEASE CONTROL AND PREVENTION
21 DISEASE CONTROL, RESEARCH, AND TRAINING

22 For an additional amount for the Centers for Disease
23 Control and Prevention, “Disease Control, Research, and
24 Training”, \$1,000,000: *Provided*, That the entire amount
25 is designated by the Congress as an emergency require-

1 ment pursuant to section 251(b)(2)(A) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985, as
3 amended: *Provided further*, That these funds shall be
4 available only to the extent that an official budget request,
5 that designates the entire amount of the request as an
6 emergency requirement as defined in such Act, is trans-
7 mitted by the President to the Congress.

8 NATIONAL INSTITUTES OF HEALTH

9 BUILDINGS AND FACILITIES

10 (RESCISSION)

11 Of the funds provided under this heading in Public
12 Law 107–116, \$30,000,000 is rescinded.

13 ADMINISTRATION FOR CHILDREN AND FAMILIES

14 CHILDREN AND FAMILIES SERVICES AND PROGRAMS

15 For an additional amount for “Children and Families
16 Services Programs” for carrying out section 316 of the
17 Family Violence Prevention and Services Act (42 U.S.C.
18 10416), \$500,000: *Provided*, That such amount is des-
19 ignated by the Congress as an emergency requirement
20 pursuant to section 251(b)(2)(A) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985: *Provided fur-*
22 *ther*, That such amount shall be available only to the ex-
23 tent that an official budget request, that includes designa-
24 tion of the entire amount of the request as an emergency
25 requirement as defined in the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985, is transmitted by the
2 President to the Congress.

3 DEPARTMENT OF EDUCATION

4 SCHOOL IMPROVEMENT PROGRAMS

5 Of the funds provided under this heading in Public
6 Law 107–116 to carry out the Elementary and Secondary
7 Education Act of 1965, \$832,889,000 shall be available
8 to carry out part D of title V, and up to \$11,500,000 may
9 be used to carry out section 2345.

10 In the statement of the managers of the committee
11 of conference accompanying H.R. 3061 (Public Law 107–
12 116; H. Rpt. 107–342), in the matter relating to the Fund
13 for the Improvement of Education under the heading
14 “School Improvement Programs”—

15 (1) the provision specifying \$200,000 for Fres-
16 no At-Risk Youth Services and the provision speci-
17 fying \$225,000 for the Fresno Unified School Dis-
18 trict shall be applied by substituting the following
19 for the two provisions: “Fresno Unified School Dis-
20 trict, Fresno, California, in partnership with the
21 City of Fresno, California, for activities to address
22 the problems of at-risk youth, including afterschool
23 activities and a mobile science unit, \$425,000”;

24 (2) the provision specifying \$50,000 for the
25 Lewiston-Auburn College/University of Southern

1 Maine shall be deemed to read as follows: “Lewis-
2 ton-Auburn College/University of Southern Maine
3 TEAMS program to prepare teachers to meet the
4 demands of Maine’s 21st century elementary and
5 middle schools, \$50,000”;

6 (3) the provision specifying \$250,000 for the
7 Wellington Public School District, Wellington, KS,
8 shall be deemed to read as follows: “Wellington Pub-
9 lic School District, Wellington, KS, for after school
10 activities, \$250,000”;

11 (4) the provision specifying \$200,000 for the
12 Vermont Higher Education Council shall be deemed
13 to read as follows: “Vermont Higher Education Con-
14 sortium to develop universal early learning programs
15 to ensure that at least one certified teacher will be
16 available in center-based child care programs,
17 \$200,000”;

18 (5) the provision specifying \$250,000 for Edu-
19 cation Service District 117 in Wenatchee, WA, shall
20 be deemed to read as follows: “Education Service
21 District 171 in Wenatchee, WA to equip a commu-
22 nity technology center to expand technology-based
23 training, \$250,000”;

24 (6) the provision specifying \$1,000,000 for the
25 Electronic Data Systems Project shall be deemed to

1 read as follows: “Washington State Department of
2 Education for an electronic data systems project to
3 create a database that would improve the acquisi-
4 tion, analysis and sharing of student information,
5 \$1,000,000”;

6 (7) the provision specifying \$250,000 for the
7 YMCA of Seattle-King-Snohomish County shall be
8 deemed to read as follows: “YWCA of Seattle-King
9 County-Snohomish County to support women and
10 families through an at-risk youth center and other
11 family supports, \$250,000”;

12 (8) the provision specifying \$50,000 for Drug
13 Free Pennsylvania shall be deemed to read as fol-
14 lows: “Drug Free Pennsylvania to implement a dem-
15 onstration project, \$50,000”;

16 (9) the provision specifying \$20,000,000 for the
17 Commonwealth of Pennsylvania Department of Edu-
18 cation shall be deemed to read as follows:
19 “\$20,000,000 is included for a grant to the Com-
20 monwealth of Pennsylvania Department of Edu-
21 cation to provide assistance, through subgrants, to
22 low-performing school districts that are slated for
23 potential takeover and/or on the Education Em-
24 powerment List as prescribed by Pennsylvania State
25 Law. The initiative is intended to improve the man-

1 agement and operations of the school districts; assist
2 with curriculum development; provide after-school,
3 summer, and weekend programs; offer teacher and
4 principal professional development; and promote the
5 acquisition and effective use of instructional tech-
6 nology and equipment.”;

7 (10) the provision specifying \$1,000,000 for
8 State of Louisiana for Louisiana Online shall be
9 deemed to read as follows: “Online Louisiana, Inc.,
10 New Orleans, LA, for a K–12 technology initiative,
11 \$1,000,000”;

12 (11) the provision specifying \$150,000 for the
13 American Theater Arts for Youth, Inc., Philadel-
14 phia, PA, for a Mississippi Arts in Education Pro-
15 gram shall be deemed to read as follows: “American
16 Theater Arts for Youth, Inc., for a Mississippi Arts
17 in Education program, \$150,000”; and

18 (12) the provision specifying \$25,000 for the
19 American Theater Arts for Youth for an Arts in
20 Education program shall be deemed to read as fol-
21 lows: “American Theater Arts for Youth, Inc., in
22 Philadelphia, Pennsylvania for an Arts in Education
23 Program, \$25,000”.

1 STUDENT FINANCIAL ASSISTANCE

2 For an additional amount for “Student Financial As-
3 sistance” for Pell Grants, \$1,000,000,000, to remain
4 available through September 30, 2003.

5 HIGHER EDUCATION

6 In the statement of the managers of the committee
7 of conference accompanying H.R. 3061 (Public Law 107–
8 116; H. Rept. 107–342), in the matter relating to the
9 Fund for the Improvement of Postsecondary Education
10 under the heading “Higher Education”—

11 (1) the provision for Nicholls State University,
12 Thibodaux, LA shall be applied by substituting
13 “Intergenerational” for “International”; and

14 (2) the provision specifying \$1,000,000 for
15 Cleveland State University shall be deemed to read
16 as follows: “Cleveland State University, College of
17 Education, Cleveland, Ohio, for a K–16 Urban
18 School Leadership initiative, \$1,000,000”.

19 CHAPTER 9

20 LEGISLATIVE BRANCH

21 HOUSE OF REPRESENTATIVES

22 SALARIES AND EXPENSES

23 For an additional amount for salaries and expenses
24 of the House of Representatives, \$1,600,000, as follows:

1 COMMITTEE EMPLOYEES

2 STANDING COMMITTEES, SPECIAL AND SELECT

3 For an additional amount for salaries and expenses
4 of standing committees, special and select, authorized by
5 House resolutions, \$1,600,000: *Provided*, That such
6 amount shall remain available for such salaries and ex-
7 penses until December 31, 2002.

8 LIBRARY OF CONGRESS

9 COPYRIGHT OFFICE

10 SALARIES AND EXPENSES

11 For an additional amount for necessary expenses of
12 the Copyright Office, \$7,500,000: *Provided*, That such
13 amount is designated by the Congress as an emergency
14 requirement pursuant to section 251(b)(2)(A) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.

16 JOINT ITEMS

17 CAPITOL POLICE BOARD

18 CAPITOL POLICE

19 GENERAL EXPENSES

20 For an additional amount for the Capitol Police
21 Board for necessary expenses of the Capitol Police, includ-
22 ing computer equipment and services, training, commu-
23 nications, uniforms, weapons, and reimbursement to the
24 Environmental Protection Agency, Hazardous Substance
25 Superfund for additional expenses incurred for anthrax in-

1 vestigations and cleanup actions, \$16,100,000, to be dis-
2 bursed by the Capitol Police Board or their delegee: *Pro-*
3 *vided*, That this amount shall be available only to the ex-
4 tent that an official budget request, that includes designa-
5 tion of the amount as an emergency requirement, as de-
6 fined in the Balanced Budget and Emergency Deficit Con-
7 trol Act of 1985, is transmitted by the President to Con-
8 gress: *Provided further*, That such amount is designated
9 by the Congress as an emergency requirement pursuant
10 to section 251(b)(2)(A) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 901. (a) There is hereby established in the
14 Treasury of the United States an account for the Architect
15 of the Capitol to be known as “capitol police buildings”
16 (hereinafter in this section referred to as the “account”).

17 (b) Funds in the account shall be used by the Archi-
18 tect of the Capitol for all necessary expenses for the main-
19 tenance, care, and operation of buildings of the United
20 States Capitol Police.

21 (c) This section shall apply with respect to fiscal year
22 2002 and each succeeding fiscal year. Any amounts pro-
23 vided to the Architect of the Capitol prior to the date of
24 the enactment of this Act for the maintenance, care, and
25 operation of buildings of the United States Capitol Police

1 during fiscal year 2002 shall be transferred to the ac-
2 count.

3 SEC. 902. (a) Subject to the approval of the House
4 Office Building Commission and the Senate Committee on
5 Rules and Administration, the Architect of the Capitol is
6 authorized to acquire (through purchase, lease, transfer
7 from another Federal entity, or otherwise) real property,
8 subject to the availability of appropriations, for the use
9 of the United States Capitol Police.

