

Union Calendar No. 179

107TH CONGRESS
1ST SESSION

H. R. 3338

[Report No. 107-298]

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2001

Mr. LEWIS of California, 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 appropriations for the Department of Defense 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 DIVISION A—DEPARTMENT OF DEFENSE

4 APPROPRIATIONS, 2002

5 The following sums are appropriated, out of any
6 money in the Treasury not otherwise appropriated, for the
7 fiscal year ending September 30, 2002, for military func-

1 tions administered by the Department of Defense, and for
2 other purposes, namely:

3 TITLE I

4 MILITARY PERSONNEL

5 MILITARY PERSONNEL, ARMY

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 and for payments pursuant to section 156 of Public Law
14 97-377, as amended (42 U.S.C. 402 note), and to the De-
15 partment of Defense Military Retirement Fund,
16 \$23,336,884,000.

17 MILITARY PERSONNEL, NAVY

18 For pay, allowances, individual clothing, subsistence,
19 interest on deposits, gratuities, permanent change of sta-
20 tion travel (including all expenses thereof for organiza-
21 tional movements), and expenses of temporary duty travel
22 between permanent duty stations, for members of the
23 Navy on active duty (except members of the Reserve pro-
24 vided for elsewhere), midshipmen, and aviation cadets; and
25 for payments pursuant to section 156 of Public Law 97-

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$19,574,184,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, subsistence,
6 interest on deposits, gratuities, permanent change of sta-
7 tion travel (including all expenses thereof for organiza-
8 tional movements), and expenses of temporary duty travel
9 between permanent duty stations, for members of the Ma-
10 rine Corps on active duty (except members of the Reserve
11 provided for elsewhere); and for payments pursuant to sec-
12 tion 156 of Public Law 97-377, as amended (42 U.S.C.
13 402 note), and to the Department of Defense Military Re-
14 tirement Fund, \$7,343,640,000.

15 MILITARY PERSONNEL, AIR FORCE

16 For pay, allowances, individual clothing, subsistence,
17 interest on deposits, gratuities, permanent change of sta-
18 tion travel (including all expenses thereof for organiza-
19 tional movements), and expenses of temporary duty travel
20 between permanent duty stations, for members of the Air
21 Force on active duty (except members of reserve compo-
22 nents provided for elsewhere), cadets, and aviation cadets;
23 and for payments pursuant to section 156 of Public Law
24 97-377, as amended (42 U.S.C. 402 note), and to the De-

1 partment of Defense Military Retirement Fund,
2 \$19,784,614,000.

3 RESERVE PERSONNEL, ARMY

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Army Re-
6 serve on active duty under sections 10211, 10302, and
7 3038 of title 10, United States Code, or while serving on
8 active duty under section 12301(d) of title 10, United
9 States Code, in connection with performing duty specified
10 in section 12310(a) of title 10, United States Code, or
11 while undergoing reserve training, or while performing
12 drills or equivalent duty or other duty, and for members
13 of the Reserve Officers' Training Corps, and expenses au-
14 thorized by section 16131 of title 10, United States Code;
15 and for payments to the Department of Defense Military
16 Retirement Fund, \$2,629,197,000.

17 RESERVE PERSONNEL, NAVY

18 For pay, allowances, clothing, subsistence, gratuities,
19 travel, and related expenses for personnel of the Navy Re-
20 serve on active duty under section 10211 of title 10,
21 United States Code, or while serving on active duty under
22 section 12301(d) of title 10, United States Code, in con-
23 nection with performing duty specified in section 12310(a)
24 of title 10, United States Code, or while undergoing re-
25 serve training, or while performing drills or equivalent

1 duty, and for members of the Reserve Officers' Training
2 Corps, and expenses authorized by section 16131 of title
3 10, United States Code; and for payments to the Depart-
4 ment of Defense Military Retirement Fund,
5 \$1,644,823,000.

6 RESERVE PERSONNEL, MARINE CORPS

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Marine
9 Corps Reserve on active duty under section 10211 of title
10 10, United States Code, or while serving on active duty
11 under section 12301(d) of title 10, United States Code,
12 in connection with performing duty specified in section
13 12310(a) of title 10, United States Code, or while under-
14 going reserve training, or while performing drills or equiv-
15 alent duty, and for members of the Marine Corps platoon
16 leaders class, and expenses authorized by section 16131
17 of title 10, United States Code; and for payments to the
18 Department of Defense Military Retirement Fund,
19 \$466,800,000.

20 RESERVE PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Air Force
23 Reserve on active duty under sections 10211, 10305, and
24 8038 of title 10, United States Code, or while serving on
25 active duty under section 12301(d) of title 10, United

1 States Code, in connection with performing duty specified
2 in section 12310(a) of title 10, United States Code, or
3 while undergoing reserve training, or while performing
4 drills or equivalent duty or other duty, and for members
5 of the Air Reserve Officers' Training Corps, and expenses
6 authorized by section 16131 of title 10, United States
7 Code; and for payments to the Department of Defense
8 Military Retirement Fund, \$1,055,160,000.

9 NATIONAL GUARD PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Na-
12 tional Guard while on duty under section 10211, 10302,
13 or 12402 of title 10 or section 708 of title 32, United
14 States Code, or while serving on duty under section
15 12301(d) of title 10 or section 502(f) of title 32, United
16 States Code, in connection with performing duty specified
17 in section 12310(a) of title 10, United States Code, or
18 while undergoing training, or while performing drills or
19 equivalent duty or other duty, and expenses authorized by
20 section 16131 of title 10, United States Code; and for pay-
21 ments to the Department of Defense Military Retirement
22 Fund, \$4,004,335,000.

23 NATIONAL GUARD PERSONNEL, AIR FORCE

24 For pay, allowances, clothing, subsistence, gratuities,
25 travel, and related expenses for personnel of the Air Na-

1 tional Guard on duty under section 10211, 10305, or
2 12402 of title 10 or section 708 of title 32, United States
3 Code, or while serving on duty under section 12301(d) of
4 title 10 or section 502(f) of title 32, United States Code,
5 in connection with performing duty specified in section
6 12310(a) of title 10, United States Code, or while under-
7 going training, or while performing drills or equivalent
8 duty or other duty, and expenses authorized by section
9 16131 of title 10, United States Code; and for payments
10 to the Department of Defense Military Retirement Fund,
11 \$1,777,654,000.

12 TITLE II

13 OPERATION AND MAINTENANCE

14 OPERATION AND MAINTENANCE, ARMY

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance of the Army, as author-
18 ized by law; and not to exceed \$10,794,000 can be used
19 for emergencies and extraordinary expenses, to be ex-
20 pended on the approval or authority of the Secretary of
21 the Army, and payments may be made on his certificate
22 of necessity for confidential military purposes,
23 \$21,021,944,000: *Provided*, That of the funds made avail-
24 able under this heading, \$1,000,000, to remain available
25 until expended, shall be transferred to “National Park

1 Service—Construction” within 30 days of the enactment
2 of this Act, only for necessary infrastructure repair im-
3 provements at Fort Baker, under the management of the
4 Golden Gate Recreation Area: *Provided further*, That of
5 the funds appropriated in this paragraph, not less than
6 \$355,000,000 shall be made available only for conven-
7 tional ammunition care and maintenance.

8 OPERATION AND MAINTENANCE, NAVY

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Navy and the
11 Marine Corps, as authorized by law; and not to exceed
12 \$6,000,000 can be used for emergencies and extraordinary
13 expenses, to be expended on the approval or authority of
14 the Secretary of the Navy, and payments may be made
15 on his certificate of necessity for confidential military pur-
16 poses, \$26,628,075,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Marine Corps,
20 as authorized by law, \$2,939,434,000.

21 OPERATION AND MAINTENANCE, AIR FORCE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Air Force, as
24 authorized by law; and not to exceed \$7,998,000 can be
25 used for emergencies and extraordinary expenses, to be ex-

1 pended on the approval or authority of the Secretary of
2 the Air Force, and payments may be made on his certifi-
3 cate of necessity for confidential military purposes,
4 \$25,842,968,000: *Provided*, That notwithstanding any
5 other provision of law, that of the funds available under
6 this heading, \$750,000 shall only be available to the Sec-
7 retary of the Air Force for a grant to Florida Memorial
8 College for the purpose of funding minority aviation train-
9 ing.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of activities and agen-
13 cies of the Department of Defense (other than the military
14 departments), as authorized by law, \$12,122,590,000, of
15 which not to exceed \$25,000,000 may be available for the
16 CINC initiative fund account; and of which not to exceed
17 \$33,500,000 can be used for emergencies and extraor-
18 dinary expenses, to be expended on the approval or author-
19 ity of the Secretary of Defense, and payments may be
20 made on his certificate of necessity for confidential mili-
21 tary purposes: *Provided*, That notwithstanding any other
22 provision of law, of the funds provided in this Act for Civil
23 Military programs under this heading, \$750,000 shall be
24 available for a grant for Outdoor Odyssey, Roaring Run,
25 Pennsylvania, to support the Youth Development and

1 Leadership program and Department of Defense
2 STARBASE program: *Provided further*, That of the funds
3 made available in this paragraph, \$1,500,000 shall be
4 available only for continuation of the Middle East Re-
5 gional Security Issues program: *Provided further*, That
6 none of the funds appropriated or otherwise made avail-
7 able by this Act may be used to plan or implement the
8 consolidation of a budget or appropriations liaison office
9 of the Office of the Secretary of Defense, the office of the
10 Secretary of a military department, or the service head-
11 quarters of one of the Armed Forces into a legislative af-
12 fairs or legislative liaison office.

13 OPERATION AND MAINTENANCE, ARMY RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Army Reserve; re-
17 pair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$1,788,546,000.

21 OPERATION AND MAINTENANCE, NAVY RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Navy Reserve; re-
25 pair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$1,003,690,000.

4 OPERATION AND MAINTENANCE, MARINE CORPS
5 RESERVE

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance, including training, or-
8 ganization, and administration, of the Marine Corps Re-
9 serve; repair of facilities and equipment; hire of passenger
10 motor vehicles; travel and transportation; care of the dead;
11 recruiting; procurement of services, supplies, and equip-
12 ment; and communications, \$144,023,000.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Air Force Reserve;
17 repair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$2,029,866,000.

21 OPERATION AND MAINTENANCE, ARMY NATIONAL
22 GUARD

23 For expenses of training, organizing, and admin-
24 istering the Army National Guard, including medical and
25 hospital treatment and related expenses in non-Federal

1 hospitals; maintenance, operation, and repairs to struc-
2 tures and facilities; hire of passenger motor vehicles; per-
3 sonnel services in the National Guard Bureau; travel ex-
4 penses (other than mileage), as authorized by law for
5 Army personnel on active duty, for Army National Guard
6 division, regimental, and battalion commanders while in-
7 specting units in compliance with National Guard Bureau
8 regulations when specifically authorized by the Chief, Na-
9 tional Guard Bureau; supplying and equipping the Army
10 National Guard as authorized by law; and expenses of re-
11 pair, modification, maintenance, and issue of supplies and
12 equipment (including aircraft), \$3,723,759,000.

13 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

14 For operation and maintenance of the Air National
15 Guard, including medical and hospital treatment and re-
16 lated expenses in non-Federal hospitals; maintenance, op-
17 eration, repair, and other necessary expenses of facilities
18 for the training and administration of the Air National
19 Guard, including repair of facilities, maintenance, oper-
20 ation, and modification of aircraft; transportation of
21 things, hire of passenger motor vehicles; supplies, mate-
22 rials, and equipment, as authorized by law for the Air Na-
23 tional Guard; and expenses incident to the maintenance
24 and use of supplies, materials, and equipment, including
25 such as may be furnished from stocks under the control

1 of agencies of the Department of Defense; travel expenses
2 (other than mileage) on the same basis as authorized by
3 law for Air National Guard personnel on active Federal
4 duty, for Air National Guard commanders while inspecting
5 units in compliance with National Guard Bureau regula-
6 tions when specifically authorized by the Chief, National
7 Guard Bureau, \$3,972,161,000.

8 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses directly relating to Overseas Contin-
11 gency Operations by United States military forces,
12 \$2,744,226,000, to remain available until expended: *Pro-*
13 *vided*, That the Secretary of Defense may transfer these
14 funds only to military personnel accounts; operation and
15 maintenance accounts within this title; the Defense Health
16 Program appropriation; procurement accounts; research,
17 development, test and evaluation accounts; and to working
18 capital funds: *Provided further*, That the funds transferred
19 shall be merged with and shall be available for the same
20 purposes and for the same time period, as the appropria-
21 tion to which transferred: *Provided further*, That upon a
22 determination that all or part of the funds transferred
23 from this appropriation are not necessary for the purposes
24 provided herein, such amounts may be transferred back
25 to this appropriation: *Provided further*, That the transfer

1 authority provided in this paragraph is in addition to any
2 other transfer authority contained elsewhere in this Act.

3 UNITED STATES COURT OF APPEALS FOR THE ARMED
4 FORCES

5 For salaries and expenses necessary for the United
6 States Court of Appeals for the Armed Forces,
7 \$9,096,000, of which not to exceed \$2,500 can be used
8 for official representation purposes.

9 ENVIRONMENTAL RESTORATION, ARMY
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Army, \$389,800,000, to
12 remain available until transferred: *Provided*, That the Sec-
13 retary of the Army shall, upon determining that such
14 funds are required for environmental restoration, reduc-
15 tion and recycling of hazardous waste, removal of unsafe
16 buildings and debris of the Department of the Army, or
17 for similar purposes, transfer the funds made available by
18 this appropriation to other appropriations made available
19 to the Department of the Army, to be merged with and
20 to be available for the same purposes and for the same
21 time period as the appropriations to which transferred:
22 *Provided further*, That upon a determination that all or
23 part of the funds transferred from this appropriation are
24 not necessary for the purposes provided herein, such
25 amounts may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, NAVY
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Navy, \$257,517,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Navy shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Navy, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Navy, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation.

18 ENVIRONMENTAL RESTORATION, AIR FORCE
19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Air Force, \$385,437,000,
21 to remain available until transferred: *Provided*, That the
22 Secretary of the Air Force shall, upon determining that
23 such funds are required for environmental restoration, re-
24 duction and recycling of hazardous waste, removal of un-
25 safe buildings and debris of the Department of the Air

1 Force, or for similar purposes, transfer the funds made
2 available by this appropriation to other appropriations
3 made available to the Department of the Air Force, to be
4 merged with and to be available for the same purposes
5 and for the same time period as the appropriations to
6 which transferred: *Provided further*, That upon a deter-
7 mination that all or part of the funds transferred from
8 this appropriation are not necessary for the purposes pro-
9 vided herein, such amounts may be transferred back to
10 this appropriation.

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$23,492,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
2 may be transferred back to this appropriation.

3 ENVIRONMENTAL RESTORATION, FORMERLY USED
4 DEFENSE SITES
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Army, \$190,255,000, to
7 remain available until transferred: *Provided*, That the Sec-
8 retary of the Army shall, upon determining that such
9 funds are required for environmental restoration, reduc-
10 tion and recycling of hazardous waste, removal of unsafe
11 buildings and debris at sites formerly used by the Depart-
12 ment of Defense, transfer the funds made available by this
13 appropriation to other appropriations made available to
14 the Department of the Army, to be merged with and to
15 be available for the same purposes and for the same time
16 period as the appropriations to which transferred: *Pro-*
17 *vided further*, That upon a determination that all or part
18 of the funds transferred from this appropriation are not
19 necessary for the purposes provided herein, such amounts
20 may be transferred back to this appropriation.

21 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

22 For expenses relating to the Overseas Humanitarian,
23 Disaster, and Civic Aid programs of the Department of
24 Defense (consisting of the programs provided under sec-
25 tions 401, 402, 404, 2547, and 2551 of title 10, United

1 States Code), \$49,700,000, to remain available until Sep-
2 tember 30, 2003.

3 SUPPORT FOR INTERNATIONAL SPORTING
4 COMPETITIONS, DEFENSE

5 For logistical and security support for international
6 sporting competitions (including pay and non-travel re-
7 lated allowances only for members of the Reserve Compo-
8 nents of the Armed Forces of the United States called or
9 ordered to active duty in connection with providing such
10 support), \$15,800,000, to remain available until expended.

11 TITLE III
12 PROCUREMENT

13 AIRCRAFT PROCUREMENT, ARMY

14 For construction, procurement, production, modifica-
15 tion, and modernization of aircraft, equipment, including
16 ordnance, ground handling equipment, spare parts, and
17 accessories therefor; specialized equipment and training
18 devices; expansion of public and private plants, including
19 the land necessary therefor, for the foregoing purposes,
20 and such lands and interests therein, may be acquired,
21 and construction prosecuted thereon prior to approval of
22 title; and procurement and installation of equipment, ap-
23 pliances, and machine tools in public and private plants;
24 reserve plant and Government and contractor-owned
25 equipment layaway; and other expenses necessary for the

1 foregoing purposes, \$1,974,241,000, to remain available
2 for obligation until September 30, 2004.

3 MISSILE PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of missiles, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$1,057,409,000, to remain available
17 for obligation until September 30, 2004.

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

20 For construction, procurement, production, and
21 modification of weapons and tracked combat vehicles,
22 equipment, including ordnance, spare parts, and acces-
23 sories therefor; specialized equipment and training devices;
24 expansion of public and private plants, including the land
25 necessary therefor, for the foregoing purposes, and such

1 lands and interests therein, may be acquired, and con-
2 struction prosecuted thereon prior to approval of title; and
3 procurement and installation of equipment, appliances,
4 and machine tools in public and private plants; reserve
5 plant and Government and contractor-owned equipment
6 layaway; and other expenses necessary for the foregoing
7 purposes, \$2,252,669,000, to remain available for obliga-
8 tion until September 30, 2004.

9 PROCUREMENT OF AMMUNITION, ARMY

10 For construction, procurement, production, and
11 modification of ammunition, and accessories therefor; spe-
12 cialized equipment and training devices; expansion of pub-
13 lic and private plants, including ammunition facilities au-
14 thorized by section 2854 of title 10, United States Code,
15 and the land necessary therefor, for the foregoing pur-
16 poses, and such lands and interests therein, may be ac-
17 quired, and construction prosecuted thereon prior to ap-
18 proval of title; and procurement and installation of equip-
19 ment, appliances, and machine tools in public and private
20 plants; reserve plant and Government and contractor-
21 owned equipment layaway; and other expenses necessary
22 for the foregoing purposes, \$1,211,615,000, to remain
23 available for obligation until September 30, 2004.

1 OTHER PROCUREMENT, ARMY

2 For construction, procurement, production, and
3 modification of vehicles, including tactical, support, and
4 non-tracked combat vehicles; the purchase of not to exceed
5 29 passenger motor vehicles for replacement only; and the
6 purchase of 3 vehicles required for physical security of
7 personnel, notwithstanding price limitations applicable to
8 passenger vehicles but not to exceed \$200,000 per vehicle;
9 communications and electronic equipment; other support
10 equipment; spare parts, ordnance, and accessories there-
11 for; specialized equipment and training devices; expansion
12 of public and private plants, including the land necessary
13 therefor, for the foregoing purposes, and such lands and
14 interests therein, may be acquired, and construction pros-
15 ecuted thereon prior to approval of title; and procurement
16 and installation of equipment, appliances, and machine
17 tools in public and private plants; reserve plant and Gov-
18 ernment and contractor-owned equipment layaway; and
19 other expenses necessary for the foregoing purposes,
20 \$4,103,036,000, to remain available for obligation until
21 September 30, 2004.

22 AIRCRAFT PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of aircraft, equipment, including
25 ordnance, spare parts, and accessories therefor; specialized

1 equipment; expansion of public and private plants, includ-
2 ing the land necessary therefor, and such lands and inter-
3 ests therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; and procurement and
5 installation of equipment, appliances, and machine tools
6 in public and private plants; reserve plant and Govern-
7 ment and contractor-owned equipment layaway,
8 \$8,084,543,000, to remain available for obligation until
9 September 30, 2004.

10 WEAPONS PROCUREMENT, NAVY

11 For construction, procurement, production, modifica-
12 tion, and modernization of missiles, torpedoes, other weap-
13 ons, and related support equipment including spare parts,
14 and accessories therefor; expansion of public and private
15 plants, including the land necessary therefor, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway, \$1,429,492,000, to remain available for obliga-
22 tion until September 30, 2004.

1 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
2 CORPS

3 For construction, procurement, production, and
4 modification of ammunition, and accessories therefor; spe-
5 cialized equipment and training devices; expansion of pub-
6 lic and private plants, including ammunition facilities au-
7 thorized by section 2854 of title 10, United States Code,
8 and the land necessary therefor, for the foregoing pur-
9 poses, and such lands and interests therein, may be ac-
10 quired, and construction prosecuted thereon prior to ap-
11 proval of title; and procurement and installation of equip-
12 ment, appliances, and machine tools in public and private
13 plants; reserve plant and Government and contractor-
14 owned equipment layaway; and other expenses necessary
15 for the foregoing purposes, \$492,599,000, to remain avail-
16 able for obligation until September 30, 2004.

17 SHIPBUILDING AND CONVERSION, NAVY

18 For expenses necessary for the construction, acquisi-
19 tion, or conversion of vessels as authorized by law, includ-
20 ing armor and armament thereof, plant equipment, appli-
21 ances, and machine tools and installation thereof in public
22 and private plants; reserve plant and Government and con-
23 tractor-owned equipment layaway; procurement of critical,
24 long leadtime components and designs for vessels to be
25 constructed or converted in the future; and expansion of

1 public and private plants, including land necessary there-
2 for, and such lands and interests therein, may be acquired,
3 and construction prosecuted thereon prior to approval of
4 title, as follows:

5 Carrier Replacement Program (AP),
6 \$138,890,000;

7 SSGN (AP), \$549,440,000;

8 Virginia Class Submarine, \$1,578,914,000;

9 Virginia Class Submarine (AP), \$684,288,000;

10 CVN Refueling Overhauls, \$1,175,124,000;

11 CVN Refueling Overhauls (AP), \$73,707,000;

12 Submarine Refueling Overhauls, \$382,265,000;

13 Submarine Refueling Overhauls (AP),
14 \$77,750,000;

15 DDG-51, \$3,786,036,000;

16 LPD-17 (AP), \$286,330,000;

17 ADC(X), \$370,818,000;

18 Outfitting, \$297,230,000;

19 LCAC SLEP, \$46,091,000;

20 Completion of Prior Year Ship Building Pro-
21 grams, \$680,000,000;

22 Mine Hunter SWATH, \$2,000,000;

23 Yard Oilers, \$6,000,000;

24 In all: \$10,134,883,000, to remain available for obligation
25 until September 30, 2006: *Provided*, That additional obli-

1 gations may be incurred after September 30, 2006, for
2 engineering services, tests, evaluations, and other such
3 budgeted work that must be performed in the final stage
4 of ship construction: *Provided further*, That none of the
5 funds provided under this heading for the construction or
6 conversion of any naval vessel to be constructed in ship-
7 yards in the United States shall be expended in foreign
8 facilities for the construction of major components of such
9 vessel: *Provided further*, That none of the funds provided
10 under this heading shall be used for the construction of
11 any naval vessel in foreign shipyards.

12 OTHER PROCUREMENT, NAVY

13 For procurement, production, and modernization of
14 support equipment and materials not otherwise provided
15 for, Navy ordnance (except ordnance for new aircraft, new
16 ships, and ships authorized for conversion); the purchase
17 of not to exceed 35 passenger motor vehicles for replace-
18 ment only; and the purchase of 2 vehicles required for
19 physical security of personnel, notwithstanding price limi-
20 tations applicable to passenger vehicles but not to exceed
21 \$230,000 per vehicle; expansion of public and private
22 plants, including the land necessary therefor, and such
23 lands and interests therein, may be acquired, and con-
24 struction prosecuted thereon prior to approval of title; and
25 procurement and installation of equipment, appliances,

1 and machine tools in public and private plants; reserve
2 plant and Government and contractor-owned equipment
3 layaway, \$4,290,776,000, to remain available for obliga-
4 tion until September 30, 2004.

5 PROCUREMENT, MARINE CORPS

6 For expenses necessary for the procurement, manu-
7 facture, and modification of missiles, armament, military
8 equipment, spare parts, and accessories therefor; plant
9 equipment, appliances, and machine tools, and installation
10 thereof in public and private plants; reserve plant and
11 Government and contractor-owned equipment layaway; ve-
12 hicles for the Marine Corps, including the purchase of not
13 to exceed 25 passenger motor vehicles for replacement
14 only; and expansion of public and private plants, including
15 land necessary therefor, and such lands and interests
16 therein, may be acquired, and construction prosecuted
17 thereon prior to approval of title, \$1,028,662,000, to re-
18 main available for obligation until September 30, 2004.

19 AIRCRAFT PROCUREMENT, AIR FORCE

20 For construction, procurement, and modification of
21 aircraft and equipment, including armor and armament,
22 specialized ground handling equipment, and training de-
23 vices, spare parts, and accessories therefor; specialized
24 equipment; expansion of public and private plants, Gov-
25 ernment-owned equipment and installation thereof in such

1 plants, erection of structures, and acquisition of land, for
2 the foregoing purposes, and such lands and interests
3 therein, may be acquired, and construction prosecuted
4 thereon prior to approval of title; reserve plant and Gov-
5 ernment and contractor-owned equipment layaway; and
6 other expenses necessary for the foregoing purposes in-
7 cluding rents and transportation of things,
8 \$10,549,798,000, to remain available for obligation until
9 September 30, 2004.

10 MISSILE PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of
12 missiles, spacecraft, rockets, and related equipment, in-
13 cluding spare parts and accessories therefor, ground han-
14 dling equipment, and training devices; expansion of public
15 and private plants, Government-owned equipment and in-
16 stallation thereof in such plants, erection of structures,
17 and acquisition of land, for the foregoing purposes, and
18 such lands and interests therein, may be acquired, and
19 construction prosecuted thereon prior to approval of title;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes including rents and transportation of
23 things, \$2,918,118,000, to remain available for obligation
24 until September 30, 2004.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$866,844,000, to remain avail-
15 able for obligation until September 30, 2004.

16 OTHER PROCUREMENT, AIR FORCE

17 For procurement and modification of equipment (in-
18 cluding ground guidance and electronic control equipment,
19 and ground electronic and communication equipment),
20 and supplies, materials, and spare parts therefor, not oth-
21 erwise provided for; the purchase of not to exceed 216 pas-
22 senger motor vehicles for replacement only; and the pur-
23 chase of 3 vehicles required for physical security of per-
24 sonnel, notwithstanding price limitations applicable to pas-
25 senger vehicles but not to exceed \$230,000 per vehicle;

1 lease of passenger motor vehicles; and expansion of public
2 and private plants, Government-owned equipment and in-
3 stallation thereof in such plants, erection of structures,
4 and acquisition of land, for the foregoing purposes, and
5 such lands and interests therein, may be acquired, and
6 construction prosecuted thereon, prior to approval of title;
7 reserve plant and Government and contractor-owned
8 equipment layaway, \$7,856,671,000, to remain available
9 for obligation until September 30, 2004.