10 (b) Any real property acquired by the Architect of
11 the Capitol pursuant to subsection (a) shall be a part of
12 the United States Capitol Grounds and shall be subject
13 to the provisions of the Act entitled “An Act to define
14 the area of the United States Capitol Grounds, to regulate
15 the use thereof, and for other purposes”, approved July
16 31, 1946.

17 (c) This section shall apply with respect to fiscal year
18 2002 and each succeeding fiscal year.

19 SEC. 903. (a) Chapter 9 of the Emergency Supple-
20 mental Act, 2002 (Public Law 107–117; 115 Stat. 2315),
21 is amended—

22 (1) in section 903 (a), by striking “buildings
23 and facilities” and insert “buildings and facilities,
24 subject to the availability of appropriations,”.

1 (b) Section 9 of the Act of July 31, 1946 (40 U.S.C.
2 212a), is amended by redesignating the subsection (b)
3 added by section 903(c)(2) of the Emergency Supple-
4 mental Act, 2002, as subsection (c).

5 (c) The amendment made by this section shall take
6 effect as if included in the enactment of the Emergency
7 Supplemental Act, 2002.

8 SEC. 904. Nothing in section 1535 of title 31, United
9 States Code (commonly referred to as the “Economy
10 Act”), or any other provision of such title may be con-
11 strued to prevent or restrict the Chief Administrative Offi-
12 cer of the House of Representatives from placing orders
13 under such section during any fiscal year in the same
14 manner and to the same extent as the head of any other
15 major organizational unit with an agency may place orders
16 under such section during a fiscal year.

17 SEC. 905. (a) IN GENERAL.—Section 313 of the Leg-
18 islative Branch Appropriations Act, 2001 (2 U.S.C. 1151),
19 as enacted by reference in section 1(a)(2) of the Consoli-
20 dated Appropriations Act, 2001, is amended—

21 (1) by redesignating subsections (c) through (h)
22 as subsections (d) through (i); and

23 (2) by inserting after subsection (b) the fol-
24 lowing new subsection:

1 “(c) RUSSIAN EXCHANGE PROGRAM FOR AMERICAN
2 LEADERSHIP.—

3 “(1) IN GENERAL.—In addition to the program
4 established under subsection (b), the Center shall es-
5 tablish a program to carry out activities (including
6 the awarding of grants) to enable emerging political
7 leaders of the Federal Government and State and
8 local governments to visit the Russian Federation to
9 study the operation of political institutions, business
10 organizations, and nongovernmental organizations of
11 the Russian Federation.

12 “(2) ADMINISTRATION.—The provisions of
13 paragraphs (3) and (4) of subsection (b) shall apply
14 with respect to the program under this subsection in
15 the same manner as such provisions apply to the
16 program under subsection (b).”.

17 (b) CONFORMING AMENDMENTS.—Section 313 of
18 such Act (2 U.S.C. 1151) is amended—

19 (1) in subsection (b)(1), by striking the period
20 at the end and inserting the following: “, and to es-
21 tablish and administer the program described in sub-
22 section (c).”; and

23 (2) in subsection (i)(2) (as redesignated by sub-
24 section (a)(1)), by striking “Subsection (g)” and in-
25 serting “Subsection (h)”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect October 1, 2001.

3 SEC. 906. (a) The Librarian of Congress and the Di-
4 rector of the Congressional Research Service shall take
5 such steps as may be necessary to ensure that all materials
6 of the Congressional Research Service which are provided
7 and available to Members of Congress and officers and
8 employees of the House of Representatives and Senate at
9 the United States Capitol and Congressional office build-
10 ings (including materials provided through electronic
11 means) may be provided and available to such individuals
12 in the same manner and to the same extent at all other
13 locations where such individuals carry out their official du-
14 ties.

15 (b) This section shall apply to materials of the Con-
16 gressional Research Service which are provided and avail-
17 able at any time after the date of the enactment of this
18 Act.

19 SEC. 907. (a) The Architect of the Capitol is author-
20 ized, subject to the availability of appropriations, to ac-
21 quire (through purchase, lease, or otherwise) buildings
22 and facilities for use as computer backup facilities (and
23 related uses) for offices in the legislative branch.

24 (b) The acquisition of a building or facility under sub-
25 section (a) shall be subject to the approval of—

1 (1) the House Office Building Commission, in
2 the case of a building or facility acquired for the use
3 of an office of the House of Representatives;

4 (2) the Committee on Rules and Administration
5 of the Senate, in the case of a building or facility
6 acquired for the use of an office of the Senate; or

7 (3) the House Office Building Commission in
8 the case of a building or facility acquired for the use
9 of any other office in the legislative branch as part
10 of a joint facility with (1) above, or the Committee
11 on Rules and Administration of the Senate, in the
12 case of a building or facility acquired for the use of
13 any other office in the legislative branch as part of
14 a joint facility with (2) above.

15 (c) Any building or facility acquired by the Architect
16 of the Capitol pursuant to subsection (a) shall be a part
17 of the United States Capitol Grounds and shall be subject
18 to the provisions of the Act entitled “An Act to define
19 the area of the United States Capitol Grounds, to regulate
20 the use thereof, and for other purposes”, approved July
21 31, 1946.

22 (d) This section shall apply with respect to fiscal year
23 2002 and each succeeding fiscal year.

1 CHAPTER 10
2 DEPARTMENT OF DEFENSE
3 MILITARY CONSTRUCTION
4 MILITARY CONSTRUCTION, AIR FORCE

5 For an additional amount for “Military Construction,
6 Air Force”, \$8,505,000, to remain available until Sep-
7 tember 30, 2006: *Provided*, That the entire amount is des-
8 ignated by the Congress as an emergency requirement
9 pursuant to section 251(b)(2)(A) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985, as amended:
11 *Provided further*, That the entire amount shall be available
12 only to the extent an official budget request for a specific
13 dollar amount that includes designation of the entire
14 amount of the request as an emergency requirement as
15 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 notwith-
18 standing any other provision of law, such funds may be
19 obligated or expended to carry out planning and design
20 and military construction projects not otherwise author-
21 ized by law.

22 MILITARY CONSTRUCTION, DEFENSE-WIDE
23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Military Construction,
25 Defense-wide”, \$21,500,000, to remain available until

1 September 30, 2006: *Provided*, That the entire amount is
2 designated by the Congress as an emergency requirement
3 pursuant to section 251(b)(2)(A) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985, as amended:
5 *Provided further*, That the entire amount shall be available
6 only to the extent an official budget request for a specific
7 dollar amount 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 notwith-
12 standing any other provision of law, such funds may be
13 obligated or expended to carry out planning and design
14 and military construction projects not otherwise author-
15 ized by law.

16 CHAPTER 11

17 DEPARTMENT OF TRANSPORTATION

18 OFFICE OF THE SECRETARY

19 TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

20 Under this heading in Public Law 107–87, as amend-
21 ed by section 1106 of Public Law 107–117, delete
22 “\$116,023,000” and insert “\$128,123,000”.

23 TRANSPORTATION SECURITY ADMINISTRATION

24 For additional amounts for emergency expenses aris-
25 ing to implement the Federal takeover of airport security,

1 \$3,850,000,000, to remain available until September 30,
2 2003: *Provided*, That the entire amount is designated by
3 the Congress as an emergency requirement pursuant to
4 section 251(b)(2)(A) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985, as amended: *Provided*
6 *further*, That of the total amount provided herein, the fol-
7 lowing amounts are available for obligation only for the
8 specific purposes below:

9 (1) Physical modification of commercial service
10 airports for the purpose of installing checked bag-
11 gage explosive detection systems, including explosive
12 trace detection systems, \$850,000,000;

13 (2) Procurement of explosive detection systems,
14 including explosive trace detection systems, for
15 checked baggage screening, \$630,000,000;

16 (3) Reimbursement of air carriers for installa-
17 tion of intrusion-resistant cockpit doors,
18 \$25,000,000;

19 (4) Competitive grants to critical national sea-
20 ports to finance the costs of enhancing facility and
21 operational security, \$75,000,000;

22 (5) Reimbursement to airports for State and
23 local law enforcement officers, \$75,000,000;

1 (6) Procurement of air-ground communications
2 systems and devices for the Federal air marshal pro-
3 gram, \$20,000,000;

4 (7) Additional funding for the Department of
5 Transportation Crisis Management Center, to im-
6 prove transportation emergency response coordina-
7 tion, \$2,100,000; and

8 (8) Replacement of magnetometers at airport
9 passenger screening locations in commercial service
10 airports, \$20,000,000:

11 *Provided further*, That none of the funds in this Act shall
12 be used to recruit or hire personnel into the Transpor-
13 tation Security Administration which would cause the
14 agency to exceed a staffing level of 45,000 full-time per-
15 manent positions: *Provided further*, That of such amount,
16 \$1,545,000,000 shall be available only to the extent an
17 official budget request for a specific dollar amount that
18 includes designation of the entire amount of the request
19 as an emergency requirement as defined in such Act is
20 transmitted by the President to the Congress.

21 U.S. COAST GUARD

22 OPERATING EXPENSES

23 For an additional amount for “Operating Expenses”
24 for emergency expenses for homeland security and other
25 purposes, \$210,000,000, to remain available until Sep-

1 tember 30, 2003: *Provided*, That the entire amount is des-
2 ignated by the Congress as an emergency requirement
3 pursuant to section 251(b)(2)(A) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985, as amended:
5 *Provided further*, That of such amount, \$21,000,000 shall
6 be available only to the extent an official budget request
7 for a specific dollar amount that includes designation of
8 the entire amount of the request as an emergency require-
9 ment as defined in such Act is transmitted by the Presi-
10 dent to the Congress.

11 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

12 For an additional amount for “Acquisition, Construc-
13 tion, and Improvements” for emergency expenses for
14 homeland security and other purposes, \$78,000,000: *Pro-*
15 *vided*, That the entire amount is designated by the Con-
16 gress as an emergency requirement pursuant to section
17 251(b)(2)(A) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985, as amended: *Provided further*,
19 That of such amount, \$12,000,000 shall be available only
20 to the extent an official budget request for a specific dollar
21 amount that includes designation of the entire amount of
22 the request as an emergency requirement as defined in
23 such Act is transmitted by the President to the Congress.

1 FEDERAL AVIATION ADMINISTRATION
2 OPERATIONS
3 (TRANSFER OF FUNDS)

4 For an additional amount for “Operations,” up to
5 \$25,000,000, to remain available until September 30,
6 2002, for security activities at Federal Aviation Adminis-
7 tration facilities, to be derived by transfer from “Facilities
8 and Equipment (Airport and Airway Trust Fund)”.

9 GRANTS-IN-AID FOR AIRPORTS

10 For emergency expenses to respond to the September
11 11, 2001, terrorist attacks on the United States, notwith-
12 standing any other provision of law, for “Grants-in-aid for
13 airports”, to enable the Federal Aviation Administrator to
14 compensate airports for a portion of the direct costs asso-
15 ciated with new, additional or revised security require-
16 ments imposed on airport operators by the Administrator
17 on or after September 11, 2001, \$200,000,000, to remain
18 available until expended: *Provided*, That the entire amount
19 is designated by the Congress as an emergency require-
20 ment pursuant to section 251(b)(2)(A) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985, as
22 amended: *Provided further*, That such amount shall be
23 available only to the extent an official budget request for
24 a specific dollar amount that includes designation of the
25 entire amount of the request as an emergency requirement

1 as defined in such Act is transmitted by the President to
2 the Congress.

3 FEDERAL HIGHWAY ADMINISTRATION

4 FEDERAL-AID HIGHWAYS

5 EMERGENCY RELIEF PROGRAM

6 (HIGHWAY TRUST FUND)

7 For an additional amount for the “Emergency Relief
8 Program”, as authorized by 23 U.S.C. 125, for emergency
9 expenses to respond to natural disasters or catastrophic
10 failures from external causes, \$167,000,000, to be derived
11 from the Highway Trust Fund and to remain available
12 until expended, for the State of New York to respond to
13 the September 11, 2001, terrorist attacks on New York
14 City: *Provided*, That the entire amount is designated by
15 the Congress as an emergency requirement pursuant to
16 section 251(b)(2)(A) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985, as amended: *Provided*
18 *further*, That notwithstanding 23 U.S.C. 120(e), the Fed-
19 eral share for any project on a Federal-aid highway re-
20 lated to the New York City terrorist attacks shall be 100
21 percent: *Provided further*, That notwithstanding 23 U.S.C.
22 125(d)(1), the Secretary of Transportation may obligate
23 more than \$100,000,000 for those projects.

1 FEDERAL MOTOR CARRIER SAFETY
2 ADMINISTRATION
3 BORDER ENFORCEMENT PROGRAM
4 (HIGHWAY TRUST FUND)

5 For necessary expenses of the Border Enforcement
6 Program to respond to the September 11, 2001, terrorist
7 attacks on the United States, \$19,300,000, to be derived
8 from the Highway Trust Fund, of which \$4,200,000 shall
9 be to implement section 1012 of Public Law 107–56 (USA
10 Patriot Act); \$10,000,000 shall be for drivers’ license
11 fraud detection and prevention, the northern border safety
12 and security study, and hazardous material security edu-
13 cation and outreach; and \$5,100,000 shall be for the pur-
14 poses of coordinating drivers’ license registration and so-
15 cial security number verification: *Provided*, That in con-
16 nection with such commercial drivers’ license fraud deter-
17 rence projects, the Secretary may enter into such con-
18 tracts or grants with the American Association of Motor
19 Vehicle Administrators, States, or other persons as the
20 Secretary may so designate to carry out these purposes:
21 *Provided further*, That the entire amount is designated by
22 the Congress as an emergency requirement pursuant to
23 section 251(b)(2)(A) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985, as amended.

HAZARDOUS MATERIALS SECURITY

(HIGHWAY TRUST FUND)

1 For necessary expenses to implement the hazardous
2 materials safety permit program pursuant to 49 U.S.C.
3 5109, \$5,000,000, to be derived from the Highway Trust
4 Fund and to remain available until expended: *Provided*,
5 That the entire amount is designated by the Congress as
6 an emergency requirement pursuant to section
7 251(b)(2)(A) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985, as amended: *Provided further*,
9 That such amount shall be available only to the extent
10 an official budget request for a specific dollar amount that
11 includes designation of the entire amount of the request
12 as an emergency requirement as defined in such Act is
13 transmitted by the President to the Congress.

FEDERAL TRANSIT ADMINISTRATION

CAPITAL INVESTMENT GRANTS

14 For an additional amount for “Capital Investment
15 Grants” for emergency expenses to respond to the Sep-
16 tember 11, 2001, terrorist attacks in New York City,
17 \$1,800,000,000, to remain available until expended to re-
18 place, rebuild, or enhance the public transportation sys-
19 tems serving the Borough of Manhattan, New York City,
20 New York: *Provided*, That the Secretary may use up to
21 one percent of this amount for oversight activities: *Pro-*

1 *vided further*, That these funds are subject to grant re-
2 quirements as determined by the Secretary to ensure that
3 eligible projects will improve substantially the mobility of
4 commuters in Lower Manhattan: *Provided further*, That
5 the Federal share for any project funded from this amount
6 shall be 100 percent: *Provided further*, That these funds
7 are in addition to any other appropriation available for
8 these purposes: *Provided further*, That the entire amount
9 is designated by the Congress as an emergency require-
10 ment pursuant to section 251(b)(2)(A) of the Balanced
11 Budget and Emergency Deficit Control Act of 1985, as
12 amended.

13 GENERAL PROVISIONS—THIS CHAPTER

14 SEC. 1101. Notwithstanding any other provision of
15 law, projects and activities designated on pages 82
16 through 92 of House Report 107–308 shall be eligible for
17 fiscal year 2002 funds made available for the program for
18 which each project or activity is so designated.

19 SEC. 1102. Section 335 of Public Law 107–87 is
20 hereby amended by inserting “or the Transportation Secu-
21 rity Administration” after “the Federal Aviation Adminis-
22 tration” and by inserting “, aviation security” after “air
23 navigation”.

24 SEC. 1103. After the date of enactment of this Act,
25 no further Federal credit instruments may be issued pur-

1 suant to section 101(a)(1) of the Air Transportation Safe-
2 ty and System Stabilization Act in fiscal year 2002.

3 SEC. 1104. Unobligated balances of funds made
4 available under section 101(a)(2) of Public Law 107-42
5 are hereby rescinded.

6 CHAPTER 12

7 DEPARTMENT OF THE TREASURY

8 FEDERAL LAW ENFORCEMENT TRAINING CENTER

9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-
11 penses” for expenses of expanded law enforcement train-
12 ing workload resulting from the September 11, 2001 ter-
13 rorist attacks against the United States, \$15,870,000, to
14 remain available until September 30, 2003: *Provided*,
15 That such amount is designated by the Congress as an
16 emergency requirement pursuant to section 251(b)(2)(A)
17 of the Balanced Budget and Emergency Deficit Control
18 Act of 1985: *Provided further*, That such amount shall be
19 available only to the extent that an official budget request,
20 that includes designation of the entire amount of the re-
21 quest as an emergency requirement as defined in the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985,
23 is transmitted by the President to the Congress.

1 UNITED STATES SECRET SERVICE

2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-
4 penses” for expenses of expanded protective and investiga-
5 tive workload following the September 11, 2001 terrorist
6 attacks against the United States, \$46,750,000, to remain
7 available until September 30, 2003, *Provided*, That such
8 amount is designated by the Congress as an emergency
9 requirement pursuant to section 251(b)(2)(A) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985:
11 *Provided further*, That such amount shall be available only
12 to the extent that an official budget request, that includes
13 designation of the entire amount of the request as an
14 emergency requirement as defined in the Balanced Budget
15 and Emergency Deficit Control Act of 1985, is trans-
16 mitted by the President to the Congress.

17 POSTAL SERVICE

18 PAYMENT TO THE POSTAL SERVICE FUND

19 For an additional amount for “Payment to the Postal
20 Service” for emergency expenses to enable the Postal
21 Service to protect postal employees and postal customers
22 from exposure to biohazardous material and to sanitize
23 and screen the mail, \$87,000,000, to remain available
24 until expended: *Provided*, That the entire amount is des-
25 ignated by the Congress as an emergency requirement

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

3 EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS

4 APPROPRIATED TO THE PRESIDENT

5 OFFICE OF MANAGEMENT AND BUDGET

6 SALARIES AND EXPENSES

7 (RESCISSION)

8 Of the funds made available under this heading in
9 Public Law 107-67, \$750,000 are rescinded.

10 ELECTION ADMINISTRATION REFORM AND RELATED

11 EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for the implementation of
14 election administration reform, and related expenses,
15 \$450,000,000, to remain available until expended: *Pro-*
16 *vided*, That such amount shall not be available for obliga-
17 tion until the enactment of legislation that establishes pro-
18 grams for improving the administration of elections: *Pro-*
19 *vided further*, That, upon the enactment of such legisla-
20 tion, the Director of the Office of Management and Budg-
21 et shall transfer the specific amounts authorized, for the
22 purposes designated, to the Federal entities specified by
23 such legislation, and according to the provisions estab-
24 lished in H.R. 3295, as passed by the House of Represent-
25 atives on December 12, 2001: *Provided further*, That,
26 within 15 days of such transfers, the Director of the Office

1 of Management and Budget shall notify the Congress of
2 the amounts transferred to each authorized Federal entity:
3 *Provided further*, That the entities to which the amounts
4 are transferred shall use the amounts to carry out the ap-
5 plicable provisions of such legislation: *Provided further*,
6 That the transfer authority provided in this paragraph
7 shall be in addition to any other transfer authority pro-
8 vided in this or any other Act.

9 INDEPENDENT AGENCIES

10 FEDERAL ELECTION COMMISSION

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
13 penses,” \$750,000 for unanticipated costs associated with
14 implementing the Bipartisan Campaign Reform Act.