10 PROCUREMENT, DEFENSE-WIDE

11 For expenses of activities and agencies of the Depart-
12 ment of Defense (other than the military departments)
13 necessary for procurement, production, and modification
14 of equipment, supplies, materials, and spare parts there-
15 for, not otherwise provided for; the purchase of not to ex-
16 ceed 65 passenger motor vehicles for replacement only; the
17 purchase of 4 vehicles required for physical security of
18 personnel, notwithstanding price limitations applicable to
19 passenger vehicles but not to exceed \$250,000 per vehicle;
20 expansion of public and private plants, equipment, and in-
21 stallation thereof in such plants, erection of structures,
22 and acquisition of land for the foregoing purposes, and
23 such lands and interests therein, may be acquired, and
24 construction prosecuted thereon prior to approval of title;
25 reserve plant and Government and contractor-owned

1 equipment layaway, \$1,387,283,000, to remain available
2 for obligation until September 30, 2004.

3 DEFENSE PRODUCTION ACT PURCHASES

4 For activities by the Department of Defense pursuant
5 to sections 108, 301, 302, and 303 of the Defense Produc-
6 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
7 2093), \$50,000,000, to remain available until expended.

8 NATIONAL GUARD AND RESERVE EQUIPMENT

9 For procurement of aircraft, missiles, tracked combat
10 vehicles, ammunition, other weapons, and other procure-
11 ment for the reserve components of the Armed Forces,
12 \$501,485,000, to remain available for obligation until Sep-
13 tember 30, 2004: *Provided*, That the Chiefs of the Reserve
14 and National Guard components shall, not later than 30
15 days after the enactment of this Act, individually submit
16 to the congressional defense committees the modernization
17 priority assessment for their respective Reserve or Na-
18 tional Guard component: *Provided further*, That of the
19 funds appropriated under this heading, \$131,176,000
20 shall be available only for the procurement of eight UH-
21 60 helicopters for the Army Reserve, and \$226,909,000
22 shall be available only for the procurement of C-130J air-
23 craft to be used solely for western states firefighting.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$7,115,438,000, to remain avail-
10 able for obligation until September 30, 2003.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$10,896,307,000, to remain avail-
17 able for obligation until September 30, 2003.

18 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
19 AIR FORCE

20 For expenses necessary for basic and applied sci-
21 entific research, development, test and evaluation, includ-
22 ing maintenance, rehabilitation, lease, and operation of fa-
23 cilities and equipment, \$14,884,058,000, to remain avail-
24 able for obligation until September 30, 2003.

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

3 For expenses of activities and agencies of the Depart-
4 ment of Defense (other than the military departments),
5 necessary for basic and applied scientific research, devel-
6 opment, test and evaluation; advanced research projects
7 as may be designated and determined by the Secretary
8 of Defense, pursuant to law; maintenance, rehabilitation,
9 lease, and operation of facilities and equipment,
10 \$6,949,098,000, to remain available for obligation until
11 September 30, 2003.

12 OPERATIONAL TEST AND EVALUATION, DEFENSE

13 For expenses, not otherwise provided for, necessary
14 for the independent activities of the Director, Operational
15 Test and Evaluation in the direction and supervision of
16 operational test and evaluation, including initial oper-
17 ational test and evaluation which is conducted prior to,
18 and in support of, production decisions; joint operational
19 testing and evaluation; and administrative expenses in
20 connection therewith, \$245,355,000, to remain available
21 for obligation until September 30, 2003.

1 TITLE V
2 REVOLVING AND MANAGEMENT FUNDS
3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,
5 \$1,524,986,000: *Provided*, That during fiscal year 2002,
6 funds in the Defense Working Capital Funds may be used
7 for the purchase of not to exceed 330 passenger carrying
8 motor vehicles for replacement only for the Defense Secu-
9 rity Service.

10 NATIONAL DEFENSE SEALIFT FUND

11 For National Defense Sealift Fund programs,
12 projects, and activities, and for expenses of the National
13 Defense Reserve Fleet, as established by section 11 of the
14 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
15 and for the necessary expenses to maintain and preserve
16 a U.S.-flag merchant fleet to serve the national security
17 needs of the United States, \$412,708,000, to remain avail-
18 able until expended: *Provided*, That none of the funds pro-
19 vided in this paragraph shall be used to award a new con-
20 tract that provides for the acquisition of any of the fol-
21 lowing major components unless such components are
22 manufactured in the United States: auxiliary equipment,
23 including pumps, for all shipboard services; propulsion
24 system components (that is; engines, reduction gears, and
25 propellers); shipboard cranes; and spreaders for shipboard

1 cranes: *Provided further*, That the exercise of an option
2 in a contract awarded through the obligation of previously
3 appropriated funds shall not be considered to be the award
4 of a new contract: *Provided further*, That the Secretary
5 of the military department responsible for such procure-
6 ment may waive the restrictions in the first proviso on
7 a case-by-case basis by certifying in writing to the Com-
8 mittees on Appropriations of the House of Representatives
9 and the Senate that adequate domestic supplies are not
10 available to meet Department of Defense requirements on
11 a timely basis and that such an acquisition must be made
12 in order to acquire capability for national security pur-
13 poses.

14 TITLE VI

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For expenses, not otherwise provided for, for medical
18 and health care programs of the Department of Defense,
19 as authorized by law, \$18,277,403,000, of which
20 \$17,574,750,000 shall be for Operation and maintenance,
21 of which not to exceed 2 percent shall remain available
22 until September 30, 2003; of which \$267,915,000, to re-
23 main available for obligation until September 30, 2004,
24 shall be for Procurement; of which \$434,738,000, to re-
25 main available for obligation until September 30, 2003,

1 shall be for Research, development, test and evaluation,
2 and of which \$20,000,000 shall be available for HIV pre-
3 vention educational activities undertaken in connection
4 with U.S. military training, exercises, and humanitarian
5 assistance activities conducted in African nations.

6 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

7 ARMY

8 For expenses, not otherwise provided for, necessary
9 for the destruction of the United States stockpile of lethal
10 chemical agents and munitions in accordance with the pro-
11 visions of section 1412 of the Department of Defense Au-
12 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
13 struction of other chemical warfare materials that are not
14 in the chemical weapon stockpile, \$1,093,057,000, of
15 which \$728,520,000 shall be for Operation and mainte-
16 nance to remain available until September 30, 2003,
17 \$164,158,000 shall be for Procurement to remain avail-
18 able until September 30, 2004, and \$200,379,000 shall
19 be for Research, development, test and evaluation to re-
20 main available until September 30, 2003: *Provided*, That
21 of the funds available under this heading, \$1,000,000 shall
22 be available until expended each year only for a Johnston
23 Atoll off-island leave program: *Provided further*, That the
24 Secretaries concerned shall, pursuant to uniform regula-

1 tions, prescribe travel and transportation allowances for
2 travel by participants in the off-island leave program.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
4 DEFENSE
5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of
7 the Department of Defense, for transfer to appropriations
8 available to the Department of Defense for military per-
9 sonnel of the reserve components serving under the provi-
10 sions of title 10 and title 32, United States Code; for Op-
11 eration and maintenance; for Procurement; and for Re-
12 search, development, test and evaluation, \$827,381,000:
13 *Provided*, That the funds appropriated under this heading
14 shall be available for obligation for the same time period
15 and for the same purpose as the appropriation to which
16 transferred: *Provided further*, That the transfer authority
17 provided under this heading is in addition to any other
18 transfer authority contained elsewhere in this Act.

19 OFFICE OF THE INSPECTOR GENERAL

20 For expenses and activities of the Office of the In-
21 spector General in carrying out the provisions of the In-
22 spector General Act of 1978, as amended, \$152,021,000,
23 of which \$150,221,000 shall be for Operation and mainte-
24 nance, of which not to exceed \$700,000 is available for
25 emergencies and extraordinary expenses to be expended on

1 the approval or authority of the Inspector General, and
2 payments may be made on the Inspector General's certifi-
3 cate of necessity for confidential military purposes; and
4 of which \$1,800,000 to remain available until September
5 30, 2004, shall be for Procurement.

6 TITLE VII

7 RELATED AGENCIES

8 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND 9 DISABILITY SYSTEM FUND

10 For payment to the Central Intelligence Agency Re-
11 tirement and Disability System Fund, to maintain the
12 proper funding level for continuing the operation of the
13 Central Intelligence Agency Retirement and Disability
14 System, \$212,000,000.

15 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT 16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Intelligence Commu-
18 nity Management Account, \$144,929,000, of which
19 \$28,003,000 for the Advanced Research and Development
20 Committee shall remain available until September 30,
21 2003: *Provided*, That of the funds appropriated under this
22 heading, \$34,100,000 shall be transferred to the Depart-
23 ment of Justice for the National Drug Intelligence Center
24 to support the Department of Defense's counter-drug in-
25 telligence responsibilities, and of the said amount,

1 \$1,500,000 for Procurement shall remain available until
2 September 30, 2004, and \$1,000,000 for Research, devel-
3 opment, test and evaluation shall remain available until
4 September 30, 2003: *Provided further*, That the National
5 Drug Intelligence Center shall maintain the personnel and
6 technical resources to provide timely support to law en-
7 forcement authorities to conduct document exploitation of
8 materials collected in Federal, State, and local law en-
9 forcement activity.

10 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-
11 MEDIATION, AND ENVIRONMENTAL RESTORATION
12 FUND

13 For payment to Kaho'olawe Island Conveyance, Re-
14 mediation, and Environmental Restoration Fund, as au-
15 thorized by law, \$25,000,000, to remain available until ex-
16 pended.

17 NATIONAL SECURITY EDUCATION TRUST FUND

18 For the purposes of title VIII of Public Law 102-
19 183, \$8,000,000, to be derived from the National Security
20 Education Trust Fund, to remain available until ex-
21 pended.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TITLE VIII

GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

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

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

4 SEC. 8004. No more than 20 percent of the appro-
5 priations in this Act which are limited for obligation dur-
6 ing the current fiscal year shall be obligated during the
7 last 2 months of the fiscal year: *Provided*, That this sec-
8 tion shall not apply to obligations for support of active
9 duty training of reserve components or summer camp
10 training of the Reserve Officers' Training Corps.

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Manage-
15 ment and Budget, transfer not to exceed \$2,500,000,000
16 of working capital funds of the Department of Defense
17 or funds made available in this Act to the Department
18 of Defense for military functions (except military con-
19 struction) between such appropriations or funds or any
20 subdivision thereof, to be merged with and to be available
21 for the same purposes, and for the same time period, as
22 the appropriation or fund to which transferred: *Provided*,
23 That such authority to transfer may not be used unless
24 for higher priority items, based on unforeseen military re-
25 quirements, than those for which originally appropriated

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further*, That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress.

13 (TRANSFER OF FUNDS)

14 SEC. 8006. During the current fiscal year, cash bal-
15 ances in working capital funds of the Department of De-
16 fense established pursuant to section 2208 of title 10,
17 United States Code, may be maintained in only such
18 amounts as are necessary at any time for cash disburse-
19 ments to be made from such funds: *Provided*, That trans-
20 fers may be made between such funds: *Provided further*,
21 That transfers may be made between working capital
22 funds and the “Foreign Currency Fluctuations, Defense”
23 appropriation and the “Operation and Maintenance” ap-
24 propriation accounts in such amounts as may be deter-
25 mined by the Secretary of Defense, with the approval of

1 the Office of Management and Budget, except that such
2 transfers may not be made unless the Secretary of Defense
3 has notified the Congress of the proposed transfer. Except
4 in amounts equal to the amounts appropriated to working
5 capital funds in this Act, no obligations may be made
6 against a working capital fund to procure or increase the
7 value of war reserve material inventory, unless the Sec-
8 retary of Defense has notified the Congress prior to any
9 such obligation.

10 SEC. 8007. Funds appropriated by this Act may not
11 be used to initiate a special access program without prior
12 notification 30 calendar days in session in advance to the
13 congressional defense committees.

14 SEC. 8008. None of the funds provided in this Act
15 shall be available to initiate: (1) a multiyear contract that
16 employs economic order quantity procurement in excess of
17 \$20,000,000 in any 1 year of the contract or that includes
18 an unfunded contingent liability in excess of \$20,000,000;
19 or (2) a contract for advance procurement leading to a
20 multiyear contract that employs economic order quantity
21 procurement in excess of \$20,000,000 in any 1 year, un-
22 less the congressional defense committees have been noti-
23 fied at least 30 days in advance of the proposed contract
24 award: *Provided*, That no part of any appropriation con-
25 tained in this Act shall be available to initiate a multiyear

1 contract for which the economic order quantity advance
2 procurement is not funded at least to the limits of the
3 Government's liability: *Provided further*, That no part of
4 any appropriation contained in this Act shall be available
5 to initiate multiyear procurement contracts for any sys-
6 tems or component thereof if the value of the multiyear
7 contract would exceed \$500,000,000 unless specifically
8 provided in this Act: *Provided further*, That no multiyear
9 procurement contract can be terminated without 10-day
10 prior notification to the congressional defense committees:
11 *Provided further*, That the execution of multiyear author-
12 ity shall require the use of a present value analysis to de-
13 termine lowest cost compared to an annual procurement.

14 Funds appropriated in title III of this Act may be
15 used for a C-17 multiyear procurement contract.

16 SEC. 8009. Within the funds appropriated for the op-
17 eration and maintenance of the Armed Forces, funds are
18 hereby appropriated pursuant to section 401 of title 10,
19 United States Code, for humanitarian and civic assistance
20 costs under chapter 20 of title 10, United States Code.
21 Such funds may also be obligated for humanitarian and
22 civic assistance costs incidental to authorized operations
23 and pursuant to authority granted in section 401 of chap-
24 ter 20 of title 10, United States Code, and these obliga-
25 tions shall be reported to the Congress as of September

1 30 of each year: *Provided*, That funds available for oper-
2 ation and maintenance shall be available for providing hu-
3 manitarian and similar assistance by using Civic Action
4 Teams in the Trust Territories of the Pacific Islands and
5 freely associated states of Micronesia, pursuant to the
6 Compact of Free Association as authorized by Public Law
7 99-239: *Provided further*, That upon a determination by
8 the Secretary of the Army that such action is beneficial
9 for graduate medical education programs conducted at
10 Army medical facilities located in Hawaii, the Secretary
11 of the Army may authorize the provision of medical serv-
12 ices at such facilities and transportation to such facilities,
13 on a nonreimbursable basis, for civilian patients from
14 American Samoa, the Commonwealth of the Northern
15 Mariana Islands, the Marshall Islands, the Federated
16 States of Micronesia, Palau, and Guam.

17 SEC. 8010. (a) During fiscal year 2002, the civilian
18 personnel of the Department of Defense may not be man-
19 aged on the basis of any end-strength, and the manage-
20 ment of such personnel during that fiscal year shall not
21 be subject to any constraint or limitation (known as an
22 end-strength) on the number of such personnel who may
23 be employed on the last day of such fiscal year.

24 (b) The fiscal year 2003 budget request for the De-
25 partment of Defense as well as all justification material

1 and other documentation supporting the fiscal year 2003
2 Department of Defense budget request shall be prepared
3 and submitted to the Congress as if subsections (a) and
4 (b) of this provision were effective with regard to fiscal
5 year 2003.

6 (c) Nothing in this section shall be construed to apply
7 to military (civilian) technicians.

8 SEC. 8011. Notwithstanding any other provision of
9 law, none of the funds made available by this Act shall
10 be used by the Department of Defense to exceed, outside
11 the 50 United States, its territories, and the District of
12 Columbia, 125,000 civilian workyears: *Provided*, That
13 workyears shall be applied as defined in the Federal Per-
14 sonnel Manual: *Provided further*, That workyears ex-
15 pended in dependent student hiring programs for dis-
16 advantaged youths shall not be included in this workyear
17 limitation.

18 SEC. 8012. None of the funds made available by this
19 Act shall be used in any way, directly or indirectly, to in-
20 fluence congressional action on any legislation or appro-
21 priation matters pending before the Congress.

22 SEC. 8013. None of the funds appropriated by this
23 Act shall be available for the basic pay and allowances of
24 any member of the Army participating as a full-time stu-
25 dent and receiving benefits paid by the Secretary of Vet-

1 erans Affairs from the Department of Defense Education
2 Benefits Fund when time spent as a full-time student is
3 credited toward completion of a service commitment: *Pro-*
4 *vided*, That this subsection shall not apply to those mem-
5 bers who have reenlisted with this option prior to October
6 1, 1987: *Provided further*, That this subsection applies
7 only to active components of the Army.

8 SEC. 8014. None of the funds appropriated by this
9 Act shall be available to convert to contractor performance
10 an activity or function of the Department of Defense that,
11 on or after the date of the enactment of this Act, is per-
12 formed by more than 10 Department of Defense civilian
13 employees until a most efficient and cost-effective organi-
14 zation analysis is completed on such activity or function
15 and certification of the analysis is made to the Committees
16 on Appropriations of the House of Representatives and the
17 Senate: *Provided*, That this section and subsections (a),
18 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-
19 mercial or industrial type function of the Department of
20 Defense that: (1) is included on the procurement list es-
21 tablished pursuant to section 2 of the Act of June 25,
22 1938 (41 U.S.C. 47), popularly referred to as the Javits-
23 Wagner-O'Day Act; (2) is planned to be converted to per-
24 formance by a qualified nonprofit agency for the blind or
25 by a qualified nonprofit agency for other severely handi-

1 capped individuals in accordance with that Act; or (3) is
2 planned to be converted to performance by a qualified firm
3 under 51 percent ownership by an Indian tribe, as defined
4 in section 450b(e) of title 25, United States Code, or a
5 Native Hawaiian organization, as defined in section
6 637(a)(15) of title 15, United States Code.

7 (TRANSFER OF FUNDS)

8 SEC. 8015. Funds appropriated in title III of this Act
9 for the Department of Defense Pilot Mentor-Protege Pro-
10 gram may be transferred to any other appropriation con-
11 tained in this Act solely for the purpose of implementing
12 a Mentor-Protege Program developmental assistance
13 agreement pursuant to section 831 of the National De-
14 fense Authorization Act for Fiscal Year 1991 (Public Law
15 101–510; 10 U.S.C. 2301 note), as amended, under the
16 authority of this provision or any other transfer authority
17 contained in this Act.

18 SEC. 8016. None of the funds in this Act may be
19 available for the purchase by the Department of Defense
20 (and its departments and agencies) of welded shipboard
21 anchor and mooring chain 4 inches in diameter and under
22 unless the anchor and mooring chain are manufactured
23 in the United States from components which are substan-
24 tially manufactured in the United States: *Provided*, That
25 for the purpose of this section manufactured will include

1 cutting, heat treating, quality control, testing of chain and
2 welding (including the forging and shot blasting process):
3 *Provided further*, That for the purpose of this section sub-
4 stantially all of the components of anchor and mooring
5 chain shall be considered to be produced or manufactured
6 in the United States if the aggregate cost of the compo-
7 nents produced or manufactured in the United States ex-
8 ceeds the aggregate cost of the components produced or
9 manufactured outside the United States: *Provided further*,
10 That when adequate domestic supplies are not available
11 to meet Department of Defense requirements on a timely
12 basis, the Secretary of the service responsible for the pro-
13 curement may waive this restriction on a case-by-case
14 basis by certifying in writing to the Committees on Appro-
15 priations that such an acquisition must be made in order
16 to acquire capability for national security purposes.

17 SEC. 8017. None of the funds appropriated by this
18 Act available for the Civilian Health and Medical Program
19 of the Uniformed Services (CHAMPUS) or TRICARE
20 shall be available for the reimbursement of any health care
21 provider for inpatient mental health service for care re-
22 ceived when a patient is referred to a provider of inpatient
23 mental health care or residential treatment care by a med-
24 ical or health care professional having an economic inter-
25 est in the facility to which the patient is referred: *Pro-*

1 *vided*, That this limitation does not apply in the case of
2 inpatient mental health services provided under the pro-
3 gram for persons with disabilities under subsection (d) of
4 section 1079 of title 10, United States Code, provided as
5 partial hospital care, or provided pursuant to a waiver au-
6 thorized by the Secretary of Defense because of medical
7 or psychological circumstances of the patient that are con-
8 firmed by a health professional who is not a Federal em-
9 ployee after a review, pursuant to rules prescribed by the
10 Secretary, which takes into account the appropriate level
11 of care for the patient, the intensity of services required
12 by the patient, and the availability of that care.

13 SEC. 8018. Funds available in this Act may be used
14 to provide transportation for the next-of-kin of individuals
15 who have been prisoners of war or missing in action from
16 the Vietnam era to an annual meeting in the United
17 States, under such regulations as the Secretary of Defense
18 may prescribe.

19 SEC. 8019. Notwithstanding any other provision of
20 law, during the current fiscal year, the Secretary of De-
21 fense may, by executive agreement, establish with host na-
22 tion governments in NATO member states a separate ac-
23 count into which such residual value amounts negotiated
24 in the return of United States military installations in
25 NATO member states may be deposited, in the currency

1 of the host nation, in lieu of direct monetary transfers to
2 the United States Treasury: *Provided*, That such credits
3 may be utilized only for the construction of facilities to
4 support United States military forces in that host nation,
5 or such real property maintenance and base operating
6 costs that are currently executed through monetary trans-
7 fers to such host nations: *Provided further*, That the De-
8 partment of Defense's budget submission for fiscal year
9 2003 shall identify such sums anticipated in residual value
10 settlements, and identify such construction, real property
11 maintenance or base operating costs that shall be funded
12 by the host nation through such credits: *Provided further*,
13 That all military construction projects to be executed from
14 such accounts must be previously approved in a prior Act
15 of Congress: *Provided further*, That each such executive
16 agreement with a NATO member host nation shall be re-
17 ported to the congressional defense committees, the Com-
18 mittee on International Relations of the House of Rep-
19 resentatives and the Committee on Foreign Relations of
20 the Senate 30 days prior to the conclusion and endorse-
21 ment of any such agreement established under this provi-
22 sion.

23 SEC. 8020. None of the funds available to the De-
24 partment of Defense may be used to demilitarize or dis-

1 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
2 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

3 SEC. 8021. No more than \$500,000 of the funds ap-
4 propriated or made available in this Act shall be used dur-
5 ing a single fiscal year for any single relocation of an orga-
6 nization, unit, activity or function of the Department of
7 Defense into or within the National Capital Region: *Pro-*
8 *vided*, That the Secretary of Defense may waive this re-
9 striction on a case-by-case basis by certifying in writing
10 to the congressional defense committees that such a relo-
11 cation is required in the best interest of the Government.

12 SEC. 8022. In addition to the funds provided else-
13 where in this Act, \$8,000,000 is appropriated only for in-
14 centive payments authorized by section 504 of the Indian
15 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
16 a subcontractor at any tier shall be considered a con-
17 tractor for the purposes of being allowed additional com-
18 pensation under section 504 of the Indian Financing Act
19 of 1974 (25 U.S.C. 1544).

20 SEC. 8023. During the current fiscal year, funds ap-
21 propriated or otherwise available for any Federal agency,
22 the Congress, the judicial branch, or the District of Co-
23 lumbia may be used for the pay, allowances, and benefits
24 of an employee as defined by section 2105 of title 5,
25 United States Code, or an individual employed by the gov-

1 ernment of the District of Columbia, permanent or tem-
2 porary indefinite, who—

3 (1) is a member of a Reserve component of the
4 Armed Forces, as described in section 10101 of title
5 10, United States Code, or the National Guard, as
6 described in section 101 of title 32, United States
7 Code;

8 (2) performs, for the purpose of providing mili-
9 tary aid to enforce the law or providing assistance
10 to civil authorities in the protection or saving of life
11 or property or prevention of injury—

12 (A) Federal service under sections 331,
13 332, 333, or 12406 of title 10, United States
14 Code, or other provision of law, as applicable;
15 or

16 (B) full-time military service for his or her
17 State, the District of Columbia, the Common-
18 wealth of Puerto Rico, or a territory of the
19 United States; and

20 (3) requests and is granted—

21 (A) leave under the authority of this sec-
22 tion; or

23 (B) annual leave, which may be granted
24 without regard to the provisions of sections
25 5519 and 6323(b) of title 5, United States

1 Code, if such employee is otherwise entitled to
2 such annual leave:

3 *Provided*, That any employee who requests leave under
4 subsection (3)(A) for service described in subsection (2)
5 of this section is entitled to such leave, subject to the pro-
6 visions of this section and of the last sentence of section
7 6323(b) of title 5, United States Code, and such leave
8 shall be considered leave under section 6323(b) of title 5,
9 United States Code.

10 SEC. 8024. None of the funds appropriated by this
11 Act shall be available to perform any cost study pursuant
12 to the provisions of OMB Circular A-76 if the study being
13 performed exceeds a period of 24 months after initiation
14 of such study with respect to a single function activity or
15 48 months after initiation of such study for a multi-func-
16 tion activity.

17 SEC. 8025. Funds appropriated by this Act for the
18 American Forces Information Service shall not be used for
19 any national or international political or psychological ac-
20 tivities.

21 SEC. 8026. Notwithstanding any other provision of
22 law or regulation, the Secretary of Defense may adjust
23 wage rates for civilian employees hired for certain health
24 care occupations as authorized for the Secretary of Vet-

1 erans Affairs by section 7455 of title 38, United States
2 Code.

3 SEC. 8027. None of the funds appropriated or made
4 available in this Act shall be used to reduce or disestablish
5 the operation of the 53rd Weather Reconnaissance Squad-
6 ron of the Air Force Reserve, if such action would reduce
7 the WC-130 Weather Reconnaissance mission below the
8 levels funded in this Act.

9 SEC. 8028. (a) Of the funds for the procurement of
10 supplies or services appropriated by this Act, qualified
11 nonprofit agencies for the blind or other severely handi-
12 capped shall be afforded the maximum practicable oppor-
13 tunity to participate as subcontractors and suppliers in the
14 performance of contracts let by the Department of De-
15 fense.

16 (b) During the current fiscal year, a business concern
17 which has negotiated with a military service or defense
18 agency a subcontracting plan for the participation by
19 small business concerns pursuant to section 8(d) of the
20 Small Business Act (15 U.S.C. 637(d)) shall be given
21 credit toward meeting that subcontracting goal for any
22 purchases made from qualified nonprofit agencies for the
23 blind or other severely handicapped.

24 (c) For the purpose of this section, the phrase “quali-
25 fied nonprofit agency for the blind or other severely handi-

1 capped” means a nonprofit agency for the blind or other
2 severely handicapped that has been approved by the Com-
3 mittee for the Purchase from the Blind and Other Severely
4 Handicapped under the Javits-Wagner-O’Day Act (41
5 U.S.C. 46–48).