15 GENERAL SERVICES ADMINISTRATION

16 REAL PROPERTY ACTIVITIES

17 FEDERAL BUILDINGS FUND

18 For an additional amount for “Federal Buildings
19 Fund” for building security emergency expenses resulting
20 from the September 11, 2001 terrorist attacks on the
21 United States, \$51,800,000: *Provided*, That such amount
22 is designated by the Congress as an emergency require-
23 ment pursuant to section 251(b)(2)(A) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS CHAPTER

2 SEC. 1201. (a) RESCISSION.—Of the unobligated bal-
3 ance as of June 30, 2002, of the funds made available
4 for “Financial Management Service, Salaries and Ex-
5 penses” in chapter 10 of title II of Public Law 107–20,
6 \$14,000,000 is rescinded.

7 (b) EFFECTIVE DATE.—Subsection (a) shall be effec-
8 tive June 30, 2002.

9 (c) SUPPLEMENTAL APPROPRIATION.—For an addi-
10 tional amount for “Internal Revenue Service, Business
11 Systems Modernization”, there is appropriated the
12 amount rescinded pursuant to subsection (a), to remain
13 available until September 30, 2003. Such additional
14 amount may not be obligated until the Internal Revenue
15 Service submits to the Committees on Appropriations, and
16 such Committees approve, a plan for the expenditure of
17 such additional amount that complies with the require-
18 ments as specified in clauses (1) through (6) under such
19 heading in Public Law 107–67.

20 SEC. 1202. None of the funds appropriated in this
21 or any other Act may be used to transfer the functions,
22 missions, or activities of the United States Customs Serv-
23 ice to the Department of Justice.

24 SEC. 1203. (a) The Federal Law Enforcement Train-
25 ing Center may, for a period ending not later than 5 years

1 after the date of the enactment of this Act, appoint and
2 maintain a cadre of up to 250 Federal annuitants—(1)
3 without regard to any provision of title 5, United States
4 Code, which might otherwise require the application of
5 competitive hiring procedures; and (2) who shall not be
6 subject to any reduction in pay (for annuity allocable to
7 the period of actual employment) under the provisions of
8 section 8344 or 8468 of such title 5 or similar provision
9 of any other retirement system for employees. A reem-
10 ployed Federal annuitant as to whom a waiver of reduc-
11 tion under paragraph (2) applies shall not, for any period
12 during which such waiver is in effect, be considered an
13 employee for purposes of subchapter III of chapter 83 or
14 chapter 84 of title 5, United States Code, or such other
15 retirement system (referred to in paragraph (2)) as may
16 apply.

17 (b) No appointment under this section may be made
18 which would result in the displacement of any employee.

19 (c) For purposes of this section—

20 (1) the term “Federal annuitant” means an
21 employee who has retired under the Civil Service Re-
22 tirement System, the Federal Employees’ Retirement
23 System, or any other retirement system for
24 employees;

1 (2) the term “employee” has the meaning given
2 such term by section 2105 of such title 5; and

3 (3) the counting of Federal annuitants shall be
4 done on a full time equivalent basis.

5 CHAPTER 13

6 DEPARTMENT OF VETERANS AFFAIRS

7 VETERANS HEALTH ADMINISTRATION

8 MEDICAL CARE

9 For an additional amount for “Medical care”,
10 \$417,000,000: *Provided*, That the funds provided herein
11 be allocated using the VERA methodology: *Provided fur-*
12 *ther*, That for the purposes of enabling the collection from
13 third-party insurance carriers for non-service related med-
14 ical care of veterans, all Department of Veterans Affairs
15 healthcare facilities are hereby certified as Medicare and
16 Medicaid providers and the Centers for Medicare and
17 Medicaid Services within the Department of Health and
18 Human Services shall issue each Department of Veterans
19 Affairs healthcare facility a provider number as soon as
20 practicable after the date of enactment of this Act: *Pro-*
21 *vided further*, That nothing in the preceding proviso shall
22 be construed to enable the Department of Veterans Affairs
23 to bill Medicare or Medicaid for any medical services pro-
24 vided by the Veterans Health Administration or to require
25 the Centers for Medicare and Medicaid Services to pay

1 for any medical services provided by the Department of
2 Veterans Affairs.

3 DEPARTMENT OF HOUSING AND URBAN

4 DEVELOPMENT

5 PUBLIC AND INDIAN HOUSING

6 HOUSING CERTIFICATE FUND

7 (RESCISSION)

8 Of the unobligated balances remaining from funds
9 appropriated to the Department of Housing and Urban
10 Development under this heading or the heading “Annual
11 contributions for assisted housing” or any other heading
12 for fiscal year 2002 and prior years, \$300,000,000 is here-
13 by rescinded: *Provided*, That any such balances governed
14 by reallocation provisions under the statute authorizing
15 the program for which the funds were originally appro-
16 priated shall not be available for this rescission.

17 COMMUNITY PLANNING AND DEVELOPMENT

18 COMMUNITY DEVELOPMENT FUND

19 For an additional amount for the “Community Devel-
20 opment Fund” for emergency expenses to respond to the
21 September 11, 2001, terrorist attacks on the United
22 States, \$750,000,000, to remain available until expended:
23 *Provided*, That the State of New York, in cooperation with
24 the City of New York, shall, through the Lower Manhat-
25 tan Development Corporation, distribute these funds: *Pro-*
26 *vided further*, That such funds may be used for assistance

1 for properties and businesses (including the restoration of
2 utility infrastructure) damaged by, and for economic re-
3 vitalization directly related to, the terrorist attacks on the
4 United States that occurred on September 11, 2001, in
5 New York City and for reimbursement to the State and
6 City of New York for expenditures incurred from the reg-
7 ular Community Development Block Grant formula alloca-
8 tion used to achieve these same purposes: *Provided further,*
9 That the State of New York is authorized to provide such
10 assistance to the City of New York: *Provided further,* That
11 in administering these funds and funds under section 108
12 of such Act used for economic revitalization activities in
13 New York City, the Secretary may waive, or specify alter-
14 native requirements for, any provision of any statute or
15 regulation that the Secretary administers in connection
16 with the obligation by the Secretary or the use by the re-
17 cipient of these funds or guarantees (except for require-
18 ments related to fair housing, nondiscrimination, labor
19 standards, and the environment), upon a finding that such
20 waiver is required to facilitate the use of such funds or
21 guarantees: *Provided further,* That such funds shall not
22 adversely affect the amount of any formula assistance re-
23 ceived by the State of New York, New York City, or any
24 categorical application for other Federal assistance: *Pro-*
25 *vided further,* That the Secretary shall publish in the Fed-

1 eral Register any waiver of any statute or regulation that
2 the Secretary administers pursuant to title I of the Hous-
3 ing and Community Development Act of 1974, as amend-
4 ed, no later than five days before the effective date of such
5 waiver: *Provided further*, That the Secretary shall notify
6 the Committees on Appropriations on the proposed alloca-
7 tion of any funds and any related waivers pursuant to this
8 section no later than five days before such allocation: *Pro-*
9 *vided further*, That the entire amount is designated by the
10 Congress as an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985, as amended.

13 The referenced statement of the managers under the
14 heading “Community development fund” in title II of
15 Public Law 106–377 is deemed to be amended by striking
16 “\$2,000,000 is for the Louisville Community Development
17 Bank for the Louisville Neighborhood Initiative” and in-
18 serting “\$2,000,000 for neighborhood revitalization activi-
19 ties in Louisville, Kentucky, as follows: \$170,000 to the
20 Christian Church Homes of Kentucky for facility upgrades
21 at Chapel House, \$500,000 to the Louisville Medical Cen-
22 ter Development Corporation for expansion of a research
23 park, \$400,000 to the Louisville Science Center for con-
24 struction of a permanent exhibition, \$150,000 to the New
25 Zion Community Development Foundation for renovation

1 of a facility, \$400,000 to the Presbyterian Community
2 Center for construction of a facility, \$180,000 to the St.
3 Stephen Family Life Center for renovation of a facility,
4 and \$200,000 to the United Crescent Hill Ministries for
5 renovation of a facility”.

6 The referenced statement of the managers under the
7 heading “Community development fund” in title II of
8 Public Law 107–73 is deemed to be amended by striking
9 “\$3,000,000 for the Louisville Community Development
10 Bank for continuation of the Louisville Neighborhood Ini-
11 tiative” and inserting “\$3,000,000 for neighborhood revi-
12 talization activities in Louisville, Kentucky, as follows:
13 \$250,000 to the Bridgehaven Mental Health Agency for
14 planning and development of a facility, \$600,000 to the
15 Cable Life Community Enrichment Corporation for con-
16 struction of a facility, \$350,000 to Catholic Charities for
17 renovation of a facility, \$500,000 to the Center for
18 Women and Families for an affordable housing program,
19 \$100,000 to the Clifton Cultural Center for renovation of
20 a historic building, \$200,000 to Harrods Creek Commu-
21 nity Development for construction of a facility, \$200,000
22 to the James Taylor Memorial Home for facility improve-
23 ments, \$600,000 to the Kentucky Art and Craft Founda-
24 tion for renovation of a facility, and \$200,000 to the Shel-

1 by Park Neighborhood Association for facility construc-
2 tion”.

3 HOUSING PROGRAMS

4 RENTAL HOUSING ASSISTANCE

5 (RESCISSION)

6 The limitation otherwise applicable to the maximum
7 payments that may be required in any fiscal year by all
8 contracts entered into under section 236 of the National
9 Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year
10 2002 by not more than \$300,000,000 in uncommitted bal-
11 ances of authorizations of contract authority provided for
12 this purpose in appropriations acts: *Provided*, That up to
13 \$300,000,000 of recaptured section 236 budget authority
14 resulting from the prepayment of mortgages subsidized
15 under section 236 of the National Housing Act (12 U.S.C.
16 1715z-1) shall be rescinded in fiscal year 2002.

17 INDEPENDENT AGENCIES

18 DEPARTMENT OF HEALTH AND HUMAN

19 SERVICES

20 NATIONAL INSTITUTES OF HEALTH

21 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

22 SCIENCES

23 For an additional amount for “National Institute of
24 Environmental Health Sciences,” \$8,000,000, to carry out
25 activities set forth in section 311(a) of the Comprehensive
26 Environmental Response, Compensation, and Liability Act

1 of 1980, as amended, and section 126(g) of the Superfund
2 Amendments and Reauthorization Act of 1986 in response
3 to the September 11, 2001, terrorist attacks on the United
4 States: *Provided*, That the entire amount is designated by
5 the Congress as an emergency requirement pursuant to
6 section 251(b)(2)(A) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985, as amended.

8 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

9 REGISTRY

10 SALARIES AND EXPENSES

11 For an additional amount for “Salaries and Ex-
12 penses”, \$11,300,000, of which \$1,800,000 is for addi-
13 tional expenses incurred in response to the September 11,
14 2001, terrorist attacks on the United States, and of which
15 \$9,500,000 is to enhance the States’ capacity to respond
16 to chemical terrorism events: *Provided*, That the entire
17 amount is designated by the Congress as an emergency
18 requirement pursuant to section 251(b)(2)(A) of the Bal-
19 ance Budget and Emergency Deficit Control Act of 1985,
20 as amended.

21 ENVIRONMENTAL PROTECTION AGENCY

22 STATE AND TRIBAL ASSISTANCE GRANTS

23 The referenced statement of the managers under this
24 heading in Public Law 106–377 is deemed to be amended
25 by striking everything after “\$1,000,000” in reference to

1 item number 91 and inserting “for Carrolton Utilities
2 (\$500,000), City of Williamston (\$100,000) and Pen-
3 dleton County Industrial Authority (\$400,000)”.

4 The referenced statement of the managers under this
5 heading in Public Law 107–73 is deemed to be amended
6 by striking everything after “for” in reference to item
7 number 202 and inserting “storm water infrastructure im-
8 provements”.

9 Grants appropriated under this heading in Public
10 Law 107–73 for drinking water infrastructure needs in
11 the New York City watershed shall be awarded under sec-
12 tion 1443(d) of the Safe Drinking Water Act, as amended.

13 The referenced statement of the managers under this
14 heading in Public Law 106–377 is deemed to be amended
15 by striking everything after “\$2,000,000” in reference to
16 item number 168 and inserting “for the Town of Wallace,
17 North Carolina for a regional wastewater infrastructure
18 improvement project (\$1,000,000), and for the Town of
19 Cary, North Carolina for wastewater infrastructure im-
20 provements including the treatment of biosolids
21 (\$1,000,000).”.

22 The referenced statement of managers under this
23 heading in Public Law 107–73 is deemed to be amended
24 in item 19 by inserting the words “water and” after the
25 word “for”.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 DISASTER RELIEF

3 For an additional amount for “Disaster relief” for
4 necessary expenses in carrying out the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act (42 U.S.C.
6 5121 et seq.), and the Federal Fire Prevention and Con-
7 trol Act of 1974, as amended (15 U.S.C. 2201 et seq.),
8 \$2,750,000,000 to remain available until expended: *Pro-*
9 *vided*, That the entire amount is designated by the Con-
10 gress as an emergency requirement pursuant to section
11 251(b)(2)(A) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985, as amended: *Provided further*,
13 That notwithstanding any other provision of law, the
14 Texas Medical Center may be provided FEMA Public As-
15 sistance and Hazard Mitigation grants as an agent for eli-
16 gible applicants.

17 DISASTER ASSISTANCE FOR UNMET NEEDS

18 For an additional amount for “Disaster assistance
19 for unmet needs”, \$23,320,000, to remain available until
20 September 30, 2004, for use by the Director of the Fed-
21 eral Emergency Management Agency (Director) only for
22 disaster relief, long-term recovery, and mitigation in com-
23 munities affected by Presidentially-declared natural disas-
24 ters designated during fiscal year 2002, only to the extent
25 funds are not made available for those activities by the
26 Federal Emergency Management Agency (under its “Dis-

1 aster relief” program) or the Small Business Administra-
2 tion; *Provided*, That in administering these funds the Di-
3 rector shall allocate these funds to States to be adminis-
4 tered by each State in conjunction with its Federal Emer-
5 gency Management Agency Disaster Relief program: *Pro-*
6 *vided further*, That each State shall provide not less than
7 25 percent in non-Federal public matching funds or its
8 equivalent value (other than administrative costs) for any
9 funds allocated to the State under this heading: *Provided*
10 *further*, That the Director shall allocate these funds based
11 on the unmet needs arising from a Presidentially-declared
12 disaster as identified by the Director as those which have
13 not or will not be addressed by other Federal disaster as-
14 sistance programs and for which it is deemed appropriate
15 to supplement the efforts and available resources of
16 States, local governments and disaster relief organiza-
17 tions: *Provided further*, That the Director shall establish
18 review groups within the Federal Emergency Management
19 Agency to review each request by a State of its unmet
20 needs and certify as to the actual costs associated with
21 the unmet needs as well as the commitment and ability
22 of each State to provide its match requirement: *Provided*
23 *further*, That the Director shall publish a notice in the
24 Federal Register governing the allocation and use of the
25 funds under this heading, including provisions for ensur-

1 ing the compliance of the States with the requirements
2 of this program: *Provided further*, That 10 days prior to
3 distribution of funds, the Director shall submit a list to
4 the House and Senate Committees on Appropriations set-
5 ting forth the proposed uses of funds and the most recent
6 estimates of unmet needs: *Provided further*, That the Di-
7 rector shall submit quarterly reports to said Committees
8 regarding the actual projects and needs for which funds
9 have been provided under this heading: *Provided further*,
10 That to the extent any funds under this heading are used
11 in a manner inconsistent with the requirements of the pro-
12 gram established under this heading and rules issued pur-
13 suant thereto, the Director shall recapture an equivalent
14 amount of funds from the State from any existing funds
15 or future funds awarded to the State under this heading
16 or any other program administered by the Federal Emer-
17 gency Management Agency: *Provided further*, That the en-
18 tire amount shall be available only to the extent an official
19 budget request, that includes designation of the entire
20 amount of the request as an emergency requirement as
21 defined by the Balanced Budget and Emergency Deficit
22 Control Act of 1985, as amended, is transmitted by the
23 President to the Congress: *Provided further*, That the en-
24 tire amount is designated by the Congress as an emer-
25 gency requirement pursuant to section 251(b)(2)(A) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985, as amended.

3 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

4 For an additional amount for “Emergency manage-
5 ment planning and assistance” for emergency expenses to
6 respond to the September 11, 2001 terrorist attacks on
7 the United States, \$151,700,000 to remain available until
8 September 30, 2002: *Provided*, That the entire amount is
9 designated by the Congress as an emergency requirement
10 pursuant to section 251(b)(2)(A) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985, as amended.

12 GENERAL PROVISIONS—THIS CHAPTER

13 SEC. 1301. Notwithstanding the first paragraph of
14 the item in title II of Public Law 107–73 relating to “Fed-
15 eral housing administration, Mutual mortgage insurance
16 program account”, during fiscal year 2002, commitments
17 to guarantee loans to carry out the purposes of section
18 203(b) of the National Housing Act shall not exceed a
19 loan principal of \$165,000,000,000.

20 SEC. 1302. Notwithstanding the first paragraph of
21 the item in title II of Public Law 107–73 related to “Fed-
22 eral housing administration, General and special risk pro-
23 gram account”, any amounts made available for fiscal year
24 2002 for the cost of guaranteed loans, as authorized by
25 sections 238 and 519 of the National Housing Act (12
26 U.S.C. 1715z–3 and 1735c), including the cost of loan

1 guarantee modifications (as that term is defined in section
2 502 of the Congressional Budget Act of 1974), shall be
3 available to subsidize total loan principal, any part of
4 which is to be guaranteed, of up to \$23,000,000,000.

5 CHAPTER 14

6 GENERAL PROVISIONS

7 SEC. 1401. No part of any appropriation contained
8 in this Act shall remain available for obligation beyond
9 the current fiscal year unless expressly so provided herein.

10 SEC. 1402. Notwithstanding any other provision of
11 law, all adjustments made pursuant to section
12 251(b)(1)(B) of the Balanced Budget and Emergency
13 Deficit and Control Act of 1985 to the highway category
14 and to section 8103(a)(5) of the Transportation Equity
15 Act for the 21st Century for fiscal year 2003 shall be
16 deemed to be zero. This section shall apply immediately
17 to all reports issued pursuant to section 254 of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985
19 for fiscal year 2003, including the discretionary sequester
20 preview report.

21 **TITLE II—AMERICAN SERVICE-** 22 **MEMBERS’ PROTECTION ACT**

23 **SEC. 2001. SHORT TITLE.**

24 This title may be cited as the “American
25 Servicemembers’ Protection Act of 2002”.

1 **SEC. 2002. FINDINGS.**

2 Congress makes the following findings:

3 (1) On July 17, 1998, the United Nations Dip-
4 lomatic Conference of Plenipotentiaries on the Es-
5 tablishment of an International Criminal Court,
6 meeting in Rome, Italy, adopted the “Rome Statute
7 of the International Criminal Court”. The vote on
8 whether to proceed with the statute was 120 in favor
9 to 7 against, with 21 countries abstaining. The
10 United States voted against final adoption of the
11 Rome Statute.

12 (2) As of April 30, 2001, 139 countries had
13 signed the Rome Statute and 30 had ratified it. Pur-
14 suant to Article 126 of the Rome Statute, the stat-
15 ute will enter into force on the first day of the
16 month after the 60th day following the date on
17 which the 60th country deposits an instrument rati-
18 fying the statute.

19 (3) Since adoption of the Rome Statute, a Pre-
20 paratory Commission for the International Criminal
21 Court has met regularly to draft documents to im-
22 plement the Rome Statute, including Rules of Proce-
23 dure and Evidence, Elements of Crimes, and a defi-
24 nition of the Crime of Aggression.