6 SEC. 8029. During the current fiscal year, net re-
7 ceipts pursuant to collections from third party payers pur-
8 suant to section 1095 of title 10, United States Code, shall
9 be made available to the local facility of the uniformed
10 services responsible for the collections and shall be over
11 and above the facility’s direct budget amount.

12 SEC. 8030. During the current fiscal year, the De-
13 partment of Defense is authorized to incur obligations of
14 not to exceed \$350,000,000 for purposes specified in sec-
15 tion 2350j(c) of title 10, United States Code, in anticipa-
16 tion of receipt of contributions, only from the Government
17 of Kuwait, under that section: *Provided*, That upon re-
18 ceipt, such contributions from the Government of Kuwait
19 shall be credited to the appropriations or fund which in-
20 curred such obligations.

21 SEC. 8031. Of the funds made available in this Act,
22 not less than \$21,417,000 shall be available for the Civil
23 Air Patrol Corporation, of which \$19,417,000 shall be
24 available for Civil Air Patrol Corporation operation and
25 maintenance to support readiness activities which includes

1 \$2,000,000 for the Civil Air Patrol counterdrug program:
2 *Provided*, That funds identified for “Civil Air Patrol”
3 under this section are intended for and shall be for the
4 exclusive use of the Civil Air Patrol Corporation and not
5 for the Air Force or any unit thereof.

6 SEC. 8032. (a) None of the funds appropriated in this
7 Act are available to establish a new Department of De-
8 fense (department) federally funded research and develop-
9 ment center (FFRDC), either as a new entity, or as a
10 separate entity administrated by an organization man-
11 aging another FFRDC, or as a nonprofit membership cor-
12 poration consisting of a consortium of other FFRDCs and
13 other non-profit entities.

14 (b) No member of a Board of Directors, Trustees,
15 Overseers, Advisory Group, Special Issues Panel, Visiting
16 Committee, or any similar entity of a defense FFRDC,
17 and no paid consultant to any defense FFRDC, except
18 when acting in a technical advisory capacity, may be com-
19 pensated for his or her services as a member of such enti-
20 ty, or as a paid consultant by more than one FFRDC in
21 a fiscal year: *Provided*, That a member of any such entity
22 referred to previously in this subsection shall be allowed
23 travel expenses and per diem as authorized under the Fed-
24 eral Joint Travel Regulations, when engaged in the per-
25 formance of membership duties.

1 (c) Notwithstanding any other provision of law, none
2 of the funds available to the department from any source
3 during fiscal year 2002 may be used by a defense FFRDC,
4 through a fee or other payment mechanism, for construc-
5 tion of new buildings, for payment of cost sharing for
6 projects funded by Government grants, for absorption of
7 contract overruns, or for certain charitable contributions,
8 not to include employee participation in community service
9 and/or development.

10 (d) Notwithstanding any other provision of law, of
11 the funds available to the department during fiscal year
12 2002, not more than 6,477 staff years of technical effort
13 (staff years) may be funded for defense FFRDCs: *Pro-*
14 *vided*, That of the specific amount referred to previously
15 in this subsection, not more than 1,029 staff years may
16 be funded for the defense studies and analysis FFRDCs.

17 (e) The Secretary of Defense shall, with the submis-
18 sion of the department's fiscal year 2003 budget request,
19 submit a report presenting the specific amounts of staff
20 years of technical effort to be allocated for each defense
21 FFRDC during that fiscal year.

22 SEC. 8033. None of the funds appropriated or made
23 available in this Act shall be used to procure carbon, alloy
24 or armor steel plate for use in any Government-owned fa-
25 cility or property under the control of the Department of

1 Defense which were not melted and rolled in the United
2 States or Canada: *Provided*, That these procurement re-
3 strictions shall apply to any and all Federal Supply Class
4 9515, American Society of Testing and Materials (ASTM)
5 or American Iron and Steel Institute (AISI) specifications
6 of carbon, alloy or armor steel plate: *Provided further*,
7 That the Secretary of the military department responsible
8 for the procurement may waive this restriction on a case-
9 by-case basis by certifying in writing to the Committees
10 on Appropriations of the House of Representatives and the
11 Senate that adequate domestic supplies are not available
12 to meet Department of Defense requirements on a timely
13 basis and that such an acquisition must be made in order
14 to acquire capability for national security purposes: *Pro-*
15 *vided further*, That these restrictions shall not apply to
16 contracts which are in being as of the date of the enact-
17 ment of this Act.

18 SEC. 8034. For the purposes of this Act, the term
19 “congressional defense committees” means the Armed
20 Services Committee of the House of Representatives, the
21 Armed Services Committee of the Senate, the Sub-
22 committee on Defense of the Committee on Appropriations
23 of the Senate, and the Subcommittee on Defense of the
24 Committee on Appropriations of the House of Representa-
25 tives.

1 SEC. 8035. During the current fiscal year, the De-
2 partment of Defense may acquire the modification, depot
3 maintenance and repair of aircraft, vehicles and vessels
4 as well as the production of components and other De-
5 fense-related articles, through competition between De-
6 partment of Defense depot maintenance activities and pri-
7 vate firms: *Provided*, That the Senior Acquisition Execu-
8 tive of the military department or defense agency con-
9 cerned, with power of delegation, shall certify that success-
10 ful bids include comparable estimates of all direct and in-
11 direct costs for both public and private bids: *Provided fur-*
12 *ther*, That Office of Management and Budget Circular A-
13 76 shall not apply to competitions conducted under this
14 section.

15 SEC. 8036. (a)(1) If the Secretary of Defense, after
16 consultation with the United States Trade Representative,
17 determines that a foreign country which is party to an
18 agreement described in paragraph (2) has violated the
19 terms of the agreement by discriminating against certain
20 types of products produced in the United States that are
21 covered by the agreement, the Secretary of Defense shall
22 rescind the Secretary's blanket waiver of the Buy Amer-
23 ican Act with respect to such types of products produced
24 in that foreign country.

1 (2) An agreement referred to in paragraph (1) is any
2 reciprocal defense procurement memorandum of under-
3 standing, between the United States and a foreign country
4 pursuant to which the Secretary of Defense has prospec-
5 tively waived the Buy American Act for certain products
6 in that country.

7 (b) The Secretary of Defense shall submit to the Con-
8 gress a report on the amount of Department of Defense
9 purchases from foreign entities in fiscal year 2002. Such
10 report shall separately indicate the dollar value of items
11 for which the Buy American Act was waived pursuant to
12 any agreement described in subsection (a)(2), the Trade
13 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
14 international agreement to which the United States is a
15 party.

16 (c) For purposes of this section, the term “Buy
17 American Act” means title III of the Act entitled “An Act
18 making appropriations for the Treasury and Post Office
19 Departments for the fiscal year ending June 30, 1934,
20 and for other purposes”, approved March 3, 1933 (41
21 U.S.C. 10a et seq.).

22 SEC. 8037. Appropriations contained in this Act that
23 remain available at the end of the current fiscal year as
24 a result of energy cost savings realized by the Department
25 of Defense shall remain available for obligation for the

1 next fiscal year to the extent, and for the purposes, pro-
2 vided in section 2865 of title 10, United States Code.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8038. Amounts deposited during the current fis-
5 cal year to the special account established under 40 U.S.C.
6 485(h)(2) and to the special account established under 10
7 U.S.C. 2667(d)(1) are appropriated and shall be available
8 until transferred by the Secretary of Defense to current
9 applicable appropriations or funds of the Department of
10 Defense under the terms and conditions specified by 40
11 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C.
12 2667(d)(1)(B), to be merged with and to be available for
13 the same time period and the same purposes as the appro-
14 priation to which transferred.

15 SEC. 8039. The President shall include with each
16 budget for a fiscal year submitted to the Congress under
17 section 1105 of title 31, United States Code, materials
18 that shall identify clearly and separately the amounts re-
19 quested in the budget for appropriation for that fiscal year
20 for salaries and expenses related to administrative activi-
21 ties of the Department of Defense, the military depart-
22 ments, and the defense agencies.

23 SEC. 8040. Notwithstanding any other provision of
24 law, funds available for “Drug Interdiction and Counter-

1 Drug Activities, Defense” may be obligated for the Young
2 Marines program.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8041. During the current fiscal year, amounts
5 contained in the Department of Defense Overseas Military
6 Facility Investment Recovery Account established by sec-
7 tion 2921(c)(1) of the National Defense Authorization Act
8 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
9 be available until expended for the payments specified by
10 section 2921(c)(2) of that Act: *Provided*, That none of the
11 funds made available for expenditure under this section
12 may be transferred or obligated until 30 days after the
13 Secretary of Defense submits a report which details the
14 balance available in the Overseas Military Facility Invest-
15 ment Recovery Account, all projected income into the ac-
16 count during fiscal years 2002 and 2003, and the specific
17 expenditures to be made using funds transferred from this
18 account during fiscal year 2002.

19 SEC. 8042. Of the funds appropriated or otherwise
20 made available by this Act, not more than \$119,200,000
21 shall be available for payment of the operating costs of
22 NATO Headquarters: *Provided*, That the Secretary of De-
23 fense may waive this section for Department of Defense
24 support provided to NATO forces in and around the
25 former Yugoslavia.

1 SEC. 8043. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$100,000: *Provided*, That the \$100,000 limitation
6 shall not apply to amounts appropriated in this Act under
7 the heading “Operation and Maintenance, Defense-Wide”
8 for expenses related to certain classified activities.

9 SEC. 8044. (a) During the current fiscal year, none
10 of the appropriations or funds available to the Department
11 of Defense Working Capital Funds shall be used for the
12 purchase of an investment item for the purpose of acquir-
13 ing a new inventory item for sale or anticipated sale dur-
14 ing the current fiscal year or a subsequent fiscal year to
15 customers of the Department of Defense Working Capital
16 Funds if such an item would not have been chargeable
17 to the Department of Defense Business Operations Fund
18 during fiscal year 1994 and if the purchase of such an
19 investment item would be chargeable during the current
20 fiscal year to appropriations made to the Department of
21 Defense for procurement.

22 (b) The fiscal year 2003 budget request for the De-
23 partment of Defense as well as all justification material
24 and other documentation supporting the fiscal year 2003
25 Department of Defense budget shall be prepared and sub-

1 mitted to the Congress on the basis that any equipment
2 which was classified as an end item and funded in a pro-
3 curement appropriation contained in this Act shall be
4 budgeted for in a proposed fiscal year 2003 procurement
5 appropriation and not in the supply management business
6 area or any other area or category of the Department of
7 Defense Working Capital Funds.

8 SEC. 8045. None of the funds appropriated by this
9 Act for programs of the Central Intelligence Agency shall
10 remain available for obligation beyond the current fiscal
11 year, except for funds appropriated for the Reserve for
12 Contingencies, which shall remain available until Sep-
13 tember 30, 2003: *Provided*, That funds appropriated,
14 transferred, or otherwise credited to the Central Intel-
15 ligence Agency Central Services Working Capital Fund
16 during this or any prior or subsequent fiscal year shall
17 remain available until expended: *Provided further*, That
18 any funds appropriated or transferred to the Central Intel-
19 ligence Agency for agent operations (regional operations),
20 and for covert action programs authorized by the Presi-
21 dent under section 503 of the National Security Act of
22 1947, as amended, shall remain available until September
23 30, 2003.

24 SEC. 8046. Notwithstanding any other provision of
25 law, funds made available in this Act for the Defense In-

1 telligence Agency may be used for the design, develop-
2 ment, and deployment of General Defense Intelligence
3 Program intelligence communications and intelligence in-
4 formation systems for the Services, the Unified and Speci-
5 fied Commands, and the component commands.

6 SEC. 8047. Of the funds appropriated to the Depart-
7 ment of Defense under the heading “Operation and Main-
8 tenance, Defense-Wide”, not less than \$10,000,000 shall
9 be made available only for the mitigation of environmental
10 impacts, including training and technical assistance to
11 tribes, related administrative support, the gathering of in-
12 formation, documenting of environmental damage, and de-
13 veloping a system for prioritization of mitigation and cost
14 to complete estimates for mitigation, on Indian lands re-
15 sulting from Department of Defense activities.

16 SEC. 8048. Amounts collected for the use of the fa-
17 cilities of the National Science Center for Communications
18 and Electronics during the current fiscal year pursuant
19 to section 1459(g) of the Department of Defense Author-
20 ization Act, 1986, and deposited to the special account es-
21 tablished under subsection 1459(g)(2) of that Act are ap-
22 propriated and shall be available until expended for the
23 operation and maintenance of the Center as provided for
24 in subsection 1459(g)(2).

1 SEC. 8049. None of the funds appropriated in this
2 Act may be used to fill the commander’s position at any
3 military medical facility with a health care professional
4 unless the prospective candidate can demonstrate profes-
5 sional administrative skills.

6 SEC. 8050. (a) None of the funds appropriated in this
7 Act may be expended by an entity of the Department of
8 Defense unless the entity, in expending the funds, com-
9 plies with the Buy American Act. For purposes of this
10 subsection, the term “Buy American Act” means title III
11 of the Act entitled “An Act making appropriations for the
12 Treasury and Post Office Departments for the fiscal year
13 ending June 30, 1934, and for other purposes”, approved
14 March 3, 1933 (41 U.S.C. 10a et seq.).

15 (b) If the Secretary of Defense determines that a per-
16 son has been convicted of intentionally affixing a label
17 bearing a “Made in America” inscription to any product
18 sold in or shipped to the United States that is not made
19 in America, the Secretary shall determine, in accordance
20 with section 2410f of title 10, United States Code, wheth-
21 er the person should be debarred from contracting with
22 the Department of Defense.

23 (c) In the case of any equipment or products pur-
24 chased with appropriations provided under this Act, it is
25 the sense of the Congress that any entity of the Depart-

1 ment of Defense, in expending the appropriation, purchase
2 only American-made equipment and products, provided
3 that American-made equipment and products are cost-
4 competitive, quality-competitive, and available in a timely
5 fashion.

6 SEC. 8051. None of the funds appropriated by this
7 Act shall be available for a contract for studies, analysis,
8 or consulting services entered into without competition on
9 the basis of an unsolicited proposal unless the head of the
10 activity responsible for the procurement determines—

11 (1) as a result of thorough technical evaluation,
12 only one source is found fully qualified to perform
13 the proposed work;

14 (2) the purpose of the contract is to explore an
15 unsolicited proposal which offers significant sci-
16 entific or technological promise, represents the prod-
17 uct of original thinking, and was submitted in con-
18 fidence by one source; or

19 (3) the purpose of the contract is to take ad-
20 vantage of unique and significant industrial accom-
21 plishment by a specific concern, or to insure that a
22 new product or idea of a specific concern is given fi-
23 nancial support:

24 *Provided*, That this limitation shall not apply to contracts
25 in an amount of less than \$25,000, contracts related to

1 improvements of equipment that is in development or pro-
2 duction, or contracts as to which a civilian official of the
3 Department of Defense, who has been confirmed by the
4 Senate, determines that the award of such contract is in
5 the interest of the national defense.

6 SEC. 8052. (a) Except as provided in subsections (b)
7 and (c), none of the funds made available by this Act may
8 be used—

9 (1) to establish a field operating agency; or

10 (2) to pay the basic pay of a member of the
11 Armed Forces or civilian employee of the depart-
12 ment who is transferred or reassigned from a head-
13 quarters activity if the member or employee's place
14 of duty remains at the location of that headquarters.

15 (b) The Secretary of Defense or Secretary of a mili-
16 tary department may waive the limitations in subsection
17 (a), on a case-by-case basis, if the Secretary determines,
18 and certifies to the Committees on Appropriations of the
19 House of Representatives and Senate that the granting
20 of the waiver will reduce the personnel requirements or
21 the financial requirements of the department.

22 (c) This section does not apply to field operating
23 agencies funded within the National Foreign Intelligence
24 Program.

1 SEC. 8053. Funds appropriated by this Act, or made
2 available by the transfer of funds in this Act, for intel-
3 ligence activities are deemed to be specifically authorized
4 by the Congress for purposes of section 504 of the Na-
5 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
6 year 2002 until the enactment of the Intelligence Author-
7 ization Act for Fiscal Year 2002.

8 SEC. 8054. Notwithstanding section 303 of Public
9 Law 96–487 or any other provision of law, the Secretary
10 of the Navy is authorized to lease real and personal prop-
11 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
12 U.S.C. 2667(f), for commercial, industrial or other pur-
13 poses: *Provided*, That notwithstanding any other provision
14 of law, the Secretary of the Navy may remove hazardous
15 materials from facilities, buildings, and structures at
16 Adak, Alaska, and may demolish or otherwise dispose of
17 such facilities, buildings, and structures.

18 (RESCISSIONS)

19 SEC. 8055. Of the funds provided in Department of
20 Defense Appropriations Acts, the following funds are here-
21 by rescinded from the following accounts and programs
22 in the specified amounts:

23 “Former Soviet Union Threat Reduction, 2000/
24 2002”, \$32,000,000;

25 “Other Procurement, Navy, 2000/2002”,
26 \$16,300,000;

1 “Aircraft Procurement, Air Force, 2000/2002”,
2 \$8,500,000;

3 “Other Procurement, Air Force, 2000/2002”,
4 \$20,000,000;

5 “Former Soviet Union Threat Reduction, 2001/
6 2003”, \$32,000,000;

7 “Aircraft Procurement, Army, 2001/2003”,
8 \$22,000,000;

9 “Procurement of Ammunition, Army, 2001/
10 2003”, \$27,400,000;

11 “Other Procurement, Army, 2001/2003”,
12 \$28,745,000;

13 “Aircraft Procurement, Navy, 2001/2003”,
14 \$8,600,000;

15 “Weapons Procurement, Navy, 2001/2003”,
16 \$35,000,000;

17 “Other Procurement, Navy, 2001/2003”,
18 \$14,600,000;

19 “Procurement, Marine Corps, 2001/2003”,
20 \$1,000,000;

21 “Aircraft Procurement, Air Force, 2001/2003”,
22 \$19,300,000;

23 “Procurement of Ammunition, Air Force, 2001/
24 2003”, \$5,800,000;

1 “Other Procurement, Air Force, 2001/2003”,
2 \$16,800,000;

3 “Research, Development, Test and Evaluation,
4 Army, 2001/2002”, \$16,300,000;

5 “Research, Development, Test and Evaluation,
6 Navy, 2001/2002”, \$58,800,000;

7 “Research, Development, Test and Evaluation,
8 Air Force, 2001/2002”, \$74,433,000; and

9 “Defense Health Program, 2001/2002”,
10 \$4,000,000.

11 SEC. 8056. None of the funds available in this Act
12 may be used to reduce the authorized positions for mili-
13 tary (civilian) technicians of the Army National Guard,
14 the Air National Guard, Army Reserve and Air Force Re-
15 serve for the purpose of applying any administratively im-
16 posed civilian personnel ceiling, freeze, or reduction on
17 military (civilian) technicians, unless such reductions are
18 a direct result of a reduction in military force structure.

19 SEC. 8057. None of the funds appropriated or other-
20 wise made available in this Act may be obligated or ex-
21 pended for assistance to the Democratic People’s Republic
22 of North Korea unless specifically appropriated for that
23 purpose.

24 SEC. 8058. During the current fiscal year, funds ap-
25 propriated in this Act are available to compensate mem-

1 bers of the National Guard for duty performed pursuant
2 to a plan submitted by a Governor of a State and approved
3 by the Secretary of Defense under section 112 of title 32,
4 United States Code: *Provided*, That during the perform-
5 ance of such duty, the members of the National Guard
6 shall be under State command and control: *Provided fur-*
7 *ther*, That such duty shall be treated as full-time National
8 Guard duty for purposes of sections 12602(a)(2) and
9 (b)(2) of title 10, United States Code.

10 SEC. 8059. Funds appropriated in this Act for oper-
11 ation and maintenance of the Military Departments, Com-
12 batant Commands and Defense Agencies shall be available
13 for reimbursement of pay, allowances and other expenses
14 which would otherwise be incurred against appropriations
15 for the National Guard and Reserve when members of the
16 National Guard and Reserve provide intelligence or coun-
17 terintelligence support to Combatant Commands, Defense
18 Agencies and Joint Intelligence Activities, including the
19 activities and programs included within the National For-
20 eign Intelligence Program (NFIP), the Joint Military In-
21 telligence Program (JMIP), and the Tactical Intelligence
22 and Related Activities (TIARA) aggregate: *Provided*, That
23 nothing in this section authorizes deviation from estab-
24 lished Reserve and National Guard personnel and training
25 procedures.

1 SEC. 8060. During the current fiscal year, none of
2 the funds appropriated in this Act may be used to reduce
3 the civilian medical and medical support personnel as-
4 signed to military treatment facilities below the September
5 30, 2001 level: *Provided*, That the Service Surgeons Gen-
6 eral may waive this section by certifying to the congres-
7 sional defense committees that the beneficiary population
8 is declining in some catchment areas and civilian strength
9 reductions may be consistent with responsible resource
10 stewardship and capitation-based budgeting.

11 SEC. 8061. (a) LIMITATION ON PENTAGON RENOVA-
12 TION COSTS.—Not later than the date each year on which
13 the President submits to Congress the budget under sec-
14 tion 1105 of title 31, United States Code, the Secretary
15 of Defense shall submit to Congress a certification that
16 the total cost for the planning, design, construction, and
17 installation of equipment for the renovation of wedges 2
18 through 5 of the Pentagon Reservation, cumulatively, will
19 not exceed four times the total cost for the planning, de-
20 sign, construction, and installation of equipment for the
21 renovation of wedge 1.

22 (b) ANNUAL ADJUSTMENT.—For purposes of apply-
23 ing the limitation in subsection (a), the Secretary shall
24 adjust the cost for the renovation of wedge 1 by any in-
25 crease or decrease in costs attributable to economic infla-

1 tion, based on the most recent economic assumptions
2 issued by the Office of Management and Budget for use
3 in preparation of the budget of the United States under
4 section 1104 of title 31, United States Code.

5 (c) EXCLUSION OF CERTAIN COSTS.—For purposes
6 of calculating the limitation in subsection (a), the total
7 cost for wedges 2 through 5 shall not include—

8 (1) any repair or reconstruction cost incurred
9 as a result of the terrorist attack on the Pentagon
10 that occurred on September 11, 2001;

11 (2) any increase in costs for wedges 2 through
12 5 attributable to compliance with new requirements
13 of Federal, State, or local laws; and

14 (3) any increase in costs attributable to addi-
15 tional security requirements that the Secretary of
16 Defense considers essential to provide a safe and se-
17 cure working environment.

18 (d) CERTIFICATION COST REPORTS.—As part of the
19 annual certification under subsection (a), the Secretary
20 shall report the projected cost (as of the time of the certifi-
21 cation) for—

22 (1) the renovation of each wedge, including the
23 amount adjusted or otherwise excluded for such
24 wedge under the authority of paragraphs (2) and (3)

1 of subsection (c) for the period covered by the cer-
2 tification; and

3 (2) the repair and reconstruction of wedges 1
4 and 2 in response to the terrorist attack on the Pen-
5 tagon that occurred on September 11, 2001.

6 (e) DURATION OF CERTIFICATION REQUIREMENT.—

7 The requirement to make an annual certification under
8 subsection (a) shall apply until the Secretary certifies to
9 Congress that the renovation of the Pentagon Reservation
10 is completed.

11 SEC. 8062. (a) None of the funds available to the
12 Department of Defense for any fiscal year for drug inter-
13 diction or counter-drug activities may be transferred to
14 any other department or agency of the United States ex-
15 cept as specifically provided in an appropriations law.

16 (b) None of the funds available to the Central Intel-
17 ligence Agency for any fiscal year for drug interdiction
18 and counter-drug activities may be transferred to any
19 other department or agency of the United States except
20 as specifically provided in an appropriations law.

21 (TRANSFER OF FUNDS)

22 SEC. 8063. Appropriations available in this Act under
23 the heading “Operation and Maintenance, Defense-Wide”
24 for increasing energy and water efficiency in Federal
25 buildings may, during their period of availability, be trans-

1 ferred to other appropriations or funds of the Department
2 of Defense for projects related to increasing energy and
3 water efficiency, to be merged with and to be available
4 for the same general purposes, and for the same time pe-
5 riod, as the appropriation or fund to which transferred.

6 SEC. 8064. None of the funds appropriated by this
7 Act may be used for the procurement of ball and roller
8 bearings other than those produced by a domestic source
9 and of domestic origin: *Provided*, That the Secretary of
10 the military department responsible for such procurement
11 may waive this restriction on a case-by-case basis by certi-
12 fying in writing to the Committees on Appropriations of
13 the House of Representatives and the Senate, that ade-
14 quate domestic supplies are not available to meet Depart-
15 ment of Defense requirements on a timely basis and that
16 such an acquisition must be made in order to acquire ca-
17 pability for national security purposes: *Provided further*,
18 That this restriction shall not apply to the purchase of
19 “commercial items”, as defined by section 4(12) of the
20 Office of Federal Procurement Policy Act, except that the
21 restriction shall apply to ball or roller bearings purchased
22 as end items.

23 SEC. 8065. Notwithstanding any other provision of
24 law, funds available to the Department of Defense shall
25 be made available to provide transportation of medical

1 supplies and equipment, on a nonreimbursable basis, to
2 American Samoa, and funds available to the Department
3 of Defense shall be made available to provide transpor-
4 tation of medical supplies and equipment, on a non-
5 reimbursable basis, to the Indian Health Service when it
6 is in conjunction with a civil-military project.

7 SEC. 8066. None of the funds in this Act may be
8 used to purchase any supercomputer which is not manu-
9 factured in the United States, unless the Secretary of De-
10 fense certifies to the congressional defense committees
11 that such an acquisition must be made in order to acquire
12 capability for national security purposes that is not avail-
13 able from United States manufacturers.

14 SEC. 8067. Notwithstanding any other provision of
15 law, the Naval shipyards of the United States shall be eli-
16 gible to participate in any manufacturing extension pro-
17 gram financed by funds appropriated in this or any other
18 Act.

19 SEC. 8068. Notwithstanding any other provision of
20 law, each contract awarded by the Department of Defense
21 during the current fiscal year for construction or service
22 performed in whole or in part in a State (as defined in
23 section 381(d) of title 10, United States Code) which is
24 not contiguous with another State and has an unemploy-
25 ment rate in excess of the national average rate of unem-

1 ployment as determined by the Secretary of Labor, shall
2 include a provision requiring the contractor to employ, for
3 the purpose of performing that portion of the contract in
4 such State that is not contiguous with another State, indi-
5 viduals who are residents of such State and who, in the
6 case of any craft or trade, possess or would be able to
7 acquire promptly the necessary skills: *Provided*, That the
8 Secretary of Defense may waive the requirements of this
9 section, on a case-by-case basis, in the interest of national
10 security.

11 SEC. 8069. None of the funds made available in this
12 or any other Act may be used to pay the salary of any
13 officer or employee of the Department of Defense who ap-
14 proves or implements the transfer of administrative re-
15 sponsibilities or budgetary resources of any program,
16 project, or activity financed by this Act to the jurisdiction
17 of another Federal agency not financed by this Act with-
18 out the express authorization of Congress: *Provided*, That
19 this limitation shall not apply to transfers of funds ex-
20 pressly provided for in Defense Appropriations Acts, or
21 provisions of Acts providing supplemental appropriations
22 for the Department of Defense.

23 SEC. 8070. (a) LIMITATION ON TRANSFER OF DE-
24 FENSE ARTICLES AND SERVICES.—Notwithstanding any
25 other provision of law, none of the funds available to the

1 Department of Defense for the current fiscal year may be
2 obligated or expended to transfer to another nation or an
3 international organization any defense articles or services
4 (other than intelligence services) for use in the activities
5 described in subsection (b) unless the congressional de-
6 fense committees, the Committee on International Rela-
7 tions of the House of Representatives, and the Committee
8 on Foreign Relations of the Senate are notified 15 days
9 in advance of such transfer.

10 (b) COVERED ACTIVITIES.—This section applies to—

11 (1) any international peacekeeping or peace-en-
12 forcement operation under the authority of chapter
13 VI or chapter VII of the United Nations Charter
14 under the authority of a United Nations Security
15 Council resolution; and

16 (2) any other international peacekeeping, peace-
17 enforcement, or humanitarian assistance operation.

18 (c) REQUIRED NOTICE.—A notice under subsection

19 (a) shall include the following:

20 (1) A description of the equipment, supplies, or
21 services to be transferred.

22 (2) A statement of the value of the equipment,
23 supplies, or services to be transferred.

24 (3) In the case of a proposed transfer of equip-
25 ment or supplies—

1 (A) a statement of whether the inventory
2 requirements of all elements of the Armed
3 Forces (including the reserve components) for
4 the type of equipment or supplies to be trans-
5 ferred have been met; and

6 (B) a statement of whether the items pro-
7 posed to be transferred will have to be replaced
8 and, if so, how the President proposes to pro-
9 vide funds for such replacement.

10 (d) NATIONAL EMERGENCY OF SEPTEMBER 11,
11 2001.—The 15-day prior notification period cited in sub-
12 section (a) shall not apply to any covered activity, oper-
13 ation or operations initiated as a result of the national
14 emergency proclaimed by the President as a result of the
15 terrorist attacks of September 11, 2001. For fiscal year
16 2002, the Department of Defense shall provide quarterly
17 reports, in both unclassified and classified form, to the
18 congressional defense committees, the Committee on
19 International Relations of the House of Representatives
20 and the Committee on Foreign Relations of the Senate,
21 of any transfers during the preceding quarter resulting
22 from any covered activities, operation or operations ex-
23 empted from the 15-day prior notification period by this
24 subsection.

1 SEC. 8071. To the extent authorized by subchapter
2 VI of chapter 148 of title 10, United States Code, the
3 Secretary of Defense may issue loan guarantees in support
4 of United States defense exports not otherwise provided
5 for: *Provided*, That the total contingent liability of the
6 United States for guarantees issued under the authority
7 of this section may not exceed \$15,000,000,000: *Provided*
8 *further*, That the exposure fees charged and collected by
9 the Secretary for each guarantee shall be paid by the
10 country involved and may be financed as part of a loan
11 guaranteed by the United States, provided that the expo-
12 sure fee with respect to such loan guarantee be fixed in
13 an amount that is sufficient to meet the potential liabil-
14 ities of the United States under the loan guarantee: *Pro-*
15 *vided further*, That the Secretary shall provide quarterly
16 reports to the Committees on Appropriations, Armed Serv-
17 ices, and Foreign Relations of the Senate and the Commit-
18 tees on Appropriations, Armed Services, and International
19 Relations in the House of Representatives on the imple-
20 mentation of this program: *Provided further*, That
21 amounts charged for administrative fees and deposited to
22 the special account provided for under section 2540c(d)
23 of title 10, shall be available for paying the costs of admin-
24 istrative expenses of the Department of Defense that are

1 attributable to the loan guarantee program under sub-
2 chapter VI of chapter 148 of title 10, United States Code.

3 SEC. 8072. None of the funds available to the De-
4 partment of Defense under this Act shall be obligated or
5 expended to pay a contractor under a contract with the
6 Department of Defense for costs of any amount paid by
7 the contractor to an employee when—

8 (1) such costs are for a bonus or otherwise in
9 excess of the normal salary paid by the contractor
10 to the employee; and

11 (2) such bonus is part of restructuring costs as-
12 sociated with a business combination.

13 SEC. 8073. (a) None of the funds appropriated or
14 otherwise made available in this Act may be used to trans-
15 port or provide for the transportation of chemical muni-
16 tions or agents to the Johnston Atoll for the purpose of
17 storing or demilitarizing such munitions or agents.

18 (b) The prohibition in subsection (a) shall not apply
19 to any obsolete World War II chemical munition or agent
20 of the United States found in the World War II Pacific
21 Theater of Operations.

22 (c) The President may suspend the application of
23 subsection (a) during a period of war in which the United
24 States is a party.

1 SEC. 8074. None of the funds provided in title IX
2 of this Act for “Former Soviet Union Threat Reduction”
3 may be obligated or expended to finance housing for any
4 individual who was a member of the military forces of the
5 Soviet Union or for any individual who is or was a member
6 of the military forces of the Russian Federation.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8075. During the current fiscal year, no more
9 than \$30,000,000 of appropriations made in this Act
10 under the heading “Operation and Maintenance, Defense-
11 Wide” may be transferred to appropriations available for
12 the pay of military personnel, to be merged with, and to
13 be available for the same time period as the appropriations
14 to which transferred, to be used in support of such per-
15 sonnel in connection with support and services for eligible
16 organizations and activities outside the Department of De-
17 fense pursuant to section 2012 of title 10, United States
18 Code.

19 SEC. 8076. For purposes of section 1553(b) of title
20 31, United States Code, any subdivision of appropriations
21 made in this Act under the heading “Shipbuilding and
22 Conversion, Navy” shall be considered to be for the same
23 purpose as any subdivision under the heading “Ship-
24 building and Conversion, Navy” appropriations in any

1 prior year, and the 1 percent limitation shall apply to the
2 total amount of the appropriation.

3 SEC. 8077. During the current fiscal year, in the case
4 of an appropriation account of the Department of Defense
5 for which the period of availability for obligation has ex-
6 pired or which has closed under the provisions of section
7 1552 of title 31, United States Code, and which has a
8 negative unliquidated or unexpended balance, an obliga-
9 tion or an adjustment of an obligation may be charged
10 to any current appropriation account for the same purpose
11 as the expired or closed account if—

12 (1) the obligation would have been properly
13 chargeable (except as to amount) to the expired or
14 closed account before the end of the period of avail-
15 ability or closing of that account;

16 (2) the obligation is not otherwise properly
17 chargeable to any current appropriation account of
18 the Department of Defense; and

19 (3) in the case of an expired account, the obli-
20 gation is not chargeable to a current appropriation
21 of the Department of Defense under the provisions
22 of section 1405(b)(8) of the National Defense Au-
23 thorization Act for Fiscal Year 1991, Public Law
24 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
25 *vided*, That in the case of an expired account, if sub-

1 sequent review or investigation discloses that there
2 was not in fact a negative unliquidated or unex-
3 pended balance in the account, any charge to a cur-
4 rent account under the authority of this section shall
5 be reversed and recorded against the expired ac-
6 count: *Provided further*, That the total amount
7 charged to a current appropriation under this sec-
8 tion may not exceed an amount equal to 1 percent
9 of the total appropriation for that account.

10 SEC. 8078. Funds appropriated in title II of this Act
11 and for the Defense Health Program in title VI of this
12 Act for supervision and administration costs for facilities
13 maintenance and repair, minor construction, or design
14 projects may be obligated at the time the reimbursable
15 order is accepted by the performing activity: *Provided*,
16 That for the purpose of this section, supervision and ad-
17 ministration costs includes all in-house Government cost.

18 SEC. 8079. During the current fiscal year, the Sec-
19 retary of Defense may waive reimbursement of the cost
20 of conferences, seminars, courses of instruction, or similar
21 educational activities of the Asia-Pacific Center for Secu-
22 rity Studies for military officers and civilian officials of
23 foreign nations if the Secretary determines that attend-
24 ance by such personnel, without reimbursement, is in the
25 national security interest of the United States: *Provided*,

1 That costs for which reimbursement is waived pursuant
2 to this section shall be paid from appropriations available
3 for the Asia-Pacific Center.

4 SEC. 8080. (a) Notwithstanding any other provision
5 of law, the Chief of the National Guard Bureau may per-
6 mit the use of equipment of the National Guard Distance
7 Learning Project by any person or entity on a space-avail-
8 able, reimbursable basis. The Chief of the National Guard
9 Bureau shall establish the amount of reimbursement for
10 such use on a case-by-case basis.

11 (b) Amounts collected under subsection (a) shall be
12 credited to funds available for the National Guard Dis-
13 tance Learning Project and be available to defray the costs
14 associated with the use of equipment of the project under
15 that subsection. Such funds shall be available for such
16 purposes without fiscal year limitation.

17 SEC. 8081. Using funds available by this Act or any
18 other Act, the Secretary of the Air Force, pursuant to a
19 determination under section 2690 of title 10, United
20 States Code, may implement cost-effective agreements for
21 required heating facility modernization in the
22 Kaiserslautern Military Community in the Federal Repub-
23 lic of Germany: *Provided*, That in the City of
24 Kaiserslautern such agreements will include the use of
25 United States anthracite as the base load energy for mu-

1 nicipal district heat to the United States Defense installa-
2 tions: *Provided further*, That at Landstuhl Army Regional
3 Medical Center and Ramstein Air Base, furnished heat
4 may be obtained from private, regional or municipal serv-
5 ices, if provisions are included for the consideration of
6 United States coal as an energy source.

7 SEC. 8082. Notwithstanding 31 U.S.C. 3902, during
8 the current fiscal year, interest penalties may be paid by
9 the Department of Defense from funds financing the oper-
10 ation of the military department or defense agency with
11 which the invoice or contract payment is associated.

12 SEC. 8083. None of the funds appropriated in title
13 IV of this Act may be used to procure end-items for deliv-
14 ery to military forces for operational training, operational
15 use or inventory requirements: *Provided*, That this restric-
16 tion does not apply to end-items used in development,
17 prototyping, and test activities preceding and leading to
18 acceptance for operational use: *Provided further*, That this
19 restriction does not apply to programs funded within the
20 National Foreign Intelligence Program: *Provided further*,
21 That the Secretary of Defense may waive this restriction
22 on a case-by-case basis by certifying in writing to the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate that it is in the national security
25 interest to do so.

1 SEC. 8084. The amount appropriated in this Act for
2 “Operation and Maintenance, Navy”, is hereby reduced by
3 \$245,000,000 to reflect a Navy Working Capital Fund
4 cash balance and rate stabilization adjustment.

5 SEC. 8085. Notwithstanding any other provision in
6 this Act, the total amount appropriated in this Act is here-
7 by reduced by \$527,000,000, to reflect working capital
8 fund fuel price re-estimates and rate stabilization adjust-
9 ments, to be derived as follows:

10 “Operation and Maintenance, Army”,
11 \$35,000,000;

12 “Operation and Maintenance, Navy”,
13 \$230,000,000;

14 “Operation and Maintenance, Marine Corps”,
15 \$6,000,000;

16 “Operation and Maintenance, Air Force”,
17 \$247,000,000; and

18 “Operation and Maintenance, Defense-Wide”,
19 \$9,000,000.

20 SEC. 8086. None of the funds made available in this
21 Act may be used to approve or license the sale of the F-
22 22 advanced tactical fighter to any foreign government.

23 SEC. 8087. (a) The Secretary of Defense may, on a
24 case-by-case basis, waive with respect to a foreign country
25 each limitation on the procurement of defense items from

1 foreign sources provided in law if the Secretary determines
2 that the application of the limitation with respect to that
3 country would invalidate cooperative programs entered
4 into between the Department of Defense and the foreign
5 country, or would invalidate reciprocal trade agreements
6 for the procurement of defense items entered into under
7 section 2531 of title 10, United States Code, and the
8 country does not discriminate against the same or similar
9 defense items produced in the United States for that coun-
10 try.

11 (b) Subsection (a) applies with respect to—

12 (1) contracts and subcontracts entered into on
13 or after the date of the enactment of this Act; and

14 (2) options for the procurement of items that
15 are exercised after such date under contracts that
16 are entered into before such date if the option prices
17 are adjusted for any reason other than the applica-
18 tion of a waiver granted under subsection (a).

19 (c) Subsection (a) does not apply to a limitation re-
20 garding construction of public vessels, ball and roller bear-
21 ings, food, and clothing or textile materials as defined by
22 section 11 (chapters 50–65) of the Harmonized Tariff
23 Schedule and products classified under headings 4010,
24 4202, 4203, 6401 through 6406, 6505, 7019, 7218

1 through 7229, 7304.41 through 7304.49, 7306.40, 7502
2 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

3 SEC. 8088. Funds made available to the Civil Air Pa-
4 trol in this Act under the heading “Drug Interdiction and
5 Counter-Drug Activities, Defense” may be used for the
6 Civil Air Patrol Corporation’s counterdrug program, in-
7 cluding its demand reduction program involving youth
8 programs, as well as operational and training drug recon-
9 naissance missions for Federal, State, and local govern-
10 ment agencies; for administrative costs, including the hir-
11 ing of Civil Air Patrol Corporation employees; for travel
12 and per diem expenses of Civil Air Patrol Corporation per-
13 sonnel in support of those missions; and for equipment
14 needed for mission support or performance: *Provided*,
15 That the Department of the Air Force should waive reim-
16 bursement from the Federal, State, and local government
17 agencies for the use of these funds.

18 SEC. 8089. Notwithstanding any other provision of
19 law, the TRICARE managed care support contracts in ef-
20 fect, or in final stages of acquisition as of September 30,
21 2000, may be extended for 2 years: *Provided*, That any
22 such extension may only take place if the Secretary of De-
23 fense determines that it is in the best interest of the Gov-
24 ernment: *Provided further*, That any contract extension
25 shall be based on the price in the final best and final offer

1 for the last year of the existing contract as adjusted for
2 inflation and other factors mutually agreed to by the con-
3 tractor and the Government: *Provided further*, That not-
4 withstanding any other provision of law, all future
5 TRICARE managed care support contracts replacing con-
6 tracts in effect, or in the final stages of acquisition as of
7 September 30, 2001, may include a base contract period
8 for transition and up to seven 1-year option periods.

9 SEC. 8090. None of the funds in this Act may be
10 used to compensate an employee of the Department of De-
11 fense who initiates a new start program without notifica-
12 tion to the Office of the Secretary of Defense, the Office
13 of Management and Budget, and the congressional de-
14 fense committees, as required by Department of Defense
15 financial management regulations.

16 SEC. 8091. (a) PROHIBITION.—None of the funds
17 made available by this Act may be used to support any
18 training program involving a unit of the security forces
19 of a foreign country if the Secretary of Defense has re-
20 ceived credible information from the Department of State
21 that the unit has committed a gross violation of human
22 rights, unless all necessary corrective steps have been
23 taken.

24 (b) MONITORING.—The Secretary of Defense, in con-
25 sultation with the Secretary of State, shall ensure that

1 prior to a decision to conduct any training program re-
2 ferred to in subsection (a), full consideration is given to
3 all credible information available to the Department of
4 State relating to human rights violations by foreign secu-
5 rity forces.

6 (c) WAIVER.—The Secretary of Defense, after con-
7 sultation with the Secretary of State, may waive the prohi-
8 bition in subsection (a) if he determines that such waiver
9 is required by extraordinary circumstances.

10 (d) REPORT.—Not more than 15 days after the exer-
11 cise of any waiver under subsection (c), the Secretary of
12 Defense shall submit a report to the congressional defense
13 committees describing the extraordinary circumstances,
14 the purpose and duration of the training program, the
15 United States forces and the foreign security forces in-
16 volved in the training program, and the information relat-
17 ing to human rights violations that necessitates the waiv-
18 er.

19 SEC. 8092. The Secretary of Defense, in coordination
20 with the Secretary of Health and Human Services, may
21 carry out a program to distribute surplus dental equip-
22 ment of the Department of Defense, at no cost to the De-
23 partment of Defense, to Indian health service facilities and
24 to federally-qualified health centers (within the meaning

1 of section 1905(l)(2)(B) of the Social Security Act (42
2 U.S.C. 1396d(l)(2)(B))).

3 SEC. 8093. The total amount appropriated in this Act
4 is hereby reduced by \$200,000,000 to reflect savings from
5 favorable foreign currency fluctuations, to be derived as
6 follows:

7 "Military Personnel, Army", \$30,800,000;

8 "Military Personnel, Navy", \$600,000;

9 "Military Personnel, Marine Corps",
10 \$7,800,000;

11 "Military Personnel, Air Force", \$15,400,000;

12 "Reserve Personnel, Air Force", \$8,400,000;

13 "National Guard Personnel, Army",
14 \$2,200,000;

15 "Operation and Maintenance, Army",
16 \$68,600,000;

17 "Operation and Maintenance, Navy",
18 \$14,400,000;

19 "Operation and Maintenance, Marine Corps",
20 \$1,000,000;

21 "Operation and Maintenance, Air Force",
22 \$26,400,000;

23 "Operation and Maintenance, Defense-Wide",
24 \$23,000,000; and

1 “Operation and Maintenance, Air Force Re-
2 serve”, \$1,400,000.

3 SEC. 8094. None of the funds appropriated or made
4 available in this Act to the Department of the Navy shall
5 be used to develop, lease or procure the T-AKE class of
6 ships unless the main propulsion diesel engines and
7 propulsors are manufactured in the United States by a
8 domestically operated entity: *Provided*, That the Secretary
9 of Defense may waive this restriction on a case-by-case
10 basis by certifying in writing to the Committees on Appro-
11 priations of the House of Representatives and the Senate
12 that adequate domestic supplies are not available to meet
13 Department of Defense requirements on a timely basis
14 and that such an acquisition must be made in order to
15 acquire capability for national security purposes or there
16 exists a significant cost or quality difference.

17 SEC. 8095. The budget of the President for fiscal
18 year 2003 submitted to the Congress pursuant to section
19 1105 of title 31, United States Code, and each annual
20 budget request thereafter, shall include separate budget
21 justification documents for costs of United States Armed
22 Forces’ participation in contingency operations for the
23 Military Personnel accounts, the Overseas Contingency
24 Operations Transfer Fund, the Operation and Mainte-
25 nance accounts, and the Procurement accounts: *Provided*,

1 That these budget justification documents shall include a
2 description of the funding requested for each anticipated
3 contingency operation, for each military service, to include
4 active duty and Guard and Reserve components, and for
5 each appropriation account: *Provided further*, That these
6 documents shall include estimated costs for each element
7 of expense or object class, a reconciliation of increases and
8 decreases for ongoing contingency operations, and pro-
9 grammatic data including, but not limited to troop
10 strength for each active duty and Guard and Reserve com-
11 ponent, and estimates of the major weapons systems de-
12 ployed in support of each contingency: *Provided further*,
13 That these documents shall include budget exhibits OP-
14 5 and OP-32, as defined in the Department of Defense
15 Financial Management Regulation, for the Overseas Con-
16 tingency Operations Transfer Fund for fiscal years 2001
17 and 2002.

18 SEC. 8096. None of the funds appropriated or other-
19 wise made available by this or other Department of De-
20 fense Appropriations Acts may be obligated or expended
21 for the purpose of performing repairs or maintenance to
22 military family housing units of the Department of De-
23 fense, including areas in such military family housing
24 units that may be used for the purpose of conducting offi-
25 cial Department of Defense business.

1 SEC. 8097. Notwithstanding any other provision of
2 law, funds appropriated in this Act under the heading
3 “Research, Development, Test and Evaluation, Defense-
4 Wide” for any advanced concept technology demonstration
5 project may only be obligated 30 days after a report, in-
6 cluding a description of the project and its estimated an-
7 nual and total cost, has been provided in writing to the
8 congressional defense committees: *Provided*, That the Sec-
9 retary of Defense may waive this restriction on a case-
10 by-case basis by certifying to the congressional defense
11 committees that it is in the national interest to do so.

12 SEC. 8098. Notwithstanding any other provision of
13 law, for the purpose of establishing all Department of De-
14 fense policies governing the provision of care provided by
15 and financed under the military health care system’s case
16 management program under 10 U.S.C. 1079(a)(17), the
17 term “custodial care” shall be defined as care designed
18 essentially to assist an individual in meeting the activities
19 of daily living and which does not require the supervision
20 of trained medical, nursing, paramedical or other specially
21 trained individuals: *Provided*, That the case management
22 program shall provide that members and retired members
23 of the military services, and their dependents and sur-
24 vivors, have access to all medically necessary health care
25 through the health care delivery system of the military

1 services regardless of the health care status of the person
2 seeking the health care: *Provided further*, That the case
3 management program shall be the primary obligor for pay-
4 ment of medically necessary services and shall not be con-
5 sidered as secondarily liable to title XIX of the Social Se-
6 curity Act, other welfare programs or charity based care.

7 SEC. 8099. (a) During the current fiscal year, any
8 refund described in subsection (b) may be credited to the
9 operation and maintenance account of the Department of
10 Defense that is current when the refund is received and
11 that is available for the same purposes as the account
12 originally charged.

13 (b) Subsection (a) applies to the following:

14 (1) Any refund attributable to the use of a Gov-
15 ernment travel card by a member of the Armed
16 Forces or a civilian employee of the Department of
17 Defense.

18 (2) Any refund attributable to the use of a Gov-
19 ernment Purchase card by a member of the Armed
20 Forces or a civilian employee of the Department of
21 Defense.

22 (3) Any refund attributable to official Govern-
23 ment travel by a member of the Armed Forces or a
24 civilian employee of the Department of Defense that

1 is arranged by a Government Contracted Travel
2 Management Center.

3 SEC. 8100. (a) REGISTERING FINANCIAL MANAGE-
4 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
5 CHIEF INFORMATION OFFICER.—None of the funds ap-
6 propriated in this Act may be used for a mission critical
7 or mission essential financial management information
8 technology system (including a system funded by the de-
9 fense working capital fund) that is not registered with the
10 Chief Information Officer of the Department of Defense.
11 A system shall be considered to be registered with that
12 officer upon the furnishing to that officer of notice of the
13 system, together with such information concerning the
14 system as the Secretary of Defense may prescribe. A fi-
15 nancial management information technology system shall
16 be considered a mission critical or mission essential infor-
17 mation technology system as defined by the Under Sec-
18 retary of Defense (Comptroller).

19 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-
20 NANCIAL MANAGEMENT MODERNIZATION PLAN.—(1)
21 During the current fiscal year, a financial management
22 major automated information system may not receive
23 Milestone I approval, Milestone II approval, or Milestone
24 III approval, or their equivalent, within the Department
25 of Defense until the Under Secretary of Defense (Comp-

1 troller) certifies, with respect to that milestone, that the
2 system is being developed in accordance with the Depart-
3 ment’s Financial Management Modernization Plan. The
4 Under Secretary of Defense (Comptroller) may require ad-
5 ditional certifications, as appropriate, with respect to any
6 such system.

7 (2) The Chief Information Officer shall provide the
8 congressional defense committees timely notification of
9 certifications under paragraph (1).

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

11 (1) The term “Chief Information Officer”
12 means the senior official of the Department of De-
13 fense designated by the Secretary of Defense pursu-
14 ant to section 3506 of title 44, United States Code.

15 (2) The term “information technology system”
16 has the meaning given the term “information tech-
17 nology” in section 5002 of the Clinger-Cohen Act of
18 1996 (40 U.S.C. 1401).

19 (3) The term “major automated information
20 system” has the meaning given that term in Depart-
21 ment of Defense Directive 5000.1.

22 SEC. 8101. During the current fiscal year, none of
23 the funds available to the Department of Defense may be
24 used to provide support to another department or agency
25 of the United States if such department or agency is more

1 than 90 days in arrears in making payment to the Depart-
2 ment of Defense for goods or services previously provided
3 to such department or agency on a reimbursable basis:
4 *Provided*, That this restriction shall not apply if the de-
5 partment is authorized by law to provide support to such
6 department or agency on a nonreimbursable basis, and is
7 providing the requested support pursuant to such author-
8 ity: *Provided further*, That the Secretary of Defense may
9 waive this restriction on a case-by-case basis by certifying
10 in writing to the Committees on Appropriations of the
11 House of Representatives and the Senate that it is in the
12 national security interest to do so.

13 SEC. 8102. None of the funds provided in this Act
14 may be used to transfer to any nongovernmental entity
15 ammunition held by the Department of Defense that has
16 a center-fire cartridge and a United States military no-
17 menclature designation of “armor penetrator”, “armor
18 piercing (AP)”, “armor piercing incendiary (API)”, or
19 “armor-piercing incendiary-tracer (API-T)”, except to an
20 entity performing demilitarization services for the Depart-
21 ment of Defense under a contract that requires the entity
22 to demonstrate to the satisfaction of the Department of
23 Defense that armor piercing projectiles are either: (1) ren-
24 dered incapable of reuse by the demilitarization process;
25 or (2) used to manufacture ammunition pursuant to a con-

1 tract with the Department of Defense or the manufacture
2 of ammunition for export pursuant to a License for Per-
3 manent Export of Unclassified Military Articles issued by
4 the Department of State.

5 SEC. 8103. Notwithstanding any other provision of
6 law, the Chief of the National Guard Bureau, or his des-
7 ignee, may waive payment of all or part of the consider-
8 ation that otherwise would be required under 10 U.S.C.
9 2667, in the case of a lease of personal property for a
10 period not in excess of 1 year to any organization specified
11 in 32 U.S.C. 508(d), or any other youth, social, or fra-
12 ternal non-profit organization as may be approved by the
13 Chief of the National Guard Bureau, or his designee, on
14 a case-by-case basis.

15 SEC. 8104. None of the funds appropriated by this
16 Act shall be used for the support of any nonappropriated
17 funds activity of the Department of Defense that procures
18 malt beverages and wine with nonappropriated funds for
19 resale (including such alcoholic beverages sold by the
20 drink) on a military installation located in the United
21 States unless such malt beverages and wine are procured
22 within that State, or in the case of the District of Colum-
23 bia, within the District of Columbia, in which the military
24 installation is located: *Provided*, That in a case in which
25 the military installation is located in more than one State,

1 purchases may be made in any State in which the installa-
2 tion is located: *Provided further*, That such local procure-
3 ment requirements for malt beverages and wine shall
4 apply to all alcoholic beverages only for military installa-
5 tions in States which are not contiguous with another
6 State: *Provided further*, That alcoholic beverages other
7 than wine and malt beverages, in contiguous States and
8 the District of Columbia shall be procured from the most
9 competitive source, price and other factors considered.