25 (4) During testimony before the Congress fol-
26 lowing the adoption of the Rome Statute, the lead

1 United States negotiator, Ambassador David
2 Scheffer stated that the United States could not
3 sign the Rome Statute because certain critical nego-
4 tiating objectives of the United States had not been
5 achieved. As a result, he stated: “We are left with
6 consequences that do not serve the cause of inter-
7 national justice.”

8 (5) Ambassador Scheffer went on to tell the
9 Congress that: “Multinational peacekeeping forces
10 operating in a country that has joined the treaty can
11 be exposed to the Court’s jurisdiction even if the
12 country of the individual peacekeeper has not joined
13 the treaty. Thus, the treaty purports to establish an
14 arrangement whereby United States armed forces
15 operating overseas could be conceivably prosecuted
16 by the international court even if the United States
17 has not agreed to be bound by the treaty. Not only
18 is this contrary to the most fundamental principles
19 of treaty law, it could inhibit the ability of the
20 United States to use its military to meet alliance ob-
21 ligations and participate in multinational operations,
22 including humanitarian interventions to save civilian
23 lives. Other contributors to peacekeeping operations
24 will be similarly exposed.”.

1 (6) Notwithstanding these concerns, President
2 Clinton directed that the United States sign the
3 Rome Statute on December 31, 2000. In a state-
4 ment issued that day, he stated that in view of the
5 unremedied deficiencies of the Rome Statute, “I will
6 not, and do not recommend that my successor sub-
7 mit the Treaty to the Senate for advice and consent
8 until our fundamental concerns are satisfied”.

9 (7) Any American prosecuted by the Inter-
10 national Criminal Court will, under the Rome Stat-
11 ute, be denied procedural protections to which all
12 Americans are entitled under the Bill of Rights to
13 the United States Constitution, such as the right to
14 trial by jury.

15 (8) Members of the Armed Forces of the
16 United States should be free from the risk of pros-
17 ecution by the International Criminal Court, espe-
18 cially when they are stationed or deployed around
19 the world to protect the vital national interests of
20 the United States. The United States Government
21 has an obligation to protect the members of its
22 Armed Forces, to the maximum extent possible,
23 against criminal prosecutions carried out by the
24 International Criminal Court.

1 (9) In addition to exposing members of the
2 Armed Forces of the United States to the risk of
3 international criminal prosecution, the Rome Statute
4 creates a risk that the President and other senior
5 elected and appointed officials of the United States
6 Government may be prosecuted by the International
7 Criminal Court. Particularly if the Preparatory
8 Commission agrees on a definition of the Crime of
9 Aggression over United States objections, senior
10 United States officials may be at risk of criminal
11 prosecution for national security decisions involving
12 such matters as responding to acts of terrorism, pre-
13 venting the proliferation of weapons of mass destruc-
14 tion, and deterring aggression. No less than mem-
15 bers of the Armed Forces of the United States, sen-
16 ior officials of the United States Government should
17 be free from the risk of prosecution by the Inter-
18 national Criminal Court, especially with respect to
19 official actions taken by them to protect the national
20 interests of the United States.

21 (10) Any agreement within the Preparatory
22 Commission on a definition of the Crime of Aggres-
23 sion that usurps the prerogative of the United Na-
24 tions Security Council under Article 39 of the char-
25 ter of the United Nations to “determine the exist-

1 ence of any act of aggression” would contravene
2 the charter of the United Nations and undermine
3 deterrence.

4 (11) It is a fundamental principle of inter-
5 national law that a treaty is binding upon its parties
6 only and that it does not create obligations for non-
7 parties without their consent to be bound. The
8 United States is not a party to the Rome Statute
9 and will not be bound by any of its terms. The
10 United States will not recognize the jurisdiction of
11 the International Criminal Court over United States
12 nationals.

13 **SEC. 2003. WAIVER AND TERMINATION OF PROHIBITIONS**
14 **OF THIS TITLE.**

15 (a) **AUTHORITY TO INITIALLY WAIVE SECTIONS 5**
16 **AND 7.**—The President is authorized to waive the prohibi-
17 tions and requirements of sections 2005 and 2007 for a
18 single period of one year. A waiver under this subsection
19 may be issued only if the President at least 15 days in
20 advance of exercising such authority—

21 (1) notifies the appropriate congressional com-
22 mittees of the intention to exercise such authority;
23 and

24 (2) determines and reports to the appropriate
25 congressional committees that the International

1 Criminal Court has entered into a binding agree-
2 ment that—

3 (A) prohibits the International Criminal
4 Court from seeking to exercise jurisdiction over
5 the following persons with respect to actions
6 undertaken by them in an official capacity:

7 (i) covered United States persons;

8 (ii) covered allied persons; and

9 (iii) individuals who were covered
10 United States persons or covered allied
11 persons; and

12 (B) ensures that no person described in
13 subparagraph (A) will be arrested, detained,
14 prosecuted, or imprisoned by or on behalf of the
15 International Criminal Court.

16 (b) AUTHORITY TO EXTEND WAIVER OF SECTIONS
17 5 AND 7.—The President is authorized to waive the prohi-
18 bitions and requirements of sections 2005 and 2007 for
19 successive periods of one year each upon the expiration
20 of a previous waiver pursuant to subsection (a) or this
21 subsection. A waiver under this subsection may be issued
22 only if the President at least fifteen days in advance of
23 exercising such authority—

1 (1) notifies the appropriate congressional com-
2 mittees of the intention to exercise such authority;
3 and

4 (2) determines and reports to the appropriate
5 congressional committees that the International
6 Criminal Court—

7 (A) remains party to, and has continued to
8 abide by, a binding agreement that—

9 (i) prohibits the International Crimi-
10 nal Court from seeking to exercise jurisdic-
11 tion over the following persons with respect
12 to actions undertaken by them in an offi-
13 cial capacity:

14 (I) covered United States per-
15 sons;

16 (II) covered allied persons; and

17 (III) individuals who were cov-
18 ered United States persons or covered
19 allied persons; and

20 (ii) ensures that no person described
21 in clause (i) will be arrested, detained,
22 prosecuted, or imprisoned by or on behalf
23 of the International Criminal Court; and

1 (B) has taken no steps to arrest, detain,
2 prosecute, or imprison any person described in
3 clause (i) of subparagraph (A).

4 (c) **AUTHORITY TO WAIVE SECTIONS 4 AND 6 WITH**
5 **RESPECT TO AN INVESTIGATION OR PROSECUTION OF A**
6 **NAMED INDIVIDUAL.**—The President is authorized to
7 waive the prohibitions and requirements of sections 2004
8 and 2006 to the degree such prohibitions and require-
9 ments would prevent United States cooperation with an
10 investigation or prosecution of a named individual by the
11 International Criminal Court. A waiver under this sub-
12 section may be issued only if the President at least 15
13 days in advance of exercising such authority—

14 (1) notifies the appropriate congressional com-
15 mittees of the intention to exercise such authority;
16 and

17 (2) determines and reports to the appropriate
18 congressional committees that—

19 (A) a waiver pursuant to subsection (a) or
20 (b) of the prohibitions and requirements of sec-
21 tions 2005 and 2007 is in effect;

22 (B) there is reason to believe that the
23 named individual committed the crime or
24 crimes that are the subject of the International
25 Criminal Court’s investigation or prosecution;

1 (C) it is in the national interest of the
2 United States for the International Criminal
3 Court's investigation or prosecution of the
4 named individual to proceed; and

5 (D) in investigating events related to ac-
6 tions by the named individual, none of the fol-
7 lowing persons will be investigated, arrested,
8 detained, prosecuted, or imprisoned by or on
9 behalf of the International Criminal Court with
10 respect to actions undertaken by them in an of-
11 ficial capacity:

12 (i) Covered United States persons.

13 (ii) Covered allied persons.

14 (iii) Individuals who were covered
15 United States persons or covered allied
16 persons.

17 (d) TERMINATION OF WAIVER PURSUANT TO SUB-
18 SECTION (c).—Any waiver or waivers exercised pursuant
19 to subsection (c) of the prohibitions and requirements of
20 sections 2004 and 2006 shall terminate at any time that
21 a waiver pursuant to subsection (a) or (b) of the prohibi-
22 tions and requirements of sections 2005 and 2007 expires
23 and is not extended pursuant to subsection (b).

24 (e) TERMINATION OF PROHIBITIONS OF THIS
25 TITLE.—The prohibitions and requirements of sections

1 2004, 2005, 2006, and 2007 shall cease to apply, and the
2 authority of section 2008 shall terminate, if the United
3 States becomes a party to the International Criminal
4 Court pursuant to a treaty made under article II, section
5 2, clause 2 of the Constitution of the United States.

6 **SEC. 2004. PROHIBITION ON COOPERATION WITH THE**
7 **INTERNATIONAL CRIMINAL COURT.**

8 (a) APPLICATION.—The provisions of this section—

9 (1) apply only to cooperation with the Inter-
10 national Criminal Court and shall not apply to co-
11 operation with an ad hoc international criminal tri-
12 bunal established by the United Nations Security
13 Council before or after the date of the enactment of
14 this Act to investigate and prosecute war crimes
15 committed in a specific country or during a specific
16 conflict; and

17 (2) shall not prohibit—

18 (A) any action permitted under section
19 2008; or

20 (B) communication by the United States of
21 its policy with respect to a matter.

22 (b) PROHIBITION ON RESPONDING TO REQUESTS
23 FOR COOPERATION.—Notwithstanding section 1782 of
24 title 28, United States Code, or any other provision of law,
25 no United States Court, and no agency or entity of any

1 State or local government, including any court, may co-
2 operate with the International Criminal Court in response
3 to a request for cooperation submitted by the Inter-
4 national Criminal Court pursuant to the Rome Statute.

5 (c) PROHIBITION ON TRANSMITTAL OF LETTERS
6 ROGATORY FROM THE INTERNATIONAL CRIMINAL
7 COURT.—Notwithstanding section 1781 of title 28,
8 United States Code, or any other provision of law, no
9 agency of the United States Government may transmit for
10 execution any letter rogatory issued, or other request for
11 cooperation made, by the International Criminal Court to
12 the tribunal, officer, or agency in the United States to
13 whom it is addressed.