10 SEC. 8105. During the current fiscal year, under reg-
11 ulations prescribed by the Secretary of Defense, the Cen-
12 ter of Excellence for Disaster Management and Humaniti-
13 tarian Assistance may also pay, or authorize payment for,
14 the expenses of providing or facilitating education and
15 training for appropriate military and civilian personnel of
16 foreign countries in disaster management, peace oper-
17 ations, and humanitarian assistance: *Provided*, That not
18 later than April 1, 2002, the Secretary of Defense shall
19 submit to the congressional defense committees a report
20 regarding the training of foreign personnel conducted
21 under this authority during the preceding fiscal year for
22 which expenses were paid under the section: *Provided fur-*
23 *ther*, That the report shall specify the countries in which
24 the training was conducted, the type of training con-
25 ducted, and the foreign personnel trained.

1 SEC. 8106. (a) The Department of Defense is author-
2 ized to enter into agreements with the Veterans Adminis-
3 tration and federally-funded health agencies providing
4 services to Native Hawaiians for the purpose of estab-
5 lishing a partnership similar to the Alaska Federal Health
6 Care Partnership, in order to maximize Federal resources
7 in the provision of health care services by federally-funded
8 health agencies, applying telemedicine technologies. For
9 the purpose of this partnership, Native Hawaiians shall
10 have the same status as other Native Americans who are
11 eligible for the health care services provided by the Indian
12 Health Service.

13 (b) The Department of Defense is authorized to de-
14 velop a consultation policy, consistent with Executive
15 Order No. 13084 (issued May 14, 1998), with Native Ha-
16 waiians for the purpose of assuring maximum Native Ha-
17 waiian participation in the direction and administration of
18 governmental services so as to render those services more
19 responsive to the needs of the Native Hawaiian commu-
20 nity.

21 (c) For purposes of this section, the term “Native
22 Hawaiian” means any individual who is a descendant of
23 the aboriginal people who, prior to 1778, occupied and ex-
24 ercised sovereignty in the area that now comprises the
25 State of Hawaii.

1 SEC. 8107. In addition to the amounts provided else-
2 where in this Act, the amount of \$10,000,000 is hereby
3 appropriated for “Operation and Maintenance, Defense-
4 Wide”, to be available, notwithstanding any other provi-
5 sion of law, only for a grant to the United Service Organi-
6 zations Incorporated, a federally chartered corporation
7 under chapter 2201 of title 36, United States Code. The
8 grant provided under authority of this section is in addi-
9 tion to any grant provided for under any other provision
10 of law.

11 SEC. 8108. Of the amounts appropriated in the Act
12 under the heading, “Research, Development, Test and
13 Evaluation, Ballistic Missile Defense Organization”,
14 \$34,000,000 may be available for the purpose of adjusting
15 the cost-share of the parties under the Agreement between
16 the Department of Defense and the Ministry of Defence
17 of Israel for the Arrow Deployability Program.

18 SEC. 8109. Funds available to the Department of De-
19 fense for the Global Positioning System during the current
20 fiscal year may be used to fund civil requirements associ-
21 ated with the satellite and ground control segments of
22 such system’s modernization program.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8110. Of the amounts appropriated in this Act
25 under the heading, “Operation and Maintenance, Defense-

1 Wide”, \$115,000,000 shall remain available until ex-
2 pended: *Provided*, That notwithstanding any other provi-
3 sion of law, the Secretary of Defense is authorized to
4 transfer such funds to other activities of the Federal Gov-
5 ernment.

6 SEC. 8111. The Ballistic Missile Defense Organiza-
7 tion and its subordinate offices and associated contractors,
8 including the Lead Systems Integrator, shall notify the
9 congressional defense committees 15 days prior to issuing
10 any type of information or proposal solicitation for the
11 Ground Based Midcourse Defense Segment with a poten-
12 tial annual contract value greater than \$5,000,000 or a
13 total contract value greater than \$30,000,000.

14 SEC. 8112. None of the funds appropriated in this
15 Act under the heading “Overseas Contingency Operations
16 Transfer Fund” may be transferred or obligated for De-
17 partment of Defense expenses not directly related to the
18 conduct of overseas contingencies: *Provided*, That the Sec-
19 retary of Defense shall submit a report no later than 30
20 days after the end of each fiscal quarter to the Committees
21 on Appropriations of the Senate and House of Representa-
22 tives that details any transfer of funds from the “Overseas
23 Contingency Operations Transfer Fund”: *Provided fur-*
24 *ther*, That the report shall explain any transfer for the
25 maintenance of real property, pay of civilian personnel,

1 base operations support, and weapon, vehicle or equipment
2 maintenance.

3 SEC. 8113. The Secretary of Defense may treat the
4 opening of the Pacific Wing of the National D-Day Mu-
5 seum in New Orleans, Louisiana, as an official event of
6 the Department of Defense for the purposes of the provi-
7 sion of support for ceremonies and activities related to
8 that opening.

9 SEC. 8114. Section 8106 of the Department of De-
10 fense Appropriations Act, 1997 (titles I through VIII of
11 the matter under subsection 101(b) of Public Law 104-
12 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
13 tinue in effect to apply to disbursements that are made
14 by the Department of Defense in fiscal year 2002.

15 SEC. 8115. In addition to amounts provided in this
16 Act, \$2,000,000 is hereby appropriated for “Defense
17 Health Program”, to remain available for obligation until
18 expended: *Provided*, That notwithstanding any other pro-
19 vision of law, these funds shall be available only for a
20 grant to the Fisher House Foundation, Inc., only for the
21 construction and furnishing of additional Fisher Houses
22 to meet the needs of military family members when con-
23 fronted with the illness or hospitalization of an eligible
24 military beneficiary.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8116. In addition to the amounts appropriated
3 elsewhere in this Act, \$2,000,000, to remain available
4 until expended, is hereby appropriated to the Department
5 of Defense: *Provided*, That not later than 30 days after
6 the enactment of this Act, the Secretary of Defense shall
7 transfer these funds to the Department of Energy appro-
8 priation account “Fossil Energy Research and Develop-
9 ment”, only for a proposed conceptual design study to ex-
10 amine the feasibility of a zero emissions, steam injection
11 process with possible applications for increased power gen-
12 eration efficiency, enhanced oil recovery and carbon se-
13 questration.

14 SEC. 8117. The total amount appropriated in this Act
15 is reduced by \$955,000,000, for efficiencies in the con-
16 tractor work force, to be derived as follows:

17 “Operation and Maintenance, Army”,
18 \$269,500,000;

19 “Operation and Maintenance, Navy”,
20 \$157,200,000;

21 “Operation and Maintenance, Marine Corps”,
22 \$23,900,000;

23 “Operation and Maintenance, Air Force”,
24 \$180,200,000;

1 “Operation and Maintenance, Defense-Wide”,
2 \$103,700,000;

3 “Operation and Maintenance, Army Reserve”,
4 \$23,200,000;

5 “Operation and Maintenance, Navy Reserve”,
6 \$3,300,000;

7 “Operation and Maintenance, Air Force Re-
8 serve”, \$31,200,000;

9 “Operation and Maintenance, Army National
10 Guard”, \$53,600,000;

11 “Operation and Maintenance, Air National
12 Guard”, \$52,500,000;

13 “Research, Development, Test and Evaluation,
14 Army”, \$35,300,000;

15 “Research, Development, Test and Evaluation,
16 Navy”, \$3,000,000;

17 “Research, Development, Test and Evaluation,
18 Air Force”, \$15,700,000; and

19 “Research, Development, Test and Evaluation,
20 Defense-Wide”, \$2,700,000.

21 SEC. 8118. Funds appropriated for Operation and
22 Maintenance in title II of this Act may be used to complete
23 certain projects for which funds have been provided
24 from—

1 (1) amounts appropriated for “Operation and
2 Maintenance, Navy” in section 110 of the Emer-
3 gency Supplemental Act, 2000 (division B of Public
4 Law 106–246; 114 Stat. 530); or

5 (2) amounts appropriated for “Operation and
6 Maintenance, Navy” in section 9001(a)(2)(i) of the
7 Department of Defense Appropriations Act, 2001
8 (Public Law 106–259; 114 Stat. 709).

9 SEC. 8119. Notwithstanding any other provision of
10 law, from funds appropriated in this or any other Act
11 under the heading, “Aircraft Procurement, Air Force”,
12 that remain available for obligation, not to exceed
13 \$16,000,000 shall be available for recording, adjusting,
14 and liquidating obligations for the C–17 aircraft properly
15 chargeable to the fiscal year 1998 “Aircraft Procurement,
16 Air Force” account: *Provided*, That the Secretary of the
17 Air Force shall notify the congressional defense commit-
18 tees 30 days prior to obligation of all of the specific
19 sources of funds to be used for such purpose.

20 SEC. 8120. Notwithstanding any other provision of
21 law, from funds appropriated in this or any other Act
22 under the heading, “Missile Procurement, Air Force”,
23 that remain available for obligation, not to exceed
24 \$50,000,000 shall be available for recording, adjusting,
25 and liquidating obligations properly chargeable to fiscal

1 year 1997 and 1998 “Missile Procurement, Air Force” ac-
2 counts: *Provided*, That the Secretary of the Air Force shall
3 notify the congressional defense committees 30 days prior
4 to obligation of all of the specific sources of funds to be
5 used for such purpose.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8121. Of the amounts appropriated in this Act
8 under the heading, “Shipbuilding and Conversion, Navy”,
9 \$680,000,000 shall be available until September 30, 2002,
10 to fund prior year shipbuilding cost increases: *Provided*,
11 That upon enactment of this Act, the Secretary of Defense
12 shall transfer such funds to the following appropriations
13 in the amounts specified: *Provided further*, That the
14 amounts transferred shall be merged with and be available
15 for the same purposes and for the same time period as
16 the appropriations or fund to which transferred:

17 To:

18 Under the heading, “Shipbuilding and Conver-
19 sion, Navy, 1995/2002”: Carrier Replacement Pro-
20 gram, \$172,364,000;

21 Under the heading, “Shipbuilding and Conver-
22 sion, Navy, 1996/2002”: LPD-17 Amphibious
23 Transport Dock Ship Program, \$172,989,000;

24 Under the heading, “Shipbuilding and Conver-
25 sion, Navy, 1997/2002”: DDG-51 Destroyer Pro-
26 gram, \$37,200,000;

1 Under the heading, “Shipbuilding and Conver-
2 sion, Navy, 1998/2002”:

3 NSSN Program, \$123,561,000;

4 DDG-51 Destroyer Program,
5 \$111,457,000;

6 Under the heading, “Shipbuilding and Conver-
7 sion, Navy, 1999/2002”: NSSN Program,
8 \$62,429,000.

9 (TRANSFER OF FUNDS)

10 SEC. 8122. Upon enactment of this Act, the Sec-
11 retary of Defense shall make the following transfers of
12 funds: *Provided*, That the amounts transferred shall be
13 available for the same purpose as the appropriations to
14 which transferred, and for the same time period as the
15 appropriation from which transferred: *Provided further*,
16 That the amounts shall be transferred between the fol-
17 lowing appropriations in the amount specified:

18 From:

19 Under the heading, “Shipbuilding and Conver-
20 sion, Navy, 1990/2002”:

21 TRIDENT ballistic missile submarine pro-
22 gram, \$78,000;

23 SSN-21 attack submarine program,
24 \$66,000;

25 DDG-51 destroyer program, \$6,100,000;

1 ENTERPRISE refueling/modernization
2 program, \$964,000;

3 LSD-41 dock landing ship cargo variant
4 ship program, \$237,000;

5 MCM mine countermeasures program,
6 \$118,000;

7 Oceanographic ship program, \$2,317,000;

8 AOE combat support ship program,
9 \$164,000;

10 AO conversion program, \$56,000;

11 Coast Guard icebreaker ship program,
12 \$863,000;

13 Craft, outfitting, post delivery, and ship
14 special support equipment, \$529,000;

15 To:

16 Under the heading, "Shipbuilding and Conver-
17 sion, Navy, 1998/2002": DDG-51 destroyer pro-
18 gram, \$11,492,000;

19 From:

20 Under the heading, "Shipbuilding and Conver-
21 sion, Navy, 1993/2002":

22 DDG-51 destroyer program, \$3,986,000;

23 LHD-1 amphibious assault ship program,
24 \$85,000;

1 LSD-41 dock landing ship cargo variant
2 program, \$428,000;

3 AOE combat support ship program,
4 \$516,000;

5 Craft, outfitting, post delivery, and first
6 destination transportation, and inflation adjust-
7 ments, \$1,034,000;

8 To:

9 Under the heading, “Shipbuilding and Conver-
10 sion, Navy, 1998/2002”: DDG-51 destroyer pro-
11 gram, \$6,049,000.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 8123. Of the funds appropriated by this Act
14 under the heading, “Operation and Maintenance, Navy”,
15 \$56,000,000 shall remain available until expended, only
16 for costs associated with the stabilization, return, refit-
17 ting, necessary force protection upgrades, and repair of
18 the U.S.S. COLE: *Provided*, That the Secretary of De-
19 fense may transfer these funds to appropriations accounts
20 for procurement and that the funds transferred shall be
21 merged with and shall be available for the same purposes
22 and for the same time period as the appropriation to which
23 transferred: *Provided further*, That the transfer authority
24 provided in this section is in addition to any other transfer
25 authority available to the Department of Defense.

1 SEC. 8124. The Secretary of the Navy may settle,
2 or compromise, and pay any and all admiralty claims
3 under 10 U.S.C. 7622 arising out of the collision involving
4 the U.S.S. GREENEVILLE and the EHIME MARU, in
5 any amount and without regard to the monetary limita-
6 tions in subsections (a) and (b) of that section: *Provided*,
7 That such payments shall be made from funds available
8 to the Department of the Navy for operation and mainte-
9 nance.

10 SEC. 8125. Notwithstanding section 229(a) of the So-
11 cial Security Act, no wages shall be deemed to have been
12 paid to any individual pursuant to that section in any cal-
13 endar year after 2001.

14 SEC. 8126. The total amount appropriated in this Act
15 is hereby reduced by \$230,000,000 to reflect fact-of-life
16 changes in utilities costs, to be derived as follows:

17 “Operation and Maintenance, Army”,
18 \$75,900,000;

19 “Operation and Maintenance, Navy”,
20 \$17,100,000;

21 “Operation and Maintenance, Marine Corps”,
22 \$15,000,000;

23 “Operation and Maintenance, Air Force”,
24 \$60,100,000;

1 “Operation and Maintenance, Defense-Wide”,
2 \$9,800,000;

3 “Operation and Maintenance, Army Reserve”,
4 \$6,000,000;

5 “Operation and Maintenance, Navy Reserve”,
6 \$2,300,000;

7 “Operation and Maintenance, Marine Corps Re-
8 serve”, \$800,000;

9 “Operation and Maintenance, Air Force Re-
10 serve”, \$3,000,000;

11 “Operation and Maintenance, Army National
12 Guard”, \$6,000,000;

13 “Operation and Maintenance, Air National
14 Guard”, \$7,500,000;

15 “Drug Interdiction and Counter-Drug Activi-
16 ties, Defense”, \$800,000;

17 “Defense Working Capital Funds”,
18 \$14,400,000; and

19 “Defense Health Program”, \$11,300,000.

20 SEC. 8127. Notwithstanding any other provision in
21 this Act, the total amount appropriated in this Act is here-
22 by reduced by \$797,919,000, to reduce excess funded car-
23 ryover, to be derived as follows:

24 “Operation and Maintenance, Army”,
25 \$131,000,000;

1 “Operation and Maintenance, Navy”,
2 \$343,719,000;

3 “Operation and Maintenance, Marine Corps”,
4 \$25,000,000;

5 “Operation and Maintenance, Air Force”,
6 \$283,200,000;

7 “Operation and Maintenance, Defense-Wide”,
8 \$15,000,000;

9 SEC. 8128. (a) Of the total amount appropriated for
10 “Operation and Maintenance, Air Force”, \$2,500,000, to
11 remain available until expended, shall be available to the
12 Secretary of the Air Force only for the purpose of making
13 a grant in the amount of \$2,500,000 to the Lafayette Es-
14 cadrille Memorial Foundation, Inc., to be used to perform
15 the repair, restoration, and preservation of the structure,
16 plaza, and surrounding grounds of the Lafayette Esca-
17 drille Memorial in Marnes la-Coguette, France.

18 (b) The Secretary shall require as a condition of the
19 grant—

20 (1) that the funds provided through the grant
21 be used only for costs associated with such repair,
22 restoration, and preservation; and

23 (2) that none of those funds may be used for
24 remuneration of any entity or individual associated

1 with fund raising for the project to carry out such
2 repair, restoration, and preservation.

3 SEC. 8129. None of the funds in this or any other
4 Act may be used by the Secretary of the Interior to remove
5 the five foot tall memorial cross originally erected in 1934
6 by the Veterans of Foreign Wars in honor of fallen World
7 War I veterans and located within the boundary of the
8 Mojave National Preserve in southern California along
9 Cima Road approximately 11 miles south of Interstate 15.

10 SEC. 8130. In addition to the amounts provided else-
11 where in this Act, the amount of \$6,000,000 is hereby ap-
12 propriated to the Department of Defense for “Operation
13 and Maintenance, Navy”. Such amount shall be used by
14 the Secretary of the Navy only to make a grant in the
15 amount of \$6,000,000 to the U.S.S. Alabama Battleship
16 Foundation, a nonprofit organization established under
17 the laws of the State of Alabama, to be available only for
18 the preservation of the former U.S.S. ALABAMA (ex BB-
19 60) as a museum and memorial.

20 SEC. 8131. In addition to the amounts provided else-
21 where in this Act, the amount of \$5,000,000 is hereby ap-
22 propriated to the Department of Defense for “Operation
23 and Maintenance, Navy”. Such amount shall be used by
24 the Secretary of the Navy only to make a grant in the
25 amount of \$5,000,000 to the Intrepid Sea-Air-Space

1 Foundation only for the preservation of the former U.S.S.
2 INTREPID (CV 11) as a museum and memorial.

3 SEC. 8132. In addition to the amounts provided else-
4 where in this Act, the amount of \$6,000,000 is hereby ap-
5 propriated to the Department of Defense for “Operation
6 and Maintenance, Air Force”. Such amount shall be used
7 by the Secretary of the Air Force only to make a grant
8 in the amount of \$6,000,000 to the Medical Lake School
9 District, Washington State school district number 326, for
10 relocation of the Fairchild Air Force Base Elementary
11 School within the boundary of Fairchild Air Force Base,
12 Washington.

13 SEC. 8133. In addition to the amounts provided else-
14 where in this Act, the amount of \$5,000,000 is hereby ap-
15 propriated to the Department of Defense for “Operation
16 and Maintenance, Navy”. Such amount shall be used by
17 the Secretary of the Navy only to make a grant in the
18 amount of \$5,000,000 to the Central Kitsap School Dis-
19 trict, Washington State school district number 401, for
20 the purchase and installation of equipment for a special
21 needs learning center to meet the needs of Department
22 of Defense special needs students at Submarine Base Ban-
23 gor, Washington.

24 SEC. 8134. (a) In addition to amounts provided else-
25 where in this Act, the amount of \$10,000,000 is hereby

1 appropriated for “Operation and Maintenance, Defense-
2 Wide”, to be available to the Secretary of Defense only
3 for the purpose of making a grant for the purpose speci-
4 fied in section 8156 of the Department of Defense Appro-
5 priations Act, 2001 (Public Law 106–259; 114 Stat. 707),
6 as amended by subsection (b). Such grant shall be made
7 not later than 90 days after the date of the enactment
8 of this Act.

9 (b) Section 8156 of the Department of Defense Ap-
10 propriations Act, 2001 (Public Law 106–259; 114 Stat.
11 707), is amended by striking the comma after “Califor-
12 nia” the first place it appears and all that follows
13 through “96–8867”).

14 SEC. 8135. (a) ACTIVITIES UNDER FORMERLY UTI-
15 LIZED SITES REMEDIAL ACTION PROGRAM.—Subject to
16 subsections (b) through (e) of section 611 of Public Law
17 106–60 (113 Stat. 502; 10 U.S.C. 2701 note), the Sec-
18 retary of the Army, acting through the Chief of Engineers,
19 under the Formerly Utilized Sites Remedial Action Pro-
20 gram shall undertake the functions and activities specified
21 in subsection (a) of such section in order to—

22 (1) clean up radioactive contamination at the
23 Shpack Landfill site located in Norton and Attle-
24 boro, Massachusetts; and

1 (2) clean up radioactive waste at the Shallow
2 Land Disposal Area located in Parks Township,
3 Armstrong County, Pennsylvania, consistent with
4 the Memorandum of Understanding Between the
5 United States Nuclear Regulatory Commission and
6 the United States Army Corps of Engineers for Co-
7 ordination on Cleanup and Decommissioning of the
8 Formerly Utilized Sites Remedial Action Program
9 (FUSRAP) Sites with NRC-Licensed Facilities,
10 dated July 5, 2001.

11 (b) SPECIAL RULES REGARDING SHALLOW LAND
12 DISPOSAL AREA.—The Secretary of the Army shall seek
13 to recover response costs incurred by the Army Corps of
14 Engineers for cleanup of the Shallow Land Disposal Area
15 from appropriate responsible parties in accordance with
16 the Comprehensive Environmental Response, Compensa-
17 tion, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).
18 The Secretary of the Army and the Corps of Engineers
19 shall not, by virtue of this cleanup, become liable for the
20 actions or omissions of past, current, or future licensees,
21 owners, or operators of the Shallow Land Disposal Area.

22 (c) FUNDING SOURCES.—Amounts appropriated to
23 the Army Corps of Engineers for fiscal year 2001 and sub-
24 sequent fiscal years and available for the Formerly Uti-

1 lized Sites Remedial Action Program shall be available to
2 carry out this section.

3 SEC. 8136. In addition to amounts otherwise appro-
4 priated or made available by this Act, \$3,000,000 is ap-
5 propriated to the Secretary of the Air Force and shall be
6 used by the Secretary to reestablish the Tethered Aerostat
7 Radar System at Morgan City, Louisiana, previously used
8 by the Air Force in maritime, air, and land counter-drug
9 detection and monitoring. Of the amounts appropriated or
10 otherwise made available for operation and maintenance
11 for the Air Force, the Secretary shall use \$3,000,000 to
12 operate such Tethered Aerostat Radar System upon its
13 reestablishment.

14 SEC. 8137. None of the funds in this Act may be
15 used to implement the establishment of an independent
16 unmanned aerial vehicle joint operational test bed system
17 and/or the transfer of two Predator UAVs, tactical control
18 system (TCS) ground station and assorted equipment
19 from the Navy to Joint Forces Command (JFCOM).

20 SEC. 8138. The \$100,000 limitation established by
21 Section 8043 of Public Law 106–259, shall not apply to
22 amounts appropriated in that Act under the heading “Op-
23 eration and Maintenance, Defense-Wide” for expenses re-
24 lated to certain classified activities associated with foreign
25 material.

1 SEC. 8139. The total amount appropriated in this Act
2 for Operation and Maintenance is hereby reduced by
3 \$330,000,000, to reflect savings attributable to improved
4 supervision in determining appropriate purchases to be
5 made using the Government purchase card, to be derived
6 as follows:

7 “Operation and Maintenance, Army”,
8 \$122,100,000;

9 “Operation and Maintenance, Navy”,
10 \$95,700,000;

11 “Operation and Maintenance, Marine Corps”,
12 \$9,900,000;

13 “Operation and Maintenance, Air Force”,
14 \$79,200,000; and

15 “Operation and Maintenance, Defense-Wide”,
16 \$23,100,000.

17 SEC. 8140. The Secretary of Defense and the Sec-
18 retary of Veterans Affairs shall jointly conduct a com-
19 prehensive assessment that identifies and evaluates
20 changes to Department of Defense and Department of
21 Veterans Affairs health care delivery policies, methods,
22 practices, and procedures in order to provide improved
23 health care services at reduced costs to the taxpayer. This
24 assessment shall include a detailed independent review,
25 based on a statement of work authored by the Secretaries

1 of both departments, of options to collocate or share facili-
2 ties and care providers in areas where duplication and ex-
3 cess capacity may exist, optimize economies of scale
4 through joint procurement of supplies and services, insti-
5 tute cooperative service agreements, and partially or fully
6 integrate DOD and VA systems providing telehealth serv-
7 ices, computerized patient records, provider credentialing,
8 surgical quality assessment, rehabilitation services, admin-
9 istrative services, and centers of excellence for specialized
10 health care services. The Secretaries shall jointly transmit
11 a report to Congress by no later than March 1, 2002, ex-
12 plaining the findings and conclusions of this assessment,
13 including detailed estimates of the costs, cost savings, and
14 service benefits of each recommendation, and making leg-
15 islative and administrative recommendations to implement
16 the results of this effort: *Provided*, That of the funds pro-
17 vided under the heading “Defense Health Program”
18 \$5,000,000 shall be made available only for the purpose
19 of conducting the assessment described in this section.

20 SEC. 8141. (a) Notwithstanding any other provision
21 of law, operation and maintenance funds provided in this
22 Act may be used for the purchase of ultralightweight cam-
23ouflange net systems as unit spares in order to modernize
24 the current inventory of camouflage screens to state-of-

1 the-art protection standards more quickly than would oth-
2 erwise be the case.

3 (b) The authority provided by subsection (a) may not
4 be used until the Secretary of the Army submits to the
5 congressional defense committees a report certifying that,
6 compared to the current system that can be purchased
7 with Army Operation and Maintenance funds, the
8 ultralightweight camouflage net system—

9 (1) is technically superior against multi-spectral
10 threat sensors;

11 (2) is less costly per unit; and

12 (3) provides improved overall force protection.

13 SEC. 8142. (a) FORT IRWIN MILITARY LAND WITH-
14 DRAWAL.—The provisions of title XXIX of H.R. 2586, as
15 passed by the House of Representatives on September 25,
16 2001 (entitled the Fort Irwin Military Land Withdrawal
17 Act of 2001), are hereby enacted into law.

18 (b) PUBLICATION OF PROVISIONS ENACTED BY REF-
19 ERENCE.—In publishing this Act in slip form and in the
20 United States Statutes at Large pursuant to section 112
21 of title 1, United States Code, the Archivist of the United
22 States shall include after the date of approval an appendix
23 setting forth the text of the provisions referred to in sub-
24 section (a).

1 SEC. 8143. Notwithstanding any other provision in
2 this Act, the total amount appropriated in this Act for
3 the Pentagon Reservation Maintenance Revolving Fund,
4 including standard real property operations is hereby re-
5 duced by \$333,000,000, to be distributed as follows:

6 “Operation and Maintenance, Army”,
7 \$114,270,000;

8 “Operation and Maintenance, Navy”,
9 \$50,320,000;

10 “Operation and Maintenance, Air Force”,
11 \$62,180,000;

12 “Operation and Maintenance, Defense-Wide”,
13 \$102,120,000; and

14 “Research, Development, Test and Evaluation,
15 Ballistic Missile Defense Organization”, \$4,110,000.

16 SEC. 8144. (a) FUNDING REDUCTION.—The amount
17 appropriated in this Act for “Operation and Maintenance,
18 Army” is hereby reduced by \$37,200,000 to reflect effi-
19 ciencies in Army acquisition management practices.

20 (b) LIMITATIONS.—Effective six months after the
21 date of enactment of this Act none of the funds made
22 available by this Act may be used, directly or indirectly,
23 for any of the following purposes:

24 (1) To support the accomplishment of Army ac-
25 quisition systems management functions by military

1 or civilian personnel assigned to or employed by the
2 Army Training and Doctrine Command.

3 (2) To accomplish Army acquisition system re-
4 quirements determination functions, or analysis of
5 alternatives functions, by military or civilian per-
6 sonnel assigned to or employed by the Army Train-
7 ing and Doctrine Command.

8 (3) To accomplish Army acquisition program
9 management functions by military or civilian per-
10 sonnel assigned to or employed by the Army Mate-
11 rial Command.

12 (c) CIVILIAN PERSONNEL REDUCTIONS.—Pursuant
13 to this section, the Secretary of the Army shall reduce the
14 fiscal year end-strength number of civilian full-time equiv-
15 alent employees performing Army acquisition functions by
16 3 percent of the baseline number for each fiscal year from
17 fiscal year 2002 through fiscal year 2006. For purposes
18 of the preceding sentence, the term “baseline number”
19 means the number of civilian full-time equivalent employ-
20 ees performing Army acquisition functions as of the close
21 of fiscal year 2001.

22 (d) REPORTS.—(1) The Secretary of the Army shall
23 include with the fiscal year 2003 budget justification ma-
24 terials for the Department of the Army information on—

1 (A) how personnel reductions required by sub-
2 section (c) will be accomplished and how Army ac-
3 quisition system and program management resources
4 will be transferred to other Army elements by reason
5 of those reductions; and

6 (B) any changes in Army policies to achieve
7 compliance with the limitations in subsection (b).

8 (2) The Secretary shall include with the budget jus-
9 tification materials for the Department of the Army for
10 each of fiscal years 2004 through 2007 information on—

11 (A) how personnel reductions required by sub-
12 section (c) have been accomplished to the date of the
13 report and will be accomplished during the then-cur-
14 rent fiscal year and thereafter; and

15 (B) how Army acquisition system and program
16 management resources have been transferred, as of
17 the date of the report, to other Army elements by
18 reason of those reductions and how such resources
19 will be transferred during the then-current fiscal
20 year and thereafter to other Army elements by rea-
21 son of those reductions, and each subsequent annual
22 budget request.

23 SEC. 8145. (a) NON-PROFIT ARMY VENTURE CAP-
24 ITAL CORPORATION.—Of the funds made available for
25 “Research, Development, Test and Evaluation, Army”,

1 \$50,000,000 shall be available to the Secretary of the
2 Army only for the purpose of funding a venture capital
3 investment corporation established pursuant to section
4 2371 of title 10 United States Code, to be derived as spec-
5 ified in subsection (b).

6 (b) FUNDING.—The amount specified in subsection
7 (a) shall be derived by reducing, on a pro rata basis, the
8 following amounts: (1) Amounts made available to the
9 Army for basic research and applied research, except for
10 amounts for research projects designated as congressional
11 special interest items; (2) Amounts made available to the
12 Army for research, development, test and evaluation relat-
13 ing to the Future Combat System.

14 SEC. 8146. Notwithstanding any other provision of
15 law, in addition to amounts appropriated or otherwise
16 made available in this Act, \$10,000,000 is hereby appro-
17 priated to “Operation and Maintenance, Defense-Wide”
18 only for facility improvements necessary to integrate the
19 910th Airlift Wing and related activities at the Youngs-
20 town-Warren Regional Airport into the military cargo net-
21 work.

22 SEC. 8147. Notwithstanding any other provision of
23 law, in addition to amounts appropriated or otherwise
24 made available in this Act, \$10,000,000 is hereby appro-
25 priated to “Operation and Maintenance, Defense-Wide”

1 only for facility improvements and equipment purchases
2 necessary to augment the capabilities of local government
3 emergency response units responsible for protection of the
4 Pentagon Reservation to address emergency response defi-
5 ciencies identified as a result of the attack on the Pen-
6 tagon of September 11, 2001, and to provide additional
7 capabilities to meet the terrorism threat: *Provided*, That
8 the Secretary of Defense shall negotiate and establish an
9 appropriate Federal share for facility improvements fi-
10 nanced under this section prior to the expenditure of these
11 funds.

12 SEC. 8148. Notwithstanding any other provision of
13 law or regulation, the Secretary of Defense may exercise
14 the provisions of 38 U.S.C. 7403(g) for occupations listed
15 in 28 U.S.C. 7403(a)(2) as well as the following:

16 Pharmacists, Audiologists, and Dental Hygien-
17 ists.

18 (A) The requirements of 38 U.S.C.
19 7403(g)(1)(A) shall apply.

20 (B) The limitations of 38 U.S.C.
21 7403(g)(1)(B) shall not apply.

22 SEC. 8149. (a) The Secretary of Defense may waive
23 any requirement that the fiscal year 2001 Department of
24 Defense financial statement include the accounts and as-
25 sociated activities of the Department of the Army and the

1 Department of the Navy, to the extent that the Secretary
2 determines necessary due to the effects of the terrorist at-
3 tack on the Pentagon of September 11, 2001.

4 (b) If any accounts and associated activities of the
5 Department of the Army or the Department of the Navy
6 are excluded from the fiscal year 2001 Department of De-
7 fense financial statement pursuant to subsection (a), the
8 Secretary of Defense shall, as soon as practicable after
9 March 1, 2002, prepare and submit to the Director of the
10 Office of Management and Budget, a revised audited fi-
11 nancial statement for fiscal year 2001 that includes all
12 such accounts and activities.

13 (c) For purposes of this section, the term “fiscal year
14 2001 Department of Defense financial statement” means
15 the audited financial statement of the Department of De-
16 fense for fiscal year 2001 required by section 3515 of title
17 31, United States Code, to be submitted to the Director
18 of the Office of Management and Budget not later than
19 March 1, 2002.

20 SEC. 8150. None of the funds appropriated in this
21 Act may be used to prepare a budget request for submis-
22 sion to Congress by the Department of Defense for fiscal
23 year 2003 that contains any proposal to acquire ships for
24 the Department of the Navy through the use of incre-
25 mental funding amounts or advanced appropriations. The

1 limitation against incremental funding does not apply to
2 the specific shipbuilding programs that were funded on an
3 incremental basis in fiscal year 2001.

4 SEC. 8151. In addition to amounts appropriated or
5 otherwise made available elsewhere in this Act,
6 \$20,000,000, to remain available until September 30,
7 2004, is hereby appropriated to “Aircraft Procurement,
8 Air Force”, only for the C-5 avionics modernization pro-
9 gram.

10 SEC. 8152. In addition to amounts appropriated or
11 otherwise made available elsewhere in this Act,
12 \$10,000,000, to remain available until September 30,
13 2003, is hereby appropriated to “Research, Development,
14 Test and Evaluation, Air Force”, only for the agile combat
15 support (IMITS) program.

16 SEC. 8153. In addition to amounts appropriated or
17 otherwise made available elsewhere in this Act,
18 \$6,000,000, to remain available until September 30, 2003,
19 is hereby appropriated to “Research, Development, Test
20 and Evaluation, Army”, only for laser vision correction de-
21 vices for the Walter Reed Army Medical Center.

22 SEC. 8154. Notwithstanding any other provision of
23 this Act, the Secretary of the Air Force may enter into
24 a multiyear contract, or extend an existing multiyear con-
25 tract, for the C-17 aircraft: *Provided*, That the authority

1 to enter into such a contract (or contract extension) may
2 not be exercised until a period of not less than 30 days
3 has elapsed after the date of the submission of a report
4 under paragraph (4) of section 2306b(l) of title 10, United
5 States Code: *Provided further*, That the authorities pro-
6 vided in this section shall not be available until the Sec-
7 retary of Defense submits to the congressional defense
8 committees a certification that the applicable requirements
9 under section 2306b of title 10, United States Code, and
10 section 8008 of this Act with respect to such a contract
11 (or contract extension) have been met.

12 SEC. 8155. Except as expressly provided otherwise,
13 any reference in a provision of titles I through IX to “this
14 Act” shall be treated as referring only to the provisions
15 of this division.

16 TITLE IX

17 COUNTER-TERRORISM AND DEFENSE AGAINST

18 WEAPONS OF MASS DESTRUCTION

19 COUNTER-TERRORISM AND OPERATIONAL RESPONSE

20 TRANSFER FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For urgent enhancements to intelligence and military
23 capabilities in order to prosecute Operation ENDURING
24 FREEDOM; to discover, infiltrate, and deter terrorist
25 groups; to protect against terrorist attacks that might em-

1 ploy either conventional means or weapons of mass de-
2 struction, and to prepare against the consequences of such
3 attacks; to deny unauthorized users the opportunity to
4 modify, steal, inappropriately disclose, or destroy sensitive
5 military intelligence data or networks, and to accelerate
6 improvements in information networks and operations,
7 \$1,670,000,000, to remain available until expended, of
8 which \$451,000,000 shall be made available to the Direc-
9 tor of Central Intelligence, and of which \$1,219,000,000
10 shall be made available to the Secretary of Defense: *Pro-*
11 *vided*, That of the amounts made available under this
12 heading for the Department of Defense, \$474,000,000 is
13 available only for improving chemical and biological de-
14 fense capabilities of the Department of Defense: *Provided*
15 *further*, That of the amounts made available under this
16 heading for the Department of Defense, \$275,000,000 is
17 available only for improving the effectiveness of Depart-
18 ment of Defense and intelligence agency capabilities in the
19 areas of information assurance, critical infrastructure pro-
20 tection, and information operations: *Provided further*,
21 That in order to carry out the specified purposes under
22 this heading, funds made available under this heading may
23 be transferred to any appropriation account otherwise en-
24 acted by this Act: *Provided further*, That the funds trans-
25 ferred shall be merged with and shall be available for the

1 same purposes and for the same time period, as the appro-
2 priation to which transferred: *Provided further*, That the
3 transfer authority provided under this heading is in addi-
4 tion to any other transfer authority available to the De-
5 partment of Defense: *Provided further*, That upon a deter-
6 mination that all or part of the funds transferred from
7 this appropriation are excess for the purposes provided
8 herein, such amounts may be transferred back to this ap-
9 propriation: *Provided further*, That of the amounts pro-
10 vided under this heading, \$10,000,000 shall be transferred
11 to the Department of Justice, only for enhanced terrorism-
12 related financial and money laundering investigation oper-
13 ations: *Provided further*, That notwithstanding any other
14 provision of law, of the amounts provided under this head-
15 ing, the Secretary of Defense is authorized to transfer
16 \$70,000,000 to other activities of the Federal Govern-
17 ment: *Provided further*, That within 90 days of enactment
18 of this Act, the Secretary of Defense and the Director of
19 Central Intelligence shall each provide to the Congress a
20 classified report specifying the projects and accounts to
21 which funds provided under this heading are to be trans-
22 ferred.

23 FORMER SOVIET UNION THREAT REDUCTION

24 For assistance to the republics of the former Soviet
25 Union, including assistance provided by contract or by

1 grants, for facilitating the elimination and the safe and
2 secure transportation and storage of nuclear, chemical and
3 other weapons; for establishing programs to prevent the
4 proliferation of weapons, weapons components, and weap-
5 on-related technology and expertise; for programs relating
6 to the training and support of defense and military per-
7 sonnel for demilitarization and protection of weapons,
8 weapons components and weapons technology and exper-
9 tise, and for defense and military contacts, \$403,000,000,
10 to remain available until September 30, 2004.

11 PROCUREMENT, BALLISTIC MISSILE DEFENSE

12 ORGANIZATION

13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses of the Ballistic Missile Defense Organi-
15 zation necessary for procurement, production, and modi-
16 fication of equipment, supplies, materials, and spare parts
17 therefor, not otherwise provided for; expansion of public
18 and private plants, equipment, and installation thereof in
19 such plants, erection of structures, and acquisition of land
20 for the foregoing purposes, and such lands and interests
21 therein, may be acquired, and construction prosecuted
22 thereon prior to approval of title; reserve plant and Gov-
23 ernment and contractor-owned equipment layaway,
24 \$794,557,000, to remain available for obligation until Sep-
25 tember 30, 2004: *Provided*, That funds provided under

1 this heading may be used for procurement of critical parts
2 for Patriot Advanced Capability-3 (PAC-3) missiles to
3 support production of such missiles in future fiscal years.

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 BALLISTIC MISSILE DEFENSE ORGANIZATION
6 (INCLUDING RESCISSION)

7 For expenses of the Ballistic Missile Defense Organi-
8 zation necessary for basic and applied scientific research,
9 development, test and evaluation; advanced research
10 projects as may be designated and determined by the Sec-
11 retary of Defense, pursuant to law; maintenance, rehabili-
12 tation, lease, and operation of facilities and equipment,
13 \$7,053,721,000, to remain available for obligation until
14 September 30, 2003: *Provided*, That for funds provided
15 under this heading the minimum amount applicable under
16 section 9(f)(1)(C) of the Small Business Act (15 U.S.C.
17 638(f)(1)(C)) shall be \$75,000,000 (in lieu of the amount
18 otherwise applicable under that section): *Provided further*,
19 That of the funds provided in the Department of Defense
20 Appropriations Act, 2001 (Public Law 106–259), the
21 amount of \$73,800,000 is hereby rescinded from the
22 “Procurement, Defense-Wide, 2001/2003” account.

1 DEFENSE AGAINST CHEMICAL AND BIOLOGICAL
2 WEAPONS, DEFENSE-WIDE

3 For expenses, not otherwise provided for, for chem-
4 ical and biological weapon defense programs of the De-
5 partment of Defense, as authorized by law,
6 \$1,065,940,000, of which \$363,709,000 shall be for Pro-
7 curement, to remain available for obligation until Sep-
8 tember 30, 2004, and \$702,231,000 shall be for Research,
9 Development, Test and Evaluation, to remain available for
10 obligation until September 30, 2003.

11 DEFENSE THREAT REDUCTION AGENCY

12 For expenses, not otherwise provided for, for the De-
13 fense Threat Reduction Agency of the Department of De-
14 fense, as authorized by law, \$806,471,000, of which
15 \$305,393,000 shall be for Operation and Maintenance, of
16 which \$50,000,000 shall be available only to initiate a
17 multi-year demonstration program at four military instal-
18 lations to install, operate, and evaluate a network of sen-
19 sors to protect installations against unconventional nu-
20 clear threats in accordance with the deployment rec-
21 ommendations of the Defense Science Board Task Force
22 on Unconventional Nuclear Warfare Defense;
23 \$20,325,000 shall be for Procurement, to remain available
24 for obligation until September 30, 2004; and
25 \$480,753,000 shall be for Research, Development, Test

1 and Evaluation to remain available for obligation until
2 September 30, 2003, of which \$25,000,000 shall be avail-
3 able only for research and development of systems to sup-
4 port the protection of military installations against uncon-
5 ventional nuclear threats in accordance with the rec-
6 ommendations of the Defense Science Board Task Force
7 on Unconventional Nuclear Warfare Defense.

8 This division may be cited as the “Department of De-
9 fense Appropriations Act, 2002”.

10 DIVISION B—FISCAL YEAR 2002
11 SUPPLEMENTAL APPROPRIATIONS

12 The following sums are appropriated, out of any
13 money in the Treasury not otherwise appropriated, for the
14 fiscal year ending September 30, 2002, and for other pur-
15 poses, namely:

16 CHAPTER 1
17 DEPARTMENT OF AGRICULTURE
18 OFFICE OF THE SECRETARY

19 For emergency expenses to respond to the September
20 11, 2001, terrorist attacks on the United States, for “Of-
21 fice of the Secretary”, \$4,582,000, to remain available
22 until expended, to be obligated from amounts made avail-
23 able in Public Law 107–38.

1 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL
2 PAYMENTS

3 For emergency expenses to respond to the September
4 11, 2001, terrorist attacks on the United States, for “Ag-
5 riculture Buildings and Facilities and Rental Payments”,
6 \$2,875,000, to remain available until expended, to be obli-
7 gated from amounts made available in Public Law 107-
8 38.

9 AGRICULTURAL RESEARCH SERVICE
10 SALARIES AND EXPENSES

11 For emergency expenses to respond to the September
12 11, 2001, terrorist attacks on the United States, for “Sal-
13 aries and Expenses”, \$5,635,000, to remain available
14 until expended, to be obligated from amounts made avail-
15 able in Public Law 107-38.

16 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
17 SALARIES AND EXPENSES

18 For emergency expenses to respond to the September
19 11, 2001, terrorist attacks on the United States, for “Sal-
20 aries and Expenses”, \$8,175,000, to remain available
21 until expended, to be obligated from amounts made avail-
22 able in Public Law 107-38.

23 BUILDINGS AND FACILITIES

24 For emergency expenses to respond to the September
25 11, 2001, terrorist attacks on the United States, for
26 “Buildings and Facilities”, \$14,081,000, to remain avail-

1 able until expended, to be obligated from amounts made
2 available in Public Law 107–38.

3 FOOD SAFETY AND INSPECTION SERVICE

4 For emergency expenses to respond to the September
5 11, 2001, terrorist attacks on the United States, for
6 “Food Safety and Inspection Service”, \$9,800,000, to re-
7 main available until expended, to be obligated from
8 amounts made available in Public Law 107–38.

9 DEPARTMENT OF HEALTH AND HUMAN
10 SERVICES

11 FOOD AND DRUG ADMINISTRATION

12 SALARIES AND EXPENSES

13 For emergency expenses to respond to the September
14 11, 2001, terrorist attacks on the United States, and for
15 other expenses necessary to support activities related to
16 countering potential biological, disease, and chemical
17 threats to civilian populations, for “Food and Drug Ad-
18 ministration, Salaries and Expenses”, \$104,350,000, to
19 remain available until expended, to be obligated from
20 amounts made available in Public Law 107–38.

21 INDEPENDENT AGENCIES

22 COMMODITY FUTURES TRADING COMMISSION

23 For emergency expenses to respond to the September
24 11, 2001, terrorist attacks on the United States, for
25 “Commodity Futures Trading Commission”, \$6,495,000,

1 to remain available until expended, to be obligated from
2 amounts made available in Public Law 107–38.

3 CHAPTER 2

4 DEPARTMENT OF JUSTICE

5 GENERAL ADMINISTRATION

6 ADMINISTRATIVE REVIEW AND APPEALS

7 For emergency expenses to respond to the September
8 11, 2001, terrorist attacks on the United States, for “Ad-
9 ministrative Review and Appeals”, \$3,500,000, to remain
10 available until expended, to be obligated from amounts
11 made available in Public Law 107–38.

12 LEGAL ACTIVITIES

13 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

14 For emergency expenses to respond to the September
15 11, 2001, terrorist attacks on the United States, for “Sal-
16 aries and Expenses, General Legal Activities”,
17 \$12,500,000, to remain available until expended, to be ob-
18 ligated from amounts made available in Public Law 107–
19 38.

20 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

21 For emergency expenses to respond to the September
22 11, 2001, terrorist attacks on the United States, for “Sal-
23 aries and Expenses, United States Attorneys”,
24 \$68,450,000, to remain available until expended, to be ob-
25 ligated from amounts made available in Public Law 107–
26 38.

1 SALARIES AND EXPENSES, UNITED STATES MARSHALS
2 SERVICE

3 For emergency expenses to respond to the September
4 11, 2001, terrorist attacks on the United States, for “Sal-
5 aries and Expenses, United States Marshals Service”,
6 \$11,100,000, to remain available until expended, to be ob-
7 ligated from amounts made available in Public Law 107-
8 38.

9 FEDERAL BUREAU OF INVESTIGATION
10 SALARIES AND EXPENSES

11 For emergency expenses to respond to the September
12 11, 2001, terrorist attacks on the United States, for “Sal-
13 aries and Expenses”, \$538,500,000, to remain available
14 until expended, to be obligated from amounts made avail-
15 able in Public Law 107-38.

16 IMMIGRATION AND NATURALIZATION SERVICE
17 SALARIES AND EXPENSES
18 ENFORCEMENT AND BORDER AFFAIRS

19 For emergency expenses to respond to the September
20 11, 2001, terrorist attacks on the United States, for “Sal-
21 aries and Expenses”, \$409,600,000, to remain available
22 until expended, to be obligated from amounts made avail-
23 able in Public Law 107-38.

1 OFFICE OF JUSTICE PROGRAMS

2 JUSTICE ASSISTANCE

3 For emergency expenses to respond to the September
4 11, 2001, terrorist attacks on the United States, for “Justice
5 Assistance”, \$400,000,000, to remain available until
6 expended, to be obligated from amounts made available
7 in Public Law 107–38, of which \$45,000,000 is for emer-
8 gency response communications technologies and equip-
9 ment for Northern Virginia, \$20,000,000 is for the Cap-
10 itol Wireless Integrated Network in the Washington Met-
11 ropolitan Area, \$15,000,000 is for a chemical sensor pro-
12 gram within the Washington, D.C. subway system, and
13 \$9,800,000 is for an aircraft for counterterrorism and
14 other required activities for the City of New York.

15 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

16 For emergency expenses to respond to the September
17 11, 2001, terrorist attacks on the United States, for
18 “State and Local Law Enforcement Assistance”,
19 \$17,100,000, to remain available until expended, to be ob-
20 ligated from amounts made available in Public Law 107–
21 38.

22 CRIME VICTIMS FUND

23 For emergency expenses to respond to the September
24 11, 2001, terrorist attacks on the United States, for
25 “Crime Victims Fund”, \$68,100,000, to remain available

1 until expended, to be obligated from amounts made avail-
2 able in Public Law 107–38.

3 DEPARTMENT OF COMMERCE

4 INTERNATIONAL TRADE ADMINISTRATION

5 OPERATIONS AND ADMINISTRATION

6 For emergency expenses to respond to the September
7 11, 2001, terrorist attacks on the United States, for “Op-
8 erations and Administration”, \$750,000, to remain avail-
9 able until expended, to be obligated from amounts made
10 available in Public Law 107–38.

11 EXPORT ADMINISTRATION

12 OPERATIONS AND ADMINISTRATION

13 For emergency expenses to respond to the September
14 11, 2001, terrorist attacks on the United States, for “Op-
15 erations and Administration”, \$1,756,000, to remain
16 available until expended, to be obligated from amounts
17 made available in Public Law 107–38.

18 NATIONAL TELECOMMUNICATIONS AND INFORMATION

19 ADMINISTRATION

20 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING

21 AND CONSTRUCTION

22 For emergency expenses to respond to the September
23 11, 2001, terrorist attacks on the United States, for
24 “Public Telecommunications Facilities, Planning and Con-
25 struction”, \$8,250,000, to remain available until ex-

1 pending, to be obligated from amounts made available in
2 Public Law 107–38: *Provided*, That matching require-
3 ments set forth in Section 392(b) of the Communications
4 Act of 1934, as amended, shall not apply to funds pro-
5 vided in this Act.

6 NATIONAL OCEANIC AND ATMOSPHERIC
7 ADMINISTRATION
8 OPERATIONS, RESEARCH, AND FACILITIES

9 For emergency expenses to respond to the September
10 11, 2001, terrorist attacks on the United States, for “Op-
11 erations, Research, and Facilities”, \$750,000, to remain
12 available until expended, to be obligated from amounts
13 made available in Public Law 107–38.

14 DEPARTMENTAL MANAGEMENT
15 SALARIES AND EXPENSES

16 For emergency expenses to respond to the September
17 11, 2001, terrorist attacks on the United States, for “Sal-
18 aries and Expenses”, \$8,636,000, to remain available
19 until expended, to be obligated from amounts made avail-
20 able in Public Law 107–38.

21 THE JUDICIARY
22 SUPREME COURT OF THE UNITED STATES
23 CARE OF THE BUILDING AND GROUNDS

24 For emergency expenses to respond to the September
25 11, 2001, terrorist attacks on the United States, for “Care

1 of the Building and Ground”, \$10,000,000, to remain
2 available until expended, to be obligated from amounts
3 made available in Public Law 107–38.

4 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
5 JUDICIAL SERVICES
6 COURT SECURITY

7 For emergency expenses to respond to the September
8 11, 2001 terrorist attacks on the United States, for
9 “Court Security”, \$21,500,000, to remain available until
10 expended, to be obligated from amounts made available
11 in Public Law 107–38: *Provided*, That the funds may be
12 expended directly or transferred to the United States Mar-
13 shals Service, to remain available until expended: *Provided*
14 *further*, That \$4,000,000 shall be available to reimburse
15 the United States Marshals Service for a Supervisory Dep-
16 uty Marshal responsible for coordinating security in each
17 judicial district and circuit.

18 DEPARTMENT OF STATE AND RELATED
19 AGENCY
20 RELATED AGENCY

21 BROADCASTING BOARD OF GOVERNORS
22 INTERNATIONAL BROADCASTING OPERATIONS

23 For emergency expenses to respond to the September
24 11, 2001, terrorist attacks on the United States, for
25 “International Broadcasting Operations”, \$9,200,000, to

1 remain available until expended, to be obligated from
2 amounts made available in Public Law 107–38.

3 BROADCASTING CAPITAL IMPROVEMENTS

4 For emergency expenses to respond to the September
5 11, 2001, terrorist attacks on the United States, for
6 “Broadcasting Capital Improvements”, \$10,000,000, to
7 remain available until expended, to be obligated from
8 amounts made available in Public Law 107–38.

9 RELATED AGENCIES

10 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

11 SALARIES AND EXPENSES

12 For emergency expenses to respond to the September
13 11, 2001, terrorist attacks on the United States, for “Sal-
14 aries and Expenses,” \$1,301,000, to remain available
15 until expended, to be obligated from amounts made avail-
16 able in Public Law 107–38.

17 SECURITIES AND EXCHANGE COMMISSION

18 SALARIES AND EXPENSES

19 For emergency expenses to respond to the September
20 11, 2001, terrorist attacks on the United States, for “Sal-
21 aries and Expenses”, \$20,705,000, to remain available
22 until expended, to be obligated from amounts made avail-
23 able in Public Law 107–38.