14 (d) PROHIBITION ON EXTRADITION TO THE INTER-
15 NATIONAL CRIMINAL COURT.—Notwithstanding any other
16 provision of law, no agency or entity of the United States
17 Government or of any State or local government may ex-
18 tradite any person from the United States to the Inter-
19 national Criminal Court, nor support the transfer of any
20 United States citizen or permanent resident alien to the
21 International Criminal Court.

22 (e) PROHIBITION ON PROVISION OF SUPPORT TO
23 THE INTERNATIONAL CRIMINAL COURT.—Notwith-
24 standing any other provision of law, no agency or entity
25 of the United States Government or of any State or local

1 government, including any court, may provide support to
2 the International Criminal Court.

3 (f) PROHIBITION ON USE OF APPROPRIATED FUNDS
4 TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—
5 Notwithstanding any other provision of law, no funds ap-
6 propriated under any provision of law may be used for
7 the purpose of assisting the investigation, arrest, deten-
8 tion, extradition, or prosecution of any United States cit-
9 izen or permanent resident alien by the International
10 Criminal Court.

11 (g) RESTRICTION ON ASSISTANCE PURSUANT TO
12 MUTUAL LEGAL ASSISTANCE TREATIES.—The United
13 States shall exercise its rights to limit the use of assist-
14 ance provided under all treaties and executive agreements
15 for mutual legal assistance in criminal matters, multilat-
16 eral conventions with legal assistance provisions, and ex-
17 tradition treaties, to which the United States is a party,
18 and in connection with the execution or issuance of any
19 letter rogatory, to prevent the transfer to, or other use
20 by, the International Criminal Court of any assistance
21 provided by the United States under such treaties and let-
22 ters rogatory.

23 (h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF
24 AGENTS.—No agent of the International Criminal Court
25 may conduct, in the United States or any territory subject

1 to the jurisdiction of the United States, any investigative
2 activity relating to a preliminary inquiry, investigation,
3 prosecution, or other proceeding at the International
4 Criminal Court.

5 **SEC. 2005. RESTRICTION ON UNITED STATES PARTICIPA-**
6 **TION IN CERTAIN UNITED NATIONS PEACE-**
7 **KEEPING OPERATIONS.**

8 (a) **POLICY.**—Effective beginning on the date on
9 which the Rome Statute enters into force pursuant to Ar-
10 ticle 126 of the Rome Statute, the President should use
11 the voice and vote of the United States in the United Na-
12 tions Security Council to ensure that each resolution of
13 the Security Council authorizing any peacekeeping oper-
14 ation under chapter VI of the charter of the United Na-
15 tions or peace enforcement operation under chapter VII
16 of the charter of the United Nations permanently exempts,
17 at a minimum, members of the Armed Forces of the
18 United States participating in such operation from crimi-
19 nal prosecution or other assertion of jurisdiction by the
20 International Criminal Court for actions undertaken by
21 such personnel in connection with the operation.

22 (b) **RESTRICTION.**—Members of the Armed Forces of
23 the United States may not participate in any peacekeeping
24 operation under chapter VI of the charter of the United
25 Nations or peace enforcement operation under chapter VII

1 of the charter of the United Nations, the creation of which
2 is authorized by the United Nations Security Council on
3 or after the date that the Rome Statute enters into effect
4 pursuant to Article 126 of the Rome Statute, unless the
5 President has submitted to the appropriate congressional
6 committees a certification described in subsection (c) with
7 respect to such operation.

8 (c) CERTIFICATION.—The certification referred to in
9 subsection (b) is a certification by the President that—

10 (1) members of the Armed Forces of the United
11 States are able to participate in the peacekeeping or
12 peace enforcement operation without risk of criminal
13 prosecution or other assertion of jurisdiction by the
14 International Criminal Court because, in authorizing
15 the operation, the United Nations Security Council
16 permanently exempted, at a minimum, members of
17 the Armed Forces of the United States participating
18 in the operation from criminal prosecution or other
19 assertion of jurisdiction by the International Crimi-
20 nal Court for actions undertaken by them in connec-
21 tion with the operation;

22 (2) members of the Armed Forces of the United
23 States are able to participate in the peacekeeping or
24 peace enforcement operation without risk of criminal
25 prosecution or other assertion of jurisdiction by the

1 International Criminal Court because each country
2 in which members of the Armed Forces of the
3 United States participating in the operation will be
4 present either is not a party to the International
5 Criminal Court and has not invoked the jurisdiction
6 of the International Criminal Court pursuant to Ar-
7 ticle 12 of the Rome Statute, or has entered into an
8 agreement in accordance with Article 98 of the
9 Rome Statute preventing the International Criminal
10 Court from proceeding against members of the
11 Armed Forces of the United States present in that
12 country; or

13 (3) the national interests of the United States
14 justify participation by members of the Armed
15 Forces of the United States in the peacekeeping or
16 peace enforcement operation.

17 **SEC. 2006. PROHIBITION ON DIRECT OR INDIRECT TRANS-**
18 **FER OF CLASSIFIED NATIONAL SECURITY IN-**
19 **FORMATION AND LAW ENFORCEMENT INFOR-**
20 **MATION TO THE INTERNATIONAL CRIMINAL**
21 **COURT.**

22 (a) IN GENERAL.—Not later than the date on which
23 the Rome Statute enters into force, the President shall
24 ensure that appropriate procedures are in place to prevent
25 the transfer of classified national security information and

1 law enforcement information to the International Criminal
2 Court for the purpose of facilitating an investigation, ap-
3 prehension, or prosecution.

4 (b) INDIRECT TRANSFER.—The procedures adopted
5 pursuant to subsection (a) shall be designed to prevent
6 the transfer to the United Nations and to the government
7 of any country that is party to the International Criminal
8 Court of classified national security information and law
9 enforcement information that specifically relates to mat-
10 ters known to be under investigation or prosecution by the
11 International Criminal Court, except to the degree that
12 satisfactory assurances are received from the United Na-
13 tions or that government, as the case may be, that such
14 information will not be made available to the International
15 Criminal Court for the purpose of facilitating an investiga-
16 tion, apprehension, or prosecution.

17 (c) CONSTRUCTION.—The provisions of this section
18 shall not be construed to prohibit any action permitted
19 under section 2008.

20 **SEC. 2007. PROHIBITION OF UNITED STATES MILITARY AS-**
21 **SISTANCE TO PARTIES TO THE INTER-**
22 **NATIONAL CRIMINAL COURT.**

23 (a) PROHIBITION OF MILITARY ASSISTANCE.—Sub-
24 ject to subsections (b) and (c), and effective one year after
25 the date on which the Rome Statute enters into force pur-

1 suant to Article 126 of the Rome Statute, no United
2 States military assistance may be provided to the govern-
3 ment of a country that is a party to the International
4 Criminal Court.

5 (b) NATIONAL INTEREST WAIVER.—The President
6 may, without prior notice to Congress, waive the prohibi-
7 tion of subsection (a) with respect to a particular country
8 if he determines and reports to the appropriate congres-
9 sional committees that it is important to the national in-
10 terest of the United States to waive such prohibition.

11 (c) ARTICLE 98 WAIVER.—The President may, with-
12 out prior notice to Congress, waive the prohibition of sub-
13 section (a) with respect to a particular country if he deter-
14 mines and reports to the appropriate congressional com-
15 mittees that such country has entered into an agreement
16 with the United States pursuant to Article 98 of the Rome
17 Statute preventing the International Criminal court from
18 proceeding against United States personnel present in
19 such country.

20 (d) EXEMPTION.—The prohibition of subsection (a)
21 shall not apply to the government of—

22 (1) a NATO member country;

23 (2) a major non-NATO ally (including Aus-
24 tralia, Egypt, Israel, Japan, Jordan, Argentina, the
25 Republic of Korea, and New Zealand); or

1 (3) Taiwan.

2 **SEC. 2008. AUTHORITY TO FREE MEMBERS OF THE ARMED**
3 **FORCES OF THE UNITED STATES AND CER-**
4 **TAIN OTHER PERSONS DETAINED OR IMPRIS-**
5 **ONED BY OR ON BEHALF OF THE INTER-**
6 **NATIONAL CRIMINAL COURT.**

7 (a) **AUTHORITY.**—The President is authorized to use
8 all means necessary and appropriate to bring about the
9 release of any person described in subsection (b) who is
10 being detained or imprisoned by, on behalf of, or at the
11 request of the International Criminal Court.

12 (b) **PERSONS AUTHORIZED TO BE FREED.**—The au-
13 thority of subsection (a) shall extend to the following per-
14 sons:

15 (1) Covered United States persons.

16 (2) Covered allied persons.

17 (3) Individuals detained or imprisoned for offi-
18 cial actions taken while the individual was a covered
19 United States person or a covered allied person, and
20 in the case of a covered allied person, upon the re-
21 quest of such government.

22 (c) **AUTHORIZATION OF LEGAL ASSISTANCE.**—When
23 any person described in subsection (b) is arrested, de-
24 tained, investigated, prosecuted, or imprisoned by, on be-
25 half of, or at the request of the International Criminal

1 Court, the President is authorized to direct any agency
2 of the United States Government to provide—

3 (1) legal representation and other legal assist-
4 ance to that person (including, in the case of a per-
5 son entitled to assistance under section 1037 of title
6 10, United States Code, representation and other as-
7 sistance in the manner provided in that section);

8 (2) exculpatory evidence on behalf of that per-
9 son; and

10 (3) defense of the interests of the United States
11 through appearance before the International Crimi-
12 nal Court pursuant to Article 18 or 19 of the Rome
13 Statute, or before the courts or tribunals of any
14 country.

15 (d) BRIBES AND OTHER INDUCEMENTS NOT AU-
16 THORIZED.—This section does not authorize the payment
17 of bribes or the provision of other such incentives to induce
18 the release of a person described in subsection (b).