1 SMALL BUSINESS ADMINISTRATION
2 DISASTER LOANS PROGRAM ACCOUNT

3 For emergency expenses to respond to the September
4 11, 2001, terrorist attacks on the United States, for “Dis-
5 aster Loans Program Account”, \$140,000,000, to remain
6 available until expended, to be obligated from amounts
7 available in Public Law 107–38.

8 GENERAL PROVISIONS—THIS CHAPTER

9 SEC. 201. For purposes of assistance available under
10 section 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) to small business concerns located in disaster
12 areas declared as a result of the September 11, 2001, ter-
13 rorist attacks, (i) the terms “small business concern” shall
14 include not-for-profit institutions and small business con-
15 cerns described in subsectors 522, 523, and 524 of the
16 North American Industry Classification System codes (as
17 described in 13 C.F.R. 121.201, as in effect on January
18 2, 2001), except for depository financial institutions, and
19 (ii) the Administrator may apply such size standards as
20 may be promulgated under such section 121.201 after the
21 date of enactment of this provision, but no later than Jan-
22 uary 1, 2002.

23 SEC. 202. Notwithstanding any other provision of
24 law, the limitation on the total amount of loans under sec-
25 tion 7(b) of the Small Business Act (15 U.S.C. 636(b))

1 outstanding and committed to a borrower in the disaster
2 areas declared in response to the September 11, 2001, ter-
3 rorist attacks shall be increased to \$10,000,000.

4 SEC. 203. Funds appropriated by this Act for the
5 Broadcasting Board of Governors and the Department of
6 State may be obligated and expended notwithstanding sec-
7 tion 313 of the Foreign Relations Authorization Act, Fis-
8 cal Years 1994 and 1995, and section 15 of the State De-
9 partment Basic Authorities Act of 1956, as amended.

10

CHAPTER 3

11

DEPARTMENT OF DEFENSE—MILITARY

12

OPERATION AND MAINTENANCE

13

DEFENSE EMERGENCY RESPONSE FUND

14

(INCLUDING TRANSFER OF FUNDS)

15 For emergency expenses to respond to the September
16 11, 2001, terrorist attacks on the United States, for “De-
17 fense Emergency Response Fund”, \$7,242,911,000, to re-
18 main available until expended, to be obligated from
19 amounts made available in Public Law 107–38, as follows:

20 (1) For increased situational awareness,
21 \$1,735,000,000;

22 (2) For enhanced force protection,
23 \$742,911,000, of which \$40,000,000 shall be avail-
24 able only for biological weapons proliferation preven-
25 tion activities under the Former Soviet Union

1 Threat Reduction Program, of which \$30,000,000
2 shall be transferred to “Department of State, Non-
3 proliferation, Anti-terrorism, Demining, and Related
4 Programs” only for the purpose of supporting ex-
5 pansion of the Biological Weapons Redirect and
6 International Science and Technology Centers pro-
7 grams, to prevent former Soviet biological weapons
8 experts from emigrating to proliferant states and to
9 reconfigure former Soviet biological weapons produc-
10 tion facilities for peaceful uses;

11 (3) For improved command and control,
12 \$162,000,000;

13 (4) For increased worldwide posture,
14 \$2,801,000,000;

15 (5) For offensive counterterrorism,
16 \$769,000,000, of which \$237,000,000 is for the
17 Special Operations Command;

18 (6) For initial crisis response, \$108,000,000;

19 (7) For the Pentagon Reservation Maintenance
20 Revolving Fund, \$925,000,000:

21 *Provided*, That none of the funds provided under this
22 heading in this chapter may be used for appropriations
23 for military construction and military family housing.

1 GENERAL PROVISIONS—THIS CHAPTER

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 301. Amounts available in the “Defense Emer-
4 gency Response Fund” (the “Fund”) shall be available for
5 the purposes set forth in the 2001 Emergency Supple-
6 mental Appropriations Act for Recovery from and Re-
7 sponse to Terrorist Attacks on the United States (Public
8 Law 107–38): *Provided*, That the Fund may be used to
9 reimburse other appropriations or funds of the Depart-
10 ment of Defense, including activities of the National For-
11 eign Intelligence Program funded in defense appropria-
12 tions acts, only for costs incurred for such purposes on
13 or after September 11, 2001: *Provided further*, That the
14 Fund may be used to liquidate obligations incurred by the
15 Department of Defense under the authorities in section
16 3732 of the Revised Statutes (41 U.S.C. 11; popularly
17 known as the “Food and Forage Act”) for any costs in-
18 curred for such purposes between September 11 and Sep-
19 tember 30, 2001: *Provided further*, That the Secretary of
20 Defense may transfer to the Fund amounts from any cur-
21 rent appropriation made available in defense appropria-
22 tions acts, only for the purpose of adjusting and liqui-
23 dating obligations properly chargeable to the Fund: *Pro-*
24 *vided further*, That the authority granted in the preceding
25 proviso shall only be exercised after the Secretary of De-

1 fense makes a determination that amounts in the Fund
2 are insufficient to liquidate obligations made using appro-
3 priations in the Fund, and not prior to 30 days after noti-
4 fying the congressional defense committees in writing re-
5 garding each proposed transfer of funds: *Provided further,*
6 That in order to carry out the specified purposes under
7 this heading, the Secretary of Defense may transfer funds
8 from the Fund to any defense appropriation account en-
9 acted in appropriations acts, including “Support for Inter-
10 national Sporting Competitions, Defense”: *Provided fur-*
11 *ther,* That the funds transferred shall be merged with and
12 shall be available for the same purposes and for the same
13 time period as the appropriation to which transferred:
14 *Provided further,* That the transfer authority provided
15 under this heading is in addition to any other transfer au-
16 thority available to the Department of Defense: *Provided*
17 *further,* That within 30 days of enactment of this Act, and
18 quarterly thereafter, the Secretary of Defense and the Di-
19 rector of Central Intelligence shall each provide to the
20 Congress a report (in unclassified and classified form, as
21 needed) specifying the projects and accounts to which
22 funds provided in this chapter are to be transferred.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 302. During the current fiscal year, amounts
25 in or credited to the Defense Cooperation Account under
26 10 U.S.C. 2608(b) are hereby appropriated and shall be

1 available for transfer by the Secretary of Defense to such
2 appropriations or funds of the Department of Defense as
3 he shall determine, to be merged with and be available
4 for the same purposes and the same time period as the
5 appropriation to which transferred: *Provided*, That the
6 Secretary shall provide written notification to the congres-
7 sional defense committees 30 days prior to such transfer:
8 *Provided further*, That the transfer authority provided
9 under this heading is in addition to any other transfer au-
10 thority available to the Department of Defense: *Provided*
11 *further*, That these amounts are designated by the Con-
12 gress as 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 the Secretary of Defense shall report to the Congress
16 quarterly on all obligations made pursuant to this author-
17 ity.

18 SEC. 303. (a) Amounts in the appropriation account
19 “Support for International Sporting Competitions, De-
20 fense” may be used to support essential security and safe-
21 ty services for the 2002 Winter Olympic Games in Salt
22 Lake City, Utah, under section 2564 of title 10, United
23 States Code, without the certification otherwise required
24 under subsection (a) of that section.

1 (b) In connection with the provision of essential secu-
2 rity and safety support to the 2002 Winter Olympic
3 Games and logistical and security support to the 2002
4 Winter Paralympic Games, the term “active duty” as used
5 in section 5802 of division A of the Omnibus Consolidated
6 Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be
7 treated as including State active duty and full-time Na-
8 tional Guard duty performed by members of the Army Na-
9 tional Guard and Air National Guard.

10 SEC. 304. Funds appropriated by this Act, or made
11 available by the transfer of funds in this Act, for intel-
12 ligence activities are deemed to be specifically authorized
13 by the Congress for purposes of section 504 of the Na-
14 tional Security Act of 1947 (50 U.S.C. 414).

15 SEC. 305. For the purposes of this Act, the term
16 “congressional defense committees” means the Armed
17 Services Committee of the House of Representatives, the
18 Armed Services Committee of the Senate, the Sub-
19 committee on Defense of the Committee on Appropriations
20 of the Senate, and the Subcommittee on Defense of the
21 Committee on Appropriations of the House of Representa-
22 tives.

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

1 For emergency expenses to respond to the September
2 11, 2001, terrorist attacks on the United States, for a
3 Federal payment to the District of Columbia for Protec-
4 tive Clothing and Breathing Apparatus, to be obligated
5 from amounts made available in Public Law 107–38 and
6 to remain available until expended, \$12,144,209, of which
7 \$921,833 is for the Fire and Emergency Medical Services
8 Department, \$4,269,000 is for the Metropolitan Police
9 Department, \$1,500,000 is for the Department of Health,
10 \$453,376 is for the Department of Public Works, and
11 \$5,000,000 is for the Washington Metropolitan Area
12 Transit Authority.

13 For emergency expenses to respond to the September
14 11, 2001, terrorist attacks on the United States, for a
15 Federal payment to the District of Columbia for Special-
16 ized Hazardous Materials Equipment, to be obligated from
17 amounts made available in Public Law 107–38 and to re-
18 main available until expended, \$1,032,342, for the Fire
19 and Emergency Medical Services Department.

20 For emergency expenses to respond to the September
21 11, 2001, terrorist attacks on the United States, for a
22 Federal payment to the District of Columbia for Chemical
23

1 and Biological Weapons Preparedness, to be obligated
2 from amounts made available in Public Law 107–38 and
3 to remain available until expended, \$10,354,415, of which
4 \$204,920 is for the Fire and Emergency Medical Services
5 Department, \$258,170 is for the Metropolitan Policy De-
6 partment, and \$9,891,325 is for the Department of
7 Health.

8 For emergency expenses to respond to the September
9 11, 2001, terrorist attacks on the United States, for a
10 Federal payment to the District of Columbia for Pharma-
11 ceuticals for Responders, to be obligated from amounts
12 made available in Public Law 107–38 and to remain avail-
13 able until expended, \$2,100,000, for the Department of
14 Health.

15 Notwithstanding any other provision of law, all
16 amounts under this heading shall be apportioned quarterly
17 by the Office of Management and Budget. The Chief fi-
18 nancial Officer of the District of Columbia shall provide
19 quarterly reports to the President and the Committees on
20 Appropriations of the Senate and the House of Represent-
21 atives on the use of the funds under this heading begin-
22 ning no later than January 2, 2002.

1 DISTRICT OF COLUMBIA FUNDS
2 DIVISION OF EXPENSES

3 The following amounts are appropriated for the Dis-
4 trict of Columbia for the current fiscal year out of the
5 general fund of the District of Columbia and shall remain
6 available until expended.

7 For Protective Clothing and Breathing Apparatus, to
8 remain available until expended, \$12,144,209, of which
9 \$921,833 is for the Fire and Emergency Medical Services
10 Department, \$4,269,000 is for the Metropolitan Police
11 Department, \$1,500,000 is for the Department of Health,
12 \$453,376 is for the Department of Public Works, and
13 \$5,000,000 is for the Washington Metropolitan Area
14 Transit Authority.

15 For Specialized Hazardous Materials Equipment, to
16 remain available until expended, \$1,032,342, for the Fire
17 and Emergency Medical Services Department.

18 For Chemical and Biological Weapons Preparedness,
19 to remain available until expended, \$10,354,415, of which
20 \$204,920 is for the Fire and Emergency Medical Services
21 Department, \$258,170 is for the Metropolitan Police De-
22 partment, and \$9,891,325 is for the Department of
23 Health.

1 For Pharmaceuticals for Responders, to remain avail-
2 able until expended, \$2,100,000, for the Department of
3 Health.

4 CHAPTER 5

5 DEPARTMENT OF DEFENSE—CIVIL

6 CORPS OF ENGINEERS—CIVIL

7 OPERATION AND MAINTENANCE, GENERAL

8 For emergency expenses to respond to the September
9 11, 2001, terrorist attacks on the United States, for “Op-
10 eration and Maintenance, General” \$139,000,000, to re-
11 main available until expended, to be obligated from
12 amounts made available in Public Law 107–38.

13 DEPARTMENT OF THE INTERIOR

14 BUREAU OF RECLAMATION

15 WATER AND RELATED RESOURCES

16 For emergency expenses to respond to the September
17 11, 2001, terrorist attacks on the United States, for
18 “Water and Related Resources”, \$30,259,000, to remain
19 available until expended, to be obligated from amounts
20 made available in Public Law 107–38.

21 DEPARTMENT OF ENERGY

22 NATIONAL NUCLEAR SECURITY ADMINISTRATION

23 WEAPONS ACTIVITIES

24 For emergency expenses to respond to the September
25 11, 2001, terrorist attacks on the United States, and for

1 other expenses to increase the security of the Nation’s nu-
2 clear weapons complex, for “Weapons Activities”,
3 \$88,000,000, to remain available until expended, to be ob-
4 ligated from amounts made available in Public Law 107–
5 38.

6 DEFENSE NUCLEAR NONPROLIFERATION

7 For emergency expenses to respond to the September
8 11, 2001, terrorist attacks on the United States, and for
9 other expenses to increase the security of the Nation’s nu-
10 clear weapons complex, for “Defense Nuclear Non-
11 proliferation”, \$18,000,000, to remain available until ex-
12 pended, to be obligated from amounts made available in
13 Public Law 107–38.

14 ENVIRONMENTAL AND OTHER DEFENSE
15 ACTIVITIES

16 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
17 MANAGEMENT

18 For emergency expenses to respond to the September
19 11, 2001, terrorist attacks on the United States, for “De-
20 fense Environmental Restoration and Waste Manage-
21 ment”, \$8,200,000, to remain available until expended, to
22 be obligated from amounts made available in Public Law
23 107–38.

24 OTHER DEFENSE ACTIVITIES

25 For emergency expenses to respond to the September
26 11, 2001, terrorist attacks on the United States, and for

1 other expenses necessary to support activities related to
2 countering potential biological threats to civilian popu-
3 lations, for “Other Defense Activities”, \$3,500,000, to re-
4 main available until expended, to be obligated from
5 amounts made available in Public Law 107–38.

6 CHAPTER 6

7 DEPARTMENT OF THE INTERIOR

8 NATIONAL PARK SERVICE

9 OPERATION OF THE NATIONAL PARK SYSTEM

10 For emergency expenses to respond to the September
11 11, 2001, terrorist attacks on the United States for “Op-
12 eration of the National Park System”, \$10,098,000, to re-
13 main available until expended, to be obligated from
14 amounts made available in Public Law 107–38.

15 UNITED STATES PARK POLICE

16 For emergency expenses to respond to the September
17 11, 2001, terrorist attacks on the United States for the
18 “United States Park Police”, \$25,295,000, to remain
19 available until expended, to be obligated from amounts
20 made available in Public Law 107–38.

21 CONSTRUCTION

22 For emergency expenses to respond to the September
23 11, 2001, terrorist attacks on the United States for “Con-
24 struction”, \$21,624,000, to remain available until ex-
25 pended, to be obligated from amounts made available in
26 Public Law 107–38.

1 DEPARTMENTAL OFFICES

2 DEPARTMENTAL MANAGEMENT

3 SALARIES AND EXPENSES

4 For emergency expenses to respond to the September
5 11, 2001, terrorist attacks on the United States for “Sala-
6 ries and Expenses”, \$2,205,000, to remain available until
7 expended, to be obligated from amounts made available
8 in Public Law 107–38, for the working capital fund of
9 the Department of the Interior.

10 OTHER RELATED AGENCIES

11 SMITHSONIAN INSTITUTION

12 SALARIES AND EXPENSES

13 For emergency expenses to respond to the September
14 11, 2001, terrorist attacks on the United States for “Sala-
15 ries and Expenses” of the Smithsonian Institution,
16 \$21,707,000, to remain available until expended, to be ob-
17 ligated from amounts made available in Public Law 107–
18 38.

19 NATIONAL GALLERY OF ART

20 SALARIES AND EXPENSES

21 For emergency expenses to respond to the September
22 11, 2001, terrorist attacks on the United States for “Sala-
23 ries and Expenses” of the National Gallery of Art,
24 \$2,148,000, to remain available until expended, to be obli-

1 gated from amounts made available in Public Law 107–
2 38.

3 JOHN F. KENNEDY CENTER FOR THE
4 PERFORMING ARTS
5 OPERATIONS AND MAINTENANCE

6 For emergency expenses to respond to the September
7 11, 2001, terrorist attacks on the United States for “Op-
8 erations and Maintenance” of the John F. Kennedy Cen-
9 ter for the Performing Arts, \$4,310,000, to remain avail-
10 able until expended, to be obligated from amounts made
11 available in Public Law 107–38.

12 NATIONAL CAPITAL PLANNING COMMISSION
13 SALARIES AND EXPENSES

14 For emergency expenses to respond to the September
15 11, 2001, terrorist attacks on the United States for “Sala-
16 ries and Expenses” of the National Capital Planning Com-
17 mission, \$758,000, to be obligated from amounts made
18 available in Public Law 107–38.

19 CHAPTER 7

20 DEPARTMENT OF LABOR

21 EMPLOYMENT AND TRAINING ADMINISTRATION

22 For emergency expenses to respond to the September
23 11, 2001, terrorist attacks on the United States for
24 “Training and Employment Services” including temporary
25 health care coverage assistance, \$1,500,000,000 to be obli-

1 gated from amounts made available in Public Law 107–
2 38: *Provided*, That these funds shall be available for obli-
3 gation for the period beginning on the date of enactment
4 of this Act through the date ending 18 months after the
5 date of enactment of this Act, for carrying out section 173
6 of the Workforce Investment Act of 1998: *Provided fur-*
7 *ther*, That such funds may only be used by States to pro-
8 vide employment and training assistance, including tem-
9 porary health care coverage assistance, to dislocated work-
10 ers affected by a plant closure, mass layoff, or multiple
11 layoffs if the Governor certifies in the application for such
12 grants that the attacks of September 11, 2001, contrib-
13 uted importantly to such plant closures, mass layoffs, and
14 multiple layoffs: *Provided further*, That such funds may
15 be used by the State to assist a participant in the program
16 funded under such grants by paying up to 75 percent of
17 the amount of the premium for the health care coverage
18 of the participant and any dependents for a period not
19 to exceed 10 months: *Provided further*, That for purposes
20 of this paragraph, the term “health care coverage” means
21 health care coverage other than coverage under titles
22 XVIII, XIX, and XXI of the Social Security Act (other
23 than section 1928); chapter 55 of title 10, United States
24 Code; chapter 17 of title 38, United States Code; chapter
25 89 of title 5, United States Code (other than coverage

1 which is comparable to continuation coverage under sec-
2 tion 4980B of the Internal Revenue Code of 1986); the
3 Indian Health Care Improvement Act; or coverage under
4 a qualified long-term care insurance contract: *Provided*
5 *further*, That for purposes of this paragraph, the term
6 “premium” means, in connection with health care cov-
7 erage, the premium which would (but for this section) be
8 charged to the participant for the cost of coverage.

9 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
10 SERVICE OPERATIONS

11 For emergency expenses to respond to the September
12 11, 2001, terrorist attacks on the United States, for
13 “State Unemployment Insurance and Employment Service
14 Operations”, \$4,100,000, to remain available until ex-
15 pended, to be obligated from amounts made available in
16 Public Law 107–38.

17 PENSION AND WELFARE BENEFITS ADMINISTRATION
18 SALARIES AND EXPENSES

19 For emergency expenses to respond to the September
20 11, 2001, terrorist attacks on the United States for “Sala-
21 ries and Expenses”, \$1,600,000, to remain available until
22 expended, to be obligated from amounts made available
23 in Public Law 107–38.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For emergency expenses to respond to the September
4 11, 2001, terrorist attacks on the United States, for “Sal-
5 aries and Expenses”, \$1,000,000, to remain available
6 until expended, to be obligated from amounts made avail-
7 able in Public Law 107–38.

8 DEPARTMENTAL MANAGEMENT
9 SALARIES AND EXPENSES

10 For emergency expenses to respond to the September
11 11, 2001, terrorist attacks on the United States, for “Sal-
12 aries and Expenses”, \$5,880,000, to remain available
13 until expended, to be obligated from amounts made avail-
14 able in Public Law 107–38.

15 DEPARTMENT OF HEALTH AND HUMAN
16 SERVICES

17 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
18 FUND

19 For emergency expenses to respond to the September
20 11, 2001, terrorist attacks on the United States, and for
21 other expenses necessary to support activities related to
22 countering potential biological, disease, and chemical
23 threats to civilian populations, for “Public Health and So-
24 cial Services Emergency Fund”, \$1,990,600,000, to re-

1 main available until expended, to be obligated from
2 amounts made available in Public Law 107–38.

3 DEPARTMENT OF EDUCATION

4 SCHOOL IMPROVEMENT PROGRAMS

5 For emergency expenses to provide education-related
6 services to local educational agencies in which the learning
7 environment has been disrupted due to a violent or trau-
8 matic crisis, for the Project School Emergency Response
9 to Violence program, \$10,000,000, to remain available
10 until expended, and to be obligated from amounts made
11 available in Public Law 107–38.

12 RELATED AGENCIES

13 NATIONAL LABOR RELATIONS BOARD

14 SALARIES AND EXPENSES

15 For emergency expenses to respond to the September
16 11, 2001, terrorist attacks on the United States, for “Sal-
17 aries and Expenses”, \$180,000, to remain available until
18 expended, to be obligated from amounts made available
19 in Public Law 107–38.

20 SOCIAL SECURITY ADMINISTRATION

21 LIMITATION ON ADMINISTRATIVE EXPENSES

22 For emergency expenses to respond to the September
23 11, 2001, terrorist attacks on the United States, for
24 “Limitation on Administrative Expenses”, \$7,500,000, to

1 remain available until expended, to be obligated from
2 amounts made available in Public Law 107–38.

3 CHAPTER 8

4 LEGISLATIVE BRANCH

5 LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For emergency expenses to respond to the September
8 11, 2001, terrorist attacks on the United States,
9 \$256,081,000 to remain available until expended, to be
10 derived from the Emergency Response Fund established
11 by Public Law 107–38: *Provided*, That \$34,500,000 shall
12 be transferred to “SENATE—Sergeant at Arms and
13 Doorkeeper of the Senate” and shall be obligated with
14 prior notification to the Committee on Appropriations of
15 the Senate: *Provided further*, That \$40,712,000 shall be
16 transferred to “HOUSE OF REPRESENTATIVES—
17 Salaries and Expenses” and shall be obligated with prior
18 notification to the Committee on Appropriations of the
19 House of Representatives: *Provided further*, That
20 \$1,000,000 shall be transferred as a grant to the United
21 States Capitol Historical Society: *Provided further*, That
22 the remaining balance of \$179,869,000, together with any
23 other amounts provided to any entity in the legislative
24 branch which are derived from the Emergency Response
25 Fund established by Public Law 107–38 and which re-

1 main unobligated as of the date of the enactment of this
2 Act (other than any amounts provided to the House of
3 Representatives or Senate), shall be transferred to the
4 Capitol Police Board, who shall transfer to the affected
5 entities of the legislative branch such amounts as the Cap-
6 itol Police Board considers appropriate, with prior notifi-
7 cation to the Committees on Appropriations of the House
8 of Representatives and Senate.

9 HOUSE OF REPRESENTATIVES

10 ADMINISTRATIVE PROVISIONS

11 SEC. 801. (a) ACQUISITION OF BUILDINGS AND FA-
12 CILITIES.—Notwithstanding any other provision of law, in
13 order to respond to an emergency situation, the Chief Ad-
14 ministrative Officer of the House of Representatives may
15 acquire buildings and facilities, subject to the availability
16 of appropriations, for the use of the House of Representa-
17 tives by lease, purchase, or such other arrangement as the
18 Chief Administrative Officer considers appropriate (in-
19 cluding a memorandum of understanding with the head
20 of an Executive Agency, as defined in section 105 of title
21 5, United States Code, in the case of a building or facility
22 under the control of such Agency), subject to the approval
23 of the House Office Building Commission.

24 (b) AGREEMENTS.—Notwithstanding any other pro-
25 vision of law, for purposes of carrying out subsection (a),

1 the Chief Administrative Officer may carry out such ac-
2 tivities and enter into such agreements related to the use
3 of any building or facility acquired pursuant to such sub-
4 section as the Chief Administrative Officer considers ap-
5 propriate, including—

6 (1) agreements with the United States Capitol
7 Police or any other entity relating to the policing of
8 such building or facility; and

9 (2) agreements with the Architect of the Cap-
10 itol or any other entity relating to the care and
11 maintenance of such building or facility.

12 (c) AUTHORITY OF CAPITOL POLICE AND ARCHI-
13 TECT.—

14 (1) ARCHITECT OF THE CAPITOL.—Notwith-
15 standing any other provision of law, the Architect of
16 the Capitol may take any action necessary to carry
17 out an agreement entered into with the Chief Ad-
18 ministrative Officer pursuant to subsection (b).

19 (2) CAPITOL POLICE.—Section 9 of the Act of
20 July 31, 1946 (40 U.S.C. 212a) is amended—

21 (A) by striking “The Capitol Police” and
22 inserting “(a) The Capitol Police”; and

23 (B) by adding at the end the following new
24 subsection:

1 “(b) For purposes of this section, ‘the United States
2 Capitol Buildings and Grounds’ shall include any building
3 or facility acquired by the Chief Administrative Officer of
4 the House of Representatives for the use of the House
5 of Representatives for which the Chief Administrative Of-
6 ficer has entered into an agreement with the United States
7 Capitol Police for the policing of the building or facility.”.

8 (d) TRANSFER OF CERTAIN FUNDS.—Subject to the
9 approval of the Committee on Appropriations of the House
10 of Representatives, the Architect of the Capitol may trans-
11 fer to the Chief Administrative Officer amounts made
12 available to the Architect for necessary expenses for the
13 maintenance, care and operation of the House office build-
14 ings during a fiscal year in order to cover any portion of
15 the costs incurred by the Chief Administrative Officer dur-
16 ing the year in acquiring a building or facility pursuant
17 to subsection (a).

18 (e) EFFECTIVE DATE.—This section and the amend-
19 ments made by this section shall apply with respect to fis-
20 cal year 2002 and each succeeding fiscal year.

21 SEC. 802. (a) Notwithstanding any other provision
22 of law—

23 (1) subject to subsection (b), the Chief Admin-
24 istrative Officer of the House of Representatives and
25 the head of an Executive Agency (as defined in sec-

1 tion 105 of title 5, United States Code) may enter
2 into a memorandum of understanding under which
3 the Agency may provide facilities, equipment, sup-
4 plies, personnel, and other support services for the
5 use of the House of Representatives during an emer-
6 gency situation; and

7 (2) the Chief Administrative Officer and the
8 head of the Agency may take any action necessary
9 to carry out the terms of the memorandum of under-
10 standing.

11 (b) The Chief Administrative Officer of the House of
12 Representatives may not enter into a memorandum of un-
13 derstanding described in subsection (a)(1) without the ap-
14 proval of the Speaker of the House of Representatives.

15 (c) This section shall apply with respect to fiscal year
16 2002 and each succeeding fiscal year.

17 SEC. 803. (a) There is established in the House of
18 Representatives an office to be known as the House of
19 Representatives Office of Emergency Planning, Prepared-
20 ness, and Operations. The Office shall be responsible for
21 mitigation and preparedness operations, crisis manage-
22 ment and response, resource services, and recovery oper-
23 ations.

24 (b) There is established the House of Representatives
25 Continuity of Operations Board, comprised of the Clerk,

1 the Sergeant-at-Arms, and the Chief Administrative Offi-
2 cer of the House of Representatives. The Clerk shall be
3 the Chairman of the Board.

4 (c) The Board—

5 (1) shall appoint and set the annual rate of pay
6 for employees of the Office, including a Director,
7 who shall be the head of the Office and shall carry
8 out the day-to-day operations of the Office under the
9 supervision of the Board;

10 (2) shall exercise, with respect to any employee
11 of the Office, the authority referred to in section
12 8344(k)(2)(B) of title 5, United States Code, and
13 the authority referred to in section 8468(h)(2)(B) of
14 title 5, United States Code;

15 (3) shall approve procurement of services of ex-
16 perts and consultants by the Office or by committees
17 or other entities of the House of Representatives for
18 assignment to the Office; and

19 (4) may request the head of any Federal de-
20 partment or agency to detail to the Office, on a re-
21 imburseable basis, any of the personnel of the depart-
22 ment or agency.

23 (d) Until otherwise provided by law, funds shall be
24 available for the Office from amounts appropriated for the
25 operations of the House of Representatives.

1 (e) This section shall take effect on the date of the
2 enactment of this Act and shall apply to fiscal years begin-
3 ning with fiscal year 2002.

4 OTHER LEGISLATIVE BRANCH

5 ADMINISTRATIVE PROVISIONS

6 SEC. 804. (a) Section 1(c) of Public Law 96–152 (40
7 U.S.C. 206–1) is amended by striking “but not to exceed”
8 and all that follows and inserting the following: “but not
9 to exceed \$2,500 less than the lesser of the annual salary
10 for the Sergeant at Arms of the House of Representatives
11 or the annual salary for the Sergeant at Arms and Door-
12 keeper of the Senate.”.

13 (b) The Assistant Chief of the Capitol Police shall
14 receive compensation at a rate determined by the Capitol
15 Police Board, but not to exceed \$1,000 less than the an-
16 nual salary for the chief of the United States Capitol Po-
17 lice.

18 (c) This section and the amendment made by this sec-
19 tion shall apply with respect to pay periods beginning on
20 or after the date of the enactment of this Act.

21 SEC. 805. In addition to the authority provided under
22 section 121 of the Legislative Branch Appropriations Act,
23 2002, at any time on or after the date of the enactment
24 of this Act, the Capitol Police Board may accept contribu-
25 tions of recreational, comfort, and other incidental items

1 and services to support officers and employees of the
2 United States Capitol Police while such officers and em-
3 ployees are on duty in response to emergencies involving
4 the safety of human life or the protection of property.

5 SEC. 806. (a) Section 9 of the Act of July 31, 1946
6 (40 U.S.C. 212a) is amended by adding at the end the
7 following new subsection:

8 “(c)(1) For purposes of this section, ‘the United
9 States Capitol Buildings and Grounds’ shall include all
10 buildings and grounds of the United States Botanic Gar-
11 den, including the National Garden and Bartholdi Park.

12 “(2) For purposes of this section, the Joint Com-
13 mittee on the Library may suspend the application of sec-
14 tion 4 of this Act to the buildings and grounds described
15 in paragraph (1) in order to promote the interests of the
16 United States Botanic Garden.”.

17 (b) The amendment made by subsection (a) shall
18 apply with respect to fiscal year 2002 and each succeeding
19 fiscal year.

20 SEC. 807. (a) ASSISTANCE FOR CAPITOL POLICE
21 FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Not-
22 withstanding any other provision of law, Executive depart-
23 ments and Executive agencies may assist the United
24 States Capitol Police in the same manner and to the same
25 extent as such departments and agencies assist the United

1 States Secret Service under section 6 of the Presidential
2 Protection Assistance Act of 1976 (18 U.S.C. 3056 note),
3 except as may otherwise be provided in this section.

4 (b) TERMS OF ASSISTANCE.—Assistance under this
5 section shall be provided—

6 (1) consistent with the authority of the Capitol
7 Police under sections 9 and 9A of the Act of July
8 31, 1946 (40 U.S.C. 212a and 212a–2);

9 (2) upon the advance written request of—

10 (A) the Chairman of the Capitol Police
11 Board, or

12 (B) in the absence of the Chairman of the
13 Capitol Police Board—

14 (i) the Sergeant at Arms and Door-
15 keeper of the Senate, in the case of any
16 matter relating to the Senate; or

17 (ii) the Sergeant at Arms of the
18 House of Representatives, in the case of
19 any matter relating to the House; and

20 (3) either—

21 (A) on a temporary and reimbursable
22 basis, or

23 (B) on a permanent reimbursable basis
24 upon advance written request of the Chairman
25 of the Capitol Police Board.

1 (c) REPORTS ON EXPENDITURES FOR ASSIST-
2 ANCE.—

3 (1) REPORTS.—With respect to any fiscal year
4 in which an Executive department or Executive
5 agency provides assistance under this section, the
6 head of that department or agency shall submit a re-
7 port not later than 30 days after the end of the fis-
8 cal year to the Chairman of the Capitol Police
9 Board.

10 (2) CONTENTS.—The report submitted under
11 paragraph (1) shall contain a detailed account of all
12 expenditures made by the Executive department or
13 Executive agency in providing assistance under this
14 section during the applicable fiscal year.

15 (3) SUMMARY OF REPORTS.—After receipt of
16 all reports under paragraph (2) with respect to any
17 fiscal year, the Chairman of the Capitol Police
18 Board shall submit a summary of such reports to
19 the Committees on Appropriations of the Senate and
20 the House of Representatives.

21 (d) EFFECTIVE DATE.—This section shall apply with
22 respect to fiscal year 2002 and each succeeding fiscal year.

23 SEC. 808. (a) Notwithstanding any other provision
24 of law, the United States Capitol Preservation Commis-
25 sion established under section 801 of the Arizona-Idaho

1 Conservation Act of 1988 (40 U.S.C. 188a) may transfer
2 to the Architect of the Capitol amounts in the Capitol
3 Preservation Fund established under section 803 of such
4 Act (40 U.S.C. 188a–2) if the amounts are to be used
5 by the Architect for the planning, engineering, design, or
6 construction of the Capitol Visitor Center.

7 (b) Any amounts transferred pursuant to subsection
8 (a) shall remain available for the use of the Architect of
9 the Capitol until expended.

10 (c) This section shall apply with respect to fiscal year
11 2002 and each succeeding fiscal year.

12 SEC. 809. (a) Section 1 of Public Law 93–180 (40
13 U.S.C. 166d) is amended—

14 (1) by striking “secure, through rental, lease, or
15 other appropriate agreement, storage space” and in-
16 serting “acquire, through purchase, lease, or other
17 appropriate arrangement, property or space”;

18 (2) by inserting “the United States Capitol Po-
19 lice,” after “Representatives,”; and

20 (3) by striking “as such Commission and com-
21 mittee may authorize” and inserting “as the Archi-
22 tect deems reasonable and appropriate”.

23 (b) Nothing in the amendment made by subsection
24 (a) may be construed to affect the authority provided to
25 the Architect of the Capitol under section 128 of the Leg-

1 islative Branch Appropriations Act, 2002, to secure the
2 property described in such section.

3 (c) The amendment made by subsection (a) shall
4 apply with respect to fiscal year 2002 and each succeeding
5 fiscal year.

6 SEC. 810. (a) Public Law 107–68 is amended in the
7 item relating to “ARCHITECT OF THE CAPITOL—
8 CAPITOL VISITOR CENTER”—

9 (1) by striking “unassigned space in the”;

10 (2) by striking “for House space”; and

11 (3) by striking “for Senate space”.

12 (b) The amendment made by subsection (a) shall take
13 effect as if included in the enactment of Public Law 107–
14 68.

15 SEC. 811. (a) In accordance with the authority de-
16 scribed in section 308(a) of the Legislative Branch Appro-
17 priations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108
18 of the Legislative Branch Appropriations Act, 1991 (40
19 U.S.C. 166b–3b), as amended by section 129(c)(1) of the
20 Legislative Branch Appropriations Act, 2002, is amended
21 by adding at the end the following new subsection:

22 “(c) The Architect of the Capitol may fix the rate
23 of basic pay for not more than 4 positions for Executive
24 Project Directors whose salary is payable from project
25 funds, at a rate not to exceed 95 percent of the highest

1 total rate of pay for the Senior Executive Service under
2 subchapter VIII of chapter 53 of title 5, United States
3 Code, for the locality involved.”.

4 (b) The amendment made by subsection (a) shall
5 apply with respect to pay periods beginning on or after
6 October 1, 2001.

7 SEC. 812. (a) Public Law 107–68 is amended by add-
8 ing at the end the following:

9 “This Act may be cited as the ‘Legislative Branch
10 Appropriations Act, 2002’.”.

11 (b) The amendment made by subsection (a) shall take
12 effect as if included in the enactment of Public Law 107–
13 68.

14 CHAPTER 9

15 DEPARTMENT OF DEFENSE

16 MILITARY CONSTRUCTION

17 MILITARY CONSTRUCTION, ARMY

18 For emergency expenses to respond to the September
19 11, 2001, terrorist attacks on the United States, for “Mili-
20 tary Construction, Army”, \$55,700,000, to remain avail-
21 able until expended: *Provided*, That these funds shall be
22 obligated from amounts made available in Public Law
23 107–38.

1 MILITARY CONSTRUCTION, NAVY

2 For emergency expenses to respond to the September
3 11, 2001, terrorist attacks on the United States, for “Mili-
4 tary Construction, Navy”, \$2,000,000, to remain available
5 until expended: *Provided*, That these funds shall be obli-
6 gated from amounts made available in Public Law 107–
7 38.

8 MILITARY CONSTRUCTION, AIR FORCE

9 For emergency expenses to respond to the September
10 11, 2001, terrorist attacks on the United States, for “Mili-
11 tary Construction, Air Force”, \$47,700,000, to remain
12 available until expended: *Provided*, That these funds shall
13 be obligated from amounts made available in Public Law
14 107–38.

15 GENERAL PROVISIONS—THIS CHAPTER

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 901. The Secretary of Defense may transfer to
18 the “Defense Emergency Response Fund” amounts appro-
19 priated in Military Construction Appropriations Acts only
20 if the Secretary makes a determination that amounts in
21 the Fund are insufficient to carry out needed military con-
22 struction projects. In exercising the transfer authority pro-
23 vided by this section, the Secretary of Defense shall first
24 transfer unobligated balances remaining from fiscal year
25 2001 and earlier fiscal years before transferring any

1 amounts appropriated in the Military Construction Appro-
2 priations Act, 2002. Amounts so transferred shall be avail-
3 able solely for military construction projects, including ac-
4 tivities described in section 2802(b) of title 10, United
5 States Code. At least 10 days prior to each such transfer,
6 the Secretary of Defense shall notify the appropriate de-
7 fense committees, shall provide an accompanying form
8 1391, and shall describe the source of funds from which
9 the transfer is derived.

10 SEC. 902. Amounts made available to the Depart-
11 ment of Defense from funds appropriated in Public Law
12 107–38 and this Act may be used to carry out military
13 construction projects not otherwise authorized by law that
14 the Secretary of Defense determines are necessary to re-
15 spond to or protect against acts or threatened acts of ter-
16 rorism. At least 10 days prior to carrying out such mili-
17 tary construction project, the Secretary shall notify the
18 appropriate defense committees and shall provide an ac-
19 companying form 1391.

20 CHAPTER 10

21 DEPARTMENT OF TRANSPORTATION

22 OFFICE OF THE SECRETARY

23 SALARIES AND EXPENSES

24 For emergency expenses to respond to the September
25 11, 2001, terrorist attacks on the United States, for “Sal-

1 aries and Expenses”, \$458,000, to remain available until
2 expended, to be obligated from amounts made available
3 in Public Law 107–38.

4 TRANSPORTATION SECURITY ADMINISTRATION

5 For emergency expenses to respond to the September
6 11, 2001, terrorist attacks on the United States, for the
7 “Transportation Security Administration”, \$15,000,000,
8 to remain available until September 30, 2002, to be obli-
9 gated from amounts made available in Public Law 107–
10 38: *Provided*, That obligation of funds under this heading
11 is subject to enactment of legislation authorizing the es-
12 tablishment of such office.

13 AIRCRAFT PASSENGER AND BAGGAGE SCREENING

14 ACTIVITIES

15 For necessary expenses of the Secretary of Transpor-
16 tation to carry out responsibilities for the screening of pas-
17 sengers and property on passenger aircraft in air trans-
18 portation that originates in the United States or intrastate
19 air transportation that, on September 11, 2001, was per-
20 formed by an employee or agent of an air carrier, intra-
21 state air carrier, or foreign air carrier, \$1,000,000,000,
22 to remain available until expended: *Provided*, That none
23 of the funds under this heading may be obligated or ex-
24 pended until enactment of legislation authorizing: (1) the
25 conduct of such activities, whether by contract, grant, or

1 direct federal personnel, by an organization within the De-
2 partment of Transportation other than the Federal Avia-
3 tion Administration; (2) the collection of passenger and
4 baggage screening user fees designed to offset the cost of
5 these activities; and (3) the crediting of the fees as offset-
6 ting collections to the account financing the activities and
7 services for which the fee is imposed: *Provided further,*
8 That the sum herein appropriated shall be reduced, on a
9 dollar for dollar basis, as such offsetting collections are
10 received, so as to result in a final fiscal year 2002 appro-
11 priation of zero.

12 COAST GUARD

13 OPERATING EXPENSES

14 For emergency expenses to respond to the September
15 11, 2001, terrorist attacks on the United States, for “Op-
16 erating Expenses,” \$144,913,000, to remain available
17 until expended, to be obligated from amounts made avail-
18 able in Public Law 107–38.

19 FEDERAL AVIATION ADMINISTRATION

20 OPERATIONS

21 (AIRPORT AND AIRWAY TRUST FUND)

22 For emergency expenses to respond to the September
23 11, 2001, terrorist attacks on the United States, for “Op-
24 erations,” \$291,500,000, to be derived from the Airport
25 and Airway Trust Fund and to remain available until ex-

1 pending, to be obligated from amounts made available in
2 Public Law 107–38.

3 FACILITIES AND EQUIPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For emergency expenses to respond to the September
6 11, 2001, terrorist attacks on the United States, for “Fa-
7 cilities and Equipment”, \$175,000,000, to be derived from
8 the Airport and Airway Trust Fund and to remain avail-
9 able until expended, to be obligated from amounts made
10 available in Public Law 107–38.

11 FEDERAL HIGHWAY ADMINISTRATION

12 FEDERAL-AID HIGHWAYS

13 EMERGENCY RELIEF PROGRAM

14 (HIGHWAY TRUST FUND)

15 For emergency expenses to respond to the September
16 11, 2001, terrorist attacks on the United States, for the
17 “Emergency Relief Program” as authorized by section
18 125 of title 23, United States Code, \$75,000,000, to be
19 derived from the Highway Trust Fund and to remain
20 available until expended, to be included in the total of
21 amounts made available in Public Law 107–38.

22 FEDERAL RAILROAD ADMINISTRATION

23 SAFETY AND OPERATIONS

24 For emergency expenses to respond to the September
25 11, 2001, terrorist attacks on the United States, for

1 “Safety and Operations,” \$6,000,000, to remain available
2 until expended, to be obligated from amounts made avail-
3 able in Public Law 107–38.

4 FEDERAL TRANSIT ADMINISTRATION

5 FORMULA GRANTS

6 For emergency expenses to respond to the September
7 11, 2001, terrorist attacks on the United States, for “For-
8 mula Grants,” \$23,500,000, to remain available until ex-
9 pended, to be obligated from amounts made available in
10 Public Law 107–38.

11 RESEARCH AND SPECIAL PROGRAMS

12 ADMINISTRATION

13 RESEARCH AND SPECIAL PROGRAMS

14 For emergency expenses to respond to the September
15 11, 2001, terrorist attacks on the United States, for “Re-
16 search and Special Programs,” \$2,500,000, to remain
17 available until expended, to be obligated from amounts
18 made available in Public Law 107–38.

19 RELATED AGENCY

20 NATIONAL TRANSPORTATION SAFETY BOARD

21 SALARIES AND EXPENSES

22 For emergency expenses to respond to the September
23 11, 2001, terrorist attacks on the United States, for “Sal-
24 aries and Expenses,” \$465,000, to remain available until

1 expended, to be obligated from amounts made available
2 in Public Law 107–38.

3 CHAPTER 11

4 DEPARTMENT OF THE TREASURY

5 DEPARTMENTAL OFFICES

6 TREASURY INSPECTOR GENERAL FOR TAX

7 ADMINISTRATION

8 SALARIES AND EXPENSES

9 For emergency expenses to respond to the September
10 11, 2001, terrorist attacks on the United States, for “Sal-
11 aries and Expenses”, \$2,032,000, to remain available
12 until expended, to be obligated from amounts made avail-
13 able by Public Law 107–38.

14 FINANCIAL CRIMES ENFORCEMENT NETWORK

15 SALARIES AND EXPENSES

16 For emergency expenses to respond to the September
17 11, 2001, terrorist attacks on the United States, for “Sal-
18 aries and Expenses”, \$1,700,000, to remain available
19 until expended, to be obligated from amounts made avail-
20 able in Public Law 107–38.

21 FEDERAL LAW ENFORCEMENT TRAINING CENTER

22 SALARIES AND EXPENSES

23 For emergency expenses to respond to the September
24 11, 2001, terrorist attacks on the United States, for “Sal-
25 aries and Expenses”, \$23,231,000, to remain available

1 until expended, to be obligated from amounts made avail-
2 able in Public Law 107–38.

3 ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND
4 RELATED EXPENSES

5 For emergency expenses to respond to the September
6 11, 2001, terrorist attacks on the United States, for “Ac-
7 quisition, Construction, Improvements, and Related Ex-
8 penses”, \$8,500,000, to remain available until expended,
9 to be obligated from amounts made available in Public
10 Law 107–38: *Provided*, That, in order to expedite the ac-
11 quisition of architectural and engineering services for the
12 construction of facilities at the Cheltenham, Maryland,
13 training facility, the Federal Law Enforcement Training
14 Center may procure such services without regard to (1)
15 the competition requirements of section 303 of the Federal
16 Property and Administrative Services Act of 1949 (41
17 U.S.C. 253); (2) the 6 percent fee limitation on such serv-
18 ices set forth in section 304(b) of such Act (41 U.S.C.
19 254(b)); and (3) the procurement notice requirements of
20 section 18 of the Office of Federal Procurement Policy
21 Act (41 U.S.C. 416).

22 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
23 SALARIES AND EXPENSES

24 For emergency expenses to respond to the September
25 11, 2001, terrorist attacks on the United States, for “Sal-
26 aries and Expenses”, \$31,431,000, to remain available

1 until expended, to be obligated from amounts made avail-
2 able in Public Law 107–38, of which \$5,200,000 may be
3 used for necessary expenses of site acquisition, construc-
4 tion, operations, maintenance and repair of the special
5 purpose canine training facilities in Front Royal, Virginia.

6 UNITED STATES CUSTOMS SERVICE

7 SALARIES AND EXPENSES

8 For emergency expenses to respond to the September
9 11, 2001, terrorist attacks on the United States, for “Sal-
10 aries and Expenses”, to meet requirements, including
11 technology, along the northern border and at critical sea-
12 ports, \$160,146,000, to remain available until expended,
13 to be obligated from amounts made available in Public
14 Law 107–38.

15 In addition, for an additional amount for “Salaries
16 and Expenses” for response and recovery costs, a commer-
17 cial backup facility and enhanced security for the
18 Newington Data Center, and additional staffing and office
19 expenses for anti-money laundering and foreign oper-
20 ations, \$141,613,000, to remain available until expended,
21 to be obligated from amounts made available in Public
22 Law 107–38.

23 OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND
24 MARINE INTERDICTION PROGRAMS

25 For emergency expenses to respond to the September
26 11, 2001, terrorist attacks on the United States, for “Op-

1 eration, Maintenance and Procurement, Air and Marine
2 Interdiction Programs”, \$6,700,000, to remain available
3 until expended, to be obligated from amounts made avail-
4 able in Public Law 107–38.

5 INTERNAL REVENUE SERVICE

6 TAX LAW ENFORCEMENT

7 For emergency expenses to respond to the September
8 11, 2001, terrorist attacks on the United States, for “Tax
9 Law Enforcement”, \$4,544,000, to remain available until
10 expended, to be obligated from amounts made available
11 by Public Law 107–38.

12 UNITED STATES SECRET SERVICE

13 SALARIES AND EXPENSES

14 For emergency expenses to respond to the September
15 11, 2001, terrorist attacks on the United States, for “Sal-
16 aries and Expenses”, \$104,769,000, to remain available
17 until expended, to be obligated from amounts made avail-
18 able in Public Law 107–38.

19 INDEPENDENT AGENCIES

20 GENERAL SERVICES ADMINISTRATION

21 REAL PROPERTY ACTIVITIES

22 FEDERAL BUILDINGS FUND

23 For emergency expenses to respond to the September
24 11, 2001, terrorist attacks on the United States, for “Fed-
25 eral Buildings fund”, \$87,360,000, to remain available

1 until expended, to be obligated from amounts made avail-
2 able in Public Law 107–38.

3 CHAPTER 12

4 DEPARTMENT OF VETERANS AFFAIRS

5 DEPARTMENTAL ADMINISTRATION

6 GENERAL OPERATING EXPENSES

7 For emergency expenses to respond to the September
8 11, 2001, terrorist attacks on the United States for “Gen-
9 eral operating expenses”, \$2,000,000, to remain available
10 until expended, to be obligated from amounts made avail-
11 able in Public Law 107–38.

12 DEPARTMENT OF HOUSING AND URBAN

13 DEVELOPMENT

14 MANAGEMENT AND ADMINISTRATION

15 OFFICE OF INSPECTOR GENERAL

16 For emergency expenses to respond to the September
17 11, 2001, terrorist attacks on the United States for “Of-
18 fice of Inspector General”, \$1,000,000, to remain avail-
19 able until expended, to be obligated from amounts made
20 available in Public Law 107–38.

21 INDEPENDENT AGENCIES

22 ENVIRONMENTAL PROTECTION AGENCY

23 SCIENCE AND TECHNOLOGY

24 For emergency expenses to respond to the September
25 11, 2001, terrorist attacks on the United States for

1 “Science and technology”, \$10,000,000, to remain avail-
2 able until expended, to be obligated from amounts made
3 available in Public Law 107–38.

4 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

5 For emergency expenses to respond to the September
6 11, 2001, terrorist attacks on the United States for “En-
7 vironmental programs and management”, \$140,360,000,
8 to remain available until expended, to be obligated from
9 amounts made available in Public Law 107–38.

10 HAZARDOUS SUBSTANCE SUPERFUND

11 For emergency expenses to respond to the September
12 11, 2001, terrorist attacks on the United States, and to
13 support activities related to countering terrorism, for
14 “Hazardous substance superfund”, \$5,800,000, to remain
15 available until expended, to be obligated from amounts
16 made available in Public Law 107–38.

17 STATE AND TRIBAL ASSISTANCE GRANTS

18 For making grants for emergency expenses to re-
19 spond to the September 11, 2001, terrorist attacks on the
20 United States, and to support activities related to coun-
21 tering potential biological and chemical threats to popu-
22 lations, for “State and tribal assistance grants”,
23 \$5,000,000, to remain available until expended, to be obli-
24 gated from amounts made available in Public Law 107–
25 38.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 DISASTER RELIEF

3 For emergency expenses to respond to the September
4 11, 2001, terrorist attacks on the United States, for “Dis-
5 aster relief”, \$4,900,000,000, to remain available until ex-
6 pended, to be obligated from amounts made available in
7 Public Law 107–38.

8 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

9 For emergency expenses to respond to the September
10 11, 2001, terrorist attacks on the United States, for
11 “Emergency management planning and assistance”,
12 \$35,000,000, to remain available until expended, to be ob-
13 ligated from amounts made available in Public Law 107–
14 38, of which not less than \$10,000,000 shall be available
15 for support of the 2002 Winter Olympics.

16 SALARIES AND EXPENSES

17 For emergency expenses to respond to the September
18 11, 2001, terrorist attacks on the United States, for “Sal-
19 aries and expenses”, \$30,000,000 to remain available until
20 expended, to be obligated from amounts made available
21 in Public Law 107–38 of which not less than \$10,000,000
22 shall be used to enhance the capabilities of the National
23 Security Division.

1 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
2 HUMAN SPACE FLIGHT

3 For emergency expenses to respond to the September
4 11, 2001, terrorist attack on the United States, for
5 “Human space flight”, \$81,000,000, to remain available
6 until expended, to be obligated from amounts made avail-
7 able in Public Law 107–38.

8 SCIENCE, AERONAUTICS AND TECHNOLOGY

9 For emergency expenses to respond to the September
10 11, 2001, terrorist attacks on the United States, for
11 “Science, aeronautics and technology”, \$36,500,000, to
12 remain available until expended, to be obligated from
13 amounts made available in Public Law 107–38.

14 OFFICE OF INSPECTOR GENERAL

15 For emergency expenses to respond to the September
16 11, 2001, terrorist attacks on the United States, for “Of-
17 fice of Inspector General”, \$3,000,000, to remain avail-
18 able until expended, to the obligated from amounts made
19 available in Public Law 107–38.

20 NATIONAL SCIENCE FOUNDATION

21 RESEARCH AND RELATED ACTIVITIES

22 For emergency expenses to respond to the September
23 11, 2001, terrorist attacks on the United States, for “Re-
24 search and related activities”, \$300,000 to remain avail-
25 able until expended, to be obligated from amounts made
26 available in Public Law 107–38.

CHAPTER 13

1

2 GENERAL PROVISION—THIS DIVISION

2

3 SEC. 1301. No part of any appropriation contained
4 in this division shall remain available for obligation beyond
5 the current fiscal year unless expressly provided so herein.

6 This division may be cited as the “Emergency Sup-
7 plemental Act, 2002”.

Union Calendar No. 179

107TH CONGRESS
1ST SESSION

H. R. 3338

[Report No. 107-298]

A BILL

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

NOVEMBER 19, 2001

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