19 **SEC. 2009. ALLIANCE COMMAND ARRANGEMENTS.**

20 (a) REPORT ON ALLIANCE COMMAND ARRANGE-
21 MENTS.—Not later than 6 months after the date of the
22 enactment of this Act, the President should transmit to
23 the appropriate congressional committees a report with re-
24 spect to each military alliance to which the United States
25 is party—

1 (1) describing the degree to which members of
2 the Armed Forces of the United States may, in the
3 context of military operations undertaken by or pur-
4 suant to that alliance, be placed under the command
5 or operational control of foreign military officers
6 subject to the jurisdiction of the International Crimi-
7 nal Court because they are nationals of a party to
8 the International Criminal Court; and

9 (2) evaluating the degree to which members of
10 the Armed Forces of the United States engaged in
11 military operations undertaken by or pursuant to
12 that alliance may be exposed to greater risks as a
13 result of being placed under the command or oper-
14 ational control of foreign military officers subject to
15 the jurisdiction of the International Criminal Court.

16 (b) DESCRIPTION OF MEASURES TO ACHIEVE EN-
17 HANCED PROTECTION FOR MEMBERS OF THE ARMED
18 FORCES OF THE UNITED STATES.—Not later than one
19 year after the date of the enactment of this Act, the Presi-
20 dent should transmit to the appropriate congressional
21 committees a description of modifications to command and
22 operational control arrangements within military alliances
23 to which the United States is a party that could be made
24 in order to reduce any risks to members of the Armed

1 Forces of the United States identified pursuant to sub-
2 section (a)(2).

3 (c) SUBMISSION IN CLASSIFIED FORM.—The report
4 under subsection (a), and the description of measures
5 under subsection (b), or appropriate parts thereof, may
6 be submitted in classified form.

7 **SEC. 2010. WITHHOLDINGS.**

8 Funds withheld from the United States share of as-
9 sessments to the United Nations or any other inter-
10 national organization during any fiscal year pursuant to
11 section 705 of the Admiral James W. Nance and Meg
12 Donovan Foreign Relations Authorization Act, Fiscal
13 Years 2000 and 2001 (as enacted by section 1000(a)(7)
14 of Public Law 106–113; 113 Stat. 1501A–460), are au-
15 thorized to be transferred to the Embassy Security, Con-
16 struction and Maintenance Account of the Department of
17 State.

18 **SEC. 2011. APPLICATION OF SECTIONS 2004 AND 2006 TO EX-**

19 **ERCISE OF CONSTITUTIONAL AUTHORITIES.**

20 (a) IN GENERAL.—Sections 2004 and 2006 shall not
21 apply to any action or actions with respect to a specific
22 matter involving the International Criminal Court taken
23 or directed by the President on a case-by-case basis in the
24 exercise of the President’s authority as Commander in
25 Chief of the Armed Forces of the United States under ar-

1 title II, section 2 of the United States Constitution or in
2 the exercise of the executive power under article II, section
3 1 of the United States Constitution.

4 (b) NOTIFICATION TO CONGRESS.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 not later than 15 days after the President takes or
7 directs an action or actions described in subsection
8 (a) that would otherwise be prohibited under section
9 2004 or 2006, the President shall submit a notifica-
10 tion of such action to the appropriate congressional
11 committees. A notification under this paragraph
12 shall include a description of the action, a deter-
13 mination that the action is in the national interest
14 of the United States, and a justification for the ac-
15 tion.

16 (2) EXCEPTION.—If the President determines
17 that a full notification under paragraph (1) could
18 jeopardize the national security of the United States
19 or compromise a United States law enforcement ac-
20 tivity, not later than 15 days after the President
21 takes or directs an action or actions referred to in
22 paragraph (1) the President shall notify the appro-
23 priate congressional committees that an action has
24 been taken and a determination has been made pur-
25 suant to this paragraph. The President shall provide

1 a full notification under paragraph (1) not later
2 than 15 days after the reasons for the determination
3 under this paragraph no longer apply.

4 (c) CONSTRUCTION.—Nothing in this section shall be
5 construed as a grant of statutory authority to the Presi-
6 dent to take any action.

7 **SEC. 2012. NONDELEGATION.**

8 The authorities vested in the President by sections
9 2003 and 2011(a) may not be delegated by the President
10 pursuant to section 301 of title 3, United States Code,
11 or any other provision of law. The authority vested in the
12 President by section 2005(c)(3) may not be delegated by
13 the President pursuant to section 301 of title 3, United
14 States Code, or any other provision of law to any official
15 other than the Secretary of Defense, and if so delegated
16 may not be subdelegated.

17 **SEC. 2013. DEFINITIONS.**

18 As used in this title and in section 706 of the Admiral
19 James W. Nance and Meg Donovan Foreign Relations Au-
20 thorization Act, Fiscal Years 2000 and 2001:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means the Committee on International Re-
24 lations of the House of Representatives and the
25 Committee on Foreign Relations of the Senate.

1 (2) CLASSIFIED NATIONAL SECURITY INFORMA-
2 TION.—The term “classified national security infor-
3 mation” means information that is classified or clas-
4 sifiable under Executive Order 12958 or a successor
5 Executive order.

6 (3) COVERED ALLIED PERSONS.—The term
7 “covered allied persons” means military personnel,
8 elected or appointed officials, and other persons em-
9 ployed by or working on behalf of the government of
10 a NATO member country, a major non-NATO ally
11 (including Australia, Egypt, Israel, Japan, Jordan,
12 Argentina, the Republic of Korea, and New Zea-
13 land), or Taiwan, for so long as that government is
14 not a party to the International Criminal Court and
15 wishes its officials and other persons working on its
16 behalf to be exempted from the jurisdiction of the
17 International Criminal Court.

18 (4) COVERED UNITED STATES PERSONS.—The
19 term “covered United States persons” means mem-
20 bers of the Armed Forces of the United States,
21 elected or appointed officials of the United States
22 Government, and other persons employed by or
23 working on behalf of the United States Government,
24 for so long as the United States is not a party to
25 the International Criminal Court.

1 (5) EXTRADITION.—The terms “extradition”
2 and “extradite” mean the extradition of a person in
3 accordance with the provisions of chapter 209 of
4 title 18, United States Code, (including section
5 3181(b) of such title) and such terms include both
6 extradition and surrender as those terms are defined
7 in Article 102 of the Rome Statute.

8 (6) INTERNATIONAL CRIMINAL COURT.—The
9 term “International Criminal Court” means the
10 court established by the Rome Statute.

11 (7) MAJOR NON-NATO ALLY.—The term “major
12 non-NATO ally” means a country that has been so
13 designated in accordance with section 517 of the
14 Foreign Assistance Act of 1961.

15 (8) PARTICIPATE IN ANY PEACEKEEPING OPER-
16 ATION UNDER CHAPTER VI OF THE CHARTER OF
17 THE UNITED NATIONS OR PEACE ENFORCEMENT OP-
18 ERATION UNDER CHAPTER VII OF THE CHARTER OF
19 THE UNITED NATIONS.—The term “participate in
20 any peacekeeping operation under chapter VI of the
21 charter of the United Nations or peace enforcement
22 operation under chapter VII of the charter of the
23 United Nations” means to assign members of the
24 Armed Forces of the United States to a United Na-
25 tions military command structure as part of a peace-

1 keeping operation under chapter VI of the charter of
2 the United Nations or peace enforcement operation
3 under chapter VII of the charter of the United Na-
4 tions in which those members of the Armed Forces
5 of the United States are subject to the command or
6 operational control of one or more foreign military
7 officers not appointed in conformity with article II,
8 section 2, clause 2 of the Constitution of the United
9 States.

10 (9) PARTY TO THE INTERNATIONAL CRIMINAL
11 COURT.—The term “party to the International
12 Criminal Court” means a government that has de-
13 posited an instrument of ratification, acceptance, ap-
14 proval, or accession to the Rome Statute, and has
15 not withdrawn from the Rome Statute pursuant to
16 Article 127 thereof.

17 (10) PEACEKEEPING OPERATION UNDER CHAP-
18 TER VI OF THE CHARTER OF THE UNITED NATIONS
19 OR PEACE ENFORCEMENT OPERATION UNDER CHAP-
20 TER VII OF THE CHARTER OF THE UNITED NA-
21 TIONS.—The term “peacekeeping operation under
22 chapter VI of the charter of the United Nations or
23 peace enforcement operation under chapter VII of
24 the charter of the United Nations” means any mili-

1 tary operation to maintain or restore international
2 peace and security that—

3 (A) is authorized by the United Nations
4 Security Council under chapter VI or VII of the
5 charter of the United Nations; and

6 (B) is paid for from assessed contributions
7 of United Nations members that are made
8 available for peacekeeping or peace enforcement
9 activities.

10 (11) ROME STATUTE.—The term “Rome Statute”
11 means the Rome Statute of the International
12 Criminal Court, adopted by the United Nations Dip-
13 lomatic Conference of Plenipotentiaries on the Es-
14 tablishment of an International Criminal Court on
15 July 17, 1998.

16 (12) SUPPORT.—The term “support” means as-
17 sistance of any kind, including financial support,
18 transfer of property or other material support, serv-
19 ices, intelligence sharing, law enforcement coopera-
20 tion, the training or detail of personnel, and the ar-
21 rest or detention of individuals.

22 (13) UNITED STATES MILITARY ASSISTANCE.—
23 The term “United States military assistance”
24 means—

1 (A) assistance provided under chapter 2 or
2 5 of part II of the Foreign Assistance Act of
3 1961 (22 U.S.C. 2151 et seq.); or

4 (B) defense articles or defense services fur-
5 nished with the financial assistance of the
6 United States Government, including through
7 loans and guarantees, under section 23 of the
8 Arms Export Control Act (22 U.S.C. 2763).

9 **SEC. 2014. REPEAL OF LIMITATION.**

10 The Department of Defense Appropriations Act,
11 2002 (division A of Public Law 107–117) is amended by
12 striking section 8173.

13 This Act may be cited as the “2002 Supplemental
14 Appropriations Act for Further Recovery From and Re-
15 sponse To Terrorist Attacks on the United States”.

Union Calendar No. 289

107TH CONGRESS
2^D SESSION

H. R. 4775

[Report No. 107-480]

A BILL

Making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

MAY 20, 2002

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed