

Calendar No. 405

107TH CONGRESS
2^D SESSION

H. R. 4775

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2002

Received; read twice and placed on the calendar

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 2002, and for other pur-
4 poses, namely:

5 TITLE I—SUPPLEMENTAL APPROPRIATIONS

6 CHAPTER 1

7 DEPARTMENT OF AGRICULTURE

8 FOOD SAFETY AND INSPECTION SERVICE

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

20 FOOD AND NUTRITION SERVICE

21 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

22 WOMEN, INFANTS, AND CHILDREN (WIC)

23 For an additional amount for “Special Supplemental
24 Nutrition Program for Women, Infants, and Children
25 (WIC)”, \$75,000,000, to remain available until September

1 30, 2003, which shall be placed in reserve for use in only
2 such amounts, and in such manner, as the Secretary de-
3 termines necessary, notwithstanding section 17(i) of the
4 Child Nutrition Act.

5 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
6 SALARIES AND EXPENSES

7 For an additional amount for “Animal and Plant
8 Health Inspection Service, Salaries and Expenses”,
9 \$10,000,000, to remain available until expended, to assist
10 in State efforts to prevent and control transmissible
11 spongiform encephalopathy, including bovine spongiform
12 encephalopathy, chronic wasting disease, and scrapie, in
13 farmed and free-ranging animals: *Provided*, That the en-
14 tire amount shall be available only to the extent an official
15 budget request, that includes designation of the entire
16 amount of the request as an emergency requirement as
17 defined in the Balanced Budget and Emergency Deficit
18 Control Act of 1985, as amended, is transmitted by the
19 President to the Congress: *Provided further*, That the en-
20 tire amount is designated by the Congress as an emer-
21 gency requirement pursuant to section 251(b)(2)(A) of
22 such Act.

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

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

17 GENERAL PROVISIONS—THIS CHAPTER

18 SEC. 101. Of the funds made available for the Export
19 Enhancement Program, pursuant to section 301(e) of the
20 Agricultural Trade Act of 1978, as amended by Public
21 Law 104–127, not more than \$28,000,000 shall be avail-
22 able in fiscal year 2002.

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

4 FEDERAL BUREAU OF INVESTIGATION

5 SALARIES AND EXPENSES

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

21 IMMIGRATION AND NATURALIZATION SERVICE

22 SALARIES AND EXPENSES

23 ENFORCEMENT AND BORDER AFFAIRS

24 For an additional amount for “Salaries and Ex-
25 penses, Enforcement and Border Affairs” for emergency
26 expenses resulting from the September 11, 2001, terrorist

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

1 OFFICE OF JUSTICE PROGRAMS

2 JUSTICE ASSISTANCE

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

17 DEPARTMENT OF COMMERCE AND RELATED

18 AGENCIES

19 RELATED AGENCIES

20 OFFICE OF THE UNITED STATES TRADE

21 REPRESENTATIVE

22 SALARIES AND EXPENSES

23 For an additional amount for “Salaries and Ex-
24 penses” for emergency expenses for increased security re-
25 quirements, \$1,100,000, to remain available until ex-

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

11 DEPARTMENT OF COMMERCE

12 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
13 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

14 For an additional amount for “Scientific and Tech-
15 nical Research and Services” for emergency expenses re-
16 sulting from new homeland security activities and in-
17 creased security requirements, \$4,000,000: *Provided*, That
18 the entire amount is designated by the Congress as an
19 emergency requirement pursuant to section 251(b)(2)(A)
20 of the Balanced Budget and Emergency Deficit Control
21 Act of 1985, as amended.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 FISHERIES FINANCE PROGRAM ACCOUNT

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

11 DEPARTMENTAL MANAGEMENT
12 SALARIES AND EXPENSES

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

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

23 For an additional amount for “Care of the Building
24 and Grounds” for emergency expenses for the Supreme
25 Court building, \$10,000,000, to remain available until ex-

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

5 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
6 JUDICIAL SERVICES

7 SALARIES AND EXPENSES

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

1 DEPARTMENT OF STATE AND RELATED
2 AGENCY

3 DEPARTMENT OF STATE
4 ADMINISTRATION OF FOREIGN AFFAIRS
5 DIPLOMATIC AND CONSULAR PROGRAMS

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

14 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

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

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

4 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

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

13 INTERNATIONAL ORGANIZATIONS AND CONFERENCES

14 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

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

23 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

24 ACTIVITIES

25 For an additional amount for “Contributions for
26 International Peacekeeping Activities” to make United

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

7 RELATED AGENCY

8 BROADCASTING BOARD OF GOVERNORS

9 INTERNATIONAL BROADCASTING OPERATIONS

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

18 BROADCASTING CAPITAL IMPROVEMENTS

19 For an additional amount for “Broadcasting Capital
20 Improvements” for emergency expenses for activities re-
21 lated to combating international terrorism, \$7,700,000, to
22 remain available until expended: *Provided*, That the entire
23 amount is designated by the Congress as an emergency
24 requirement pursuant to section 251(b)(2)(A) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985,
26 as amended: *Provided further*, That the entire amount

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

4 GENERAL PROVISIONS

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

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

15 (1) by striking “is authorized to” and inserting
16 “shall”; and

17 (2) by striking “authorization” and inserting
18 “requirement”.

19 SEC. 203. (a)(1) During fiscal year 2002 and each
20 succeeding fiscal year, notwithstanding any provision of
21 the Federal Rules of Criminal Procedure to the contrary,
22 in order to permit victims of crimes associated with the
23 terrorist acts of September 11, 2001, to watch trial pro-
24 ceedings in the criminal case against Zacarias Moussaoui,
25 the trial court in that case shall order, subject to para-

1 graph (3) and subsection (b), closed circuit televising of
2 the trial proceedings to convenient locations the trial court
3 determines are reasonably necessary, for viewing by those
4 victims.

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

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

15 (ii) are the spouse, legal guardian, parent,
16 child, brother, or sister of, or who as determined by
17 the court have a relationship of similar significance
18 to, an individual described in subparagraph (A)(i), if
19 the latter individual is under 18 years of age, incom-
20 petent, incapacitated, has a serious injury, or dis-
21 ability that requires assistance of another person for
22 mobility, or is deceased.

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

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

8 (b) Except as provided in subsection (a), the terms
9 and restrictions of section 235(b), (c), (d) and (e) of the
10 Antiterrorism and Effective Death Penalty Act of 1996
11 (42 U.S.C. 10608(b), (c), (d), and (e)), shall apply to the
12 televising of trial proceedings under this section.

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

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, AIR FORCE

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

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$226,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$119,000,000 shall be available only to the extent that an official budget request for \$119,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

1 OPERATION AND MAINTENANCE, NAVY

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

15 OPERATION AND MAINTENANCE, AIR FORCE

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

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

4 OPERATION AND MAINTENANCE, DEFENSE-WIDE

5 For an additional amount for “Operation and Main-
6 tenance, Defense-Wide”, \$751,975,000, to remain avail-
7 able for obligation until September 30, 2003, of which
8 \$420,000,000 may be used, notwithstanding any other
9 provision of law, for payments to Pakistan, Jordan, and
10 other key cooperating nations for logistical and military
11 support provided to United States military operations in
12 connection with the Global War on Terrorism: *Provided*,
13 That such payments may be made in such amounts as
14 the Secretary may determine, in accordance with standard
15 accounting practices and procedures, in consultation with
16 the Director of the Office of Management and Budget and
17 15 days following notification to the appropriate Congres-
18 sional committees: *Provided further*, That amounts for
19 such payments shall be in addition to any other funds that
20 may be available for such purpose: *Provided further*, That
21 the entire amount is designated by the Congress as an
22 emergency requirement pursuant to section 251(b)(2)(A)
23 of the Balanced Budget and Emergency Deficit Control
24 Act of 1985, as amended: *Provided further*, That
25 \$12,975,000 shall be available only to the extent that an

1 official budget request for \$12,975,000, that includes des-
2 ignation of the entire amount of the request as an emer-
3 gency requirement as defined in the Balanced Budget and
4 Emergency Deficit Control Act of 1985, as amended, is
5 transmitted by the President to the Congress.

6 DEFENSE EMERGENCY RESPONSE FUND

7 (INCLUDING TRANSFER OF FUNDS)

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

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

19 PROCUREMENT

20 OTHER PROCUREMENT, ARMY

21 For an additional amount for “Other Procurement,
22 Army”, \$79,200,000, to remain available for obligation
23 until September 30, 2004: *Provided*, That the entire
24 amount is designated by the Congress as an emergency
25 requirement pursuant to section 251(b)(2)(A) of the Bal-

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

3 AIRCRAFT PROCUREMENT, NAVY

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

11 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
12 CORPS

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

20 OTHER PROCUREMENT, NAVY

21 For an additional amount for “Other Procurement,
22 Navy”, \$2,500,000, to remain available for obligation
23 until September 30, 2004: *Provided*, That the entire
24 amount is designated by the Congress as an emergency
25 requirement pursuant to section 251(b)(2)(A) of the Bal-

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

3 PROCUREMENT, MARINE CORPS

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

11 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 PROCUREMENT OF AMMUNITION, AIR FORCE

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

9 OTHER PROCUREMENT, AIR FORCE

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

17 PROCUREMENT, DEFENSE-WIDE

18 For an additional amount for “Procurement, De-
19 fense-Wide”, \$104,425,000, to remain available for obliga-
20 tion until September 30, 2004: *Provided*, That funds may
21 be used to purchase vehicles required for physical security
22 of personnel, notwithstanding price limitations applicable
23 to passenger vehicles, but not to exceed \$175,000 per vehi-
24 cle: *Provided further*, That \$99,500,000 is designated by
25 the Congress as an emergency requirement pursuant to

1 section 251(b)(2)(A) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985, as amended.

3 RESEARCH, DEVELOPMENT, TEST AND
4 EVALUATION

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 ARMY

7 For an additional amount for “Research, Develop-
8 ment, Test and Evaluation, Army”, \$8,200,000, to remain
9 available for obligation until September 30, 2003: *Pro-*
10 *vided*, That the entire amount is designated by the Con-
11 gress as an emergency requirement pursuant to section
12 251(b)(2)(A) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985, as amended.

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 NAVY

16 For an additional amount for “Research, Develop-
17 ment, Test and Evaluation, Navy”, \$9,000,000, to remain
18 available for obligation until September 30, 2003: *Pro-*
19 *vided*, That the entire amount is designated by the Con-
20 gress as an emergency requirement pursuant to section
21 251(b)(2)(A) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

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

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
17 DEFENSE-WIDE

18 For an additional amount for “Research, Develop-
19 ment, Test and Evaluation, Defense-Wide”, \$72,000,000,
20 to remain available for obligation until September 30,
21 2003: *Provided*, That the entire amount is designated by
22 the Congress as an emergency requirement pursuant to
23 section 251(b)(2)(A) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985, as amended: *Provided*
25 *further*, That \$20,000,000 shall be available only to the

1 extent that an official budget request for \$20,000,000,
2 that includes designation of the entire amount of the re-
3 quest as an emergency requirement as defined in the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985,
5 as amended, is transmitted by the President to the Con-
6 gress.

7 GENERAL PROVISIONS—THIS CHAPTER

8 SEC. 301. (a) The appropriation under the heading
9 “Research, Development, Test and Evaluation, Navy” in
10 the Department of Defense Appropriations Act, 2002
11 (Public Law 107–117) is amended by adding the following
12 proviso immediately after “September 30, 2003”: “: *Pro-*
13 *vided*, That funds appropriated in this paragraph which
14 are available for the V–22 may be used to meet unique
15 requirements of the Special Operations Forces”. (b) The
16 amendment made by subsection (a) shall be effective as
17 if enacted as part of the Department of Defense Appro-
18 priations Act, 2002.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 302. During the current fiscal year, amounts
21 in or credited to the Defense Cooperation Account under
22 10 U.S.C. 2608(b) shall be available for transfer, obliga-
23 tion and expenditure, consistent with the purposes for
24 which such amounts were contributed and accepted, by the
25 Secretary of Defense to such appropriations or funds of
26 the Department of Defense as the Secretary shall deter-

1 mine, to be merged with and to be available for the same
2 purposes and the same time period as the appropriation
3 or fund to which transferred: *Provided*, That the Secretary
4 shall provide written notification to the congressional de-
5 fense committees 30 days prior to such transfer: *Provided*
6 *further*, That this transfer authority is in addition to any
7 other transfer authority available to the Department of
8 Defense: *Provided further*, That the entire amount is des-
9 ignated by the Congress as an emergency requirement
10 pursuant to section 251(b)(2)(A) of the Balanced Budget
11 and Emergency Deficit Control Act of 1985, as amended:
12 *Provided further*, That the Secretary of Defense shall re-
13 port to the Congress quarterly all transfers made pursuant
14 to this authority.

15 SEC. 303. During fiscal year 2002, the President may
16 continue to provide assistance to Russia under cooperative
17 threat reduction programs and under title V of the Free-
18 dom Support Act (Public Law 102–511; 106 Stat. 3338)
19 without regard to the certification requirements in section
20 1203(d) of the Cooperative Threat Reduction Act of 1993
21 (22 U.S.C. 5952 (d)) and section 502 of the Freedom
22 Support Act (22 U.S.C. 5852) if the President submits
23 to the Speaker of the House of Representatives and the
24 President pro tempore of the Senate a certification that

1 providing such assistance is vital to the national security
2 interests of the United States.

3 SEC. 304. Funds appropriated by this Act, or made
4 available by the transfer of funds in this Act, for intel-
5 ligence activities are deemed to be specifically authorized
6 by the Congress for purposes of section 504 of the Na-
7 tional Security Act of 1947 (50 U.S.C. 414): *Provided*,
8 That any funds appropriated or transferred to the Central
9 Intelligence Agency for agent operations or covert action
10 programs authorized by the President under section 503
11 of the National Security Act of 1947, as amended, shall
12 remain available until September 30, 2003.

13 SEC. 305. Section 8005 of the Department of De-
14 fense Appropriations Act, 2002 (division A of Public Law
15 107–117; 115 Stat. 2247), is amended by striking “May
16 1, 2002” before the period at the end and inserting “June
17 15, 2002”.

18 SEC. 306. (a) Funds appropriated to the Department
19 of Defense for fiscal year 2002 for operation and mainte-
20 nance under the heading “Chemical Agents and Munitions
21 Destruction, Army”, may be used to pay for additional
22 costs of international inspectors from the Technical Secre-
23 tariat of the Organization for the Prohibition of Chemical
24 Weapons, pursuant to Articles IV and V of the Chemical
25 Weapons Convention, for inspections and monitoring of

1 Department of Defense sites and commercial sites that
2 perform services under contract to the Department of De-
3 fense, resulting from the Department of Defense's pro-
4 gram to accelerate its chemical demilitarization schedule.

5 (b) Expenses which may be paid under subsection (a)
6 include—

7 (1) salary costs for performance of inspection
8 and monitoring duties;

9 (2) travel, including travel to and from the
10 point of entry into the United States and internal
11 United States travel;

12 (3) per diem, not to exceed United Nations
13 rates and in compliance with United Nations condi-
14 tions for per diem for that organization; and

15 (4) expenses for operation and maintenance of
16 inspection and monitoring equipment.

17 SEC. 307. (a) In fiscal year 2002, funds available to
18 the Department of Defense for assistance to the Govern-
19 ment of Colombia shall be available to support a unified
20 campaign against narcotics trafficking, against activities
21 by organizations designated as terrorist organizations
22 such as the Revolutionary Armed Forces of Colombia
23 (FARC), the National Liberation Army (ELN), and the
24 United Self-Defense Forces of Colombia (AUC), and to
25 take actions to protect human health and welfare in emer-

1 gency circumstances, including undertaking rescue oper-
2 ations.

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

6 (c) The authority in this section is in addition to au-
7 thorities currently available to provide assistance to Co-
8 lombia.

9 SEC. 308. In addition to amounts appropriated or
10 otherwise made available elsewhere in this Act for the De-
11 partment of Defense or in the Department of Defense and
12 Emergency Supplemental Appropriations for Recovery
13 from and Response to Terrorist Attacks on the United
14 States Act, 2002 (Public Law 107–117), \$93,000,000, to
15 remain available until September 30, 2004, is hereby ap-
16 propriated to the Department of Defense for the procure-
17 ment of three MH–47 Chinook helicopters, as follows:
18 “Aircraft Procurement, Army”, \$63,000,000; and “Pro-
19 curement, Defense-Wide”, \$30,000,000: *Provided*, That
20 the entire amount made available in this section is des-
21 ignated by the Congress as an emergency requirement
22 pursuant to section 251(b)(2)(A) of the Balanced Budget
23 and Emergency Deficit Control Act of 1985, as amended:
24 *Provided further*, That the entire amount shall be available
25 only to the extent that an official budget request for

1 \$93,000,000, that includes designation of the entire
2 amount of the request as an emergency requirement as
3 defined in the Balanced Budget and Emergency Deficit
4 Control Act of 1985, as amended, is transmitted by the
5 President to the Congress.

6 SEC. 309. In addition to amounts appropriated or
7 otherwise made available elsewhere in this Act for the De-
8 partment of Defense or in the Department of Defense and
9 Emergency Supplemental Appropriations for Recovery
10 from and Response to Terrorist Attacks on the United
11 States Act, 2002 (Public Law 107–117), \$100,000,000,
12 to remain available until September 30, 2003, is hereby
13 appropriated to the Department of Defense under the
14 heading “Chemical Agents and Munitions Destruction,
15 Army” for Research, development, test and evaluation, for
16 the purpose of chemical agent destruction at Department
17 of Defense facilities in Aberdeen, Maryland, and Newport,
18 Indiana: *Provided*, That the entire amount made available
19 in this section is designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985, as amended: *Provided further*, That the entire
23 amount shall be available only to the extent that an official
24 budget request for \$100,000,000, that includes designa-
25 tion of the entire amount as an emergency requirement

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

4 (RESCISSIONS)

5 SEC. 310. Of the funds available in Department of
6 Defense Appropriations Acts or otherwise available to the
7 Department of Defense, the following funds are hereby re-
8 scinded, from the following accounts in the specified
9 amounts:

10 “Other Procurement, Air Force”, 2001/2003,
11 \$29,000,000; and “Procurement, Defense-Wide”,
12 2002/2004, \$30,000,000.

13 SEC. 311. Section 2533a of title 10, United States
14 Code, shall not apply to any transaction entered into to
15 acquire or sustain aircraft under the authority of section
16 8159 of the Department of Defense Appropriations Act,
17 2002 (division A of Public Law 107–117; 115 Stat. 2284).

18 SEC. 312. Notwithstanding any other provision of
19 law, not to exceed \$100,000,000, from appropriations
20 available to the Department of Defense from the “Defense
21 Emergency Response Fund”, may be made available only
22 to reimburse foreign nations for the costs of goods, serv-
23 ices, or use of facilities provided in direct support of oper-
24 ations by U.S. military forces in the global war on ter-
25 rorism: *Provided*, That such reimbursements shall be de-
26 termined and paid in accordance with standard accounting

1 practices and procedures: *Provided further*, That the Sec-
 2 retaries of Defense and State shall jointly provide a writ-
 3 ten notification to the Committees on Appropriations of
 4 the House of Representatives and the Senate 15 days
 5 prior to any proposed commitment and obligation of funds
 6 pursuant to this section, describing each proposed use of
 7 funds and the proposed sources of funds: *Provided further*,
 8 That funds proposed for obligation pursuant to the imme-
 9 diately preceding proviso shall not be made available for
 10 obligation without the prior approval of the Committees
 11 on Appropriations.

12 CHAPTER 4

13 DISTRICT OF COLUMBIA

14 DISTRICT OF COLUMBIA FUNDS

15 OPERATING EXPENSES

16 DIVISION OF EXPENSES

17 GOVERNMENTAL DIRECTION AND SUPPORT

18 The paragraph under this heading in the District of
 19 Columbia Appropriations Act, 2002 (Public Law 107–96)
 20 is amended by striking: “*Provided further*, That not less
 21 than \$353,000 shall be available to the Office of the Cor-
 22 poration Counsel to support increases in the Attorney Re-
 23 tention Allowance:” and inserting: “*Provided further*, That
 24 not less than \$353,000 shall be available to the Office of
 25 the Corporation Counsel to support attorney compensation

1 consistent with performance measures contained in a ne-
2 gotiated collective bargaining agreement.”.

3 PUBLIC EDUCATION SYSTEM

4 (RESCISSION)

5 Notwithstanding any other provision of law, of the
6 local funds appropriated under this heading for public
7 charter schools for the fiscal year ending September 30,
8 2002, in the District of Columbia Appropriations Act,
9 2002, approved December 21, 2001 (Public Law 107–96;
10 115 Stat. 935), \$37,000,000 are rescinded.

11 HUMAN SUPPORT SERVICES

12 For an additional amount for “human support serv-
13 ices”, \$37,000,000 from local funds: *Provided*, That
14 \$11,000,000 shall be for the Child and Family Services
15 Agency and \$26,000,000 shall be for the Department of
16 Mental Health.

17 REPAYMENT OF LOANS AND INTEREST

18 (RESCISSION)

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

22 CERTIFICATES OF PARTICIPATION

23 For principal and interest payments on the District’s
24 Certificates of Participation, issued to finance the One Ju-
25 diciary Square ground lease underlying the building lo-

1 cated at One Judiciary Square, \$7,950,000 from local
2 funds.

3 ADMINISTRATIVE PROVISION

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

7 “(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER
8 REPORT AND COUNCIL APPROVAL.—

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

12 “(A) the Chief Financial Officer of the
13 District of Columbia submits to the Council a
14 report setting forth detailed information regard-
15 ing such grant; and

16 “(B) the Council has reviewed and ap-
17 proved the acceptance, obligation, and expendi-
18 ture of such grant.

19 “(2) For purposes of paragraph (1)(B), the
20 Council shall be deemed to have reviewed and ap-
21 proved the acceptance, obligation, and expenditure of
22 a grant if—

23 “(A) no written notice of disapproval is
24 filed with the Secretary of the Council within
25 14 calendar days of the receipt of the report

1 from the Chief Financial Officer under para-
2 graph (1)(A); or

3 “(B) if such a notice of disapproval is filed
4 within such deadline, the Council does not by
5 resolution disapprove the acceptance, obligation,
6 or expenditure of the grant within 30 calendar
7 days of the initial receipt of the report from the
8 Chief Financial Officer under paragraph
9 (1)(A).”.

10 GENERAL PROVISIONS—THIS CHAPTER

11 SEC. 401. The District of Columbia may use up to
12 1 percent of the funds appropriated to the District of Co-
13 lumbia under the Emergency Supplemental Act, 2002, ap-
14 proved January 10, 2002 (Public Law 107–117; 115 Stat.
15 2230), to fund the administrative costs that are needed
16 to fulfill the purposes of that Act. The District may use
17 these funds for this purpose as of January 10, 2002.

18 SEC. 402. Section 16(d)(2) of the Victims of Violent
19 Crime Compensation Act of 1996 (sec. 4–515(d)(2), D.C.
20 Official Code), as amended by the District of Columbia
21 Appropriations Act, 2002, approved December 21, 2001
22 (Public Law 107–96; 115 Stat. 928) is amended to read
23 as follows: “(2) 50 percent of such balance shall be trans-
24 ferred from the Fund to the Mayor and shall be used with-
25 out fiscal year limitation for outreach activities designed

1 to increase the number of crime victims who apply for such
2 direct compensation payments.”.

3 SEC. 403. (a) Notwithstanding any other provision
4 of law, the positive fund balance of the general fund of
5 the District government which remained at the end of fis-
6 cal year 2000 (as reflected in the complete financial state-
7 ment and report on the activities of the District govern-
8 ment for such fiscal year under section 448(a)(4) of the
9 District of Columbia Home Rule Act) shall be used during
10 fiscal year 2002 to provide the minimum balances required
11 for fiscal year 2002 for the emergency reserve fund under
12 section 450A of the District of Columbia Home Rule Act
13 and the contingency reserve fund under section 450B of
14 such Act.

15 (b) To the extent that the amount of the positive fund
16 balance described in subsection (a) exceeds the amount re-
17 quired to provide the minimum balances in the reserve
18 funds described in such subsection, the District govern-
19 ment shall use the excess amount—

20 (1) to address potential deficits in the budget of
21 the District government for fiscal year 2002, subject
22 to the same conditions applicable under section
23 202(j)(3) of the District of Columbia Financial Re-
24 sponsibility and Management Assistance Act of 1995
25 to the obligation and expenditure of the budget re-

1 serve and cumulative cash reserve under such sec-
2 tion; or

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

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

12 (d)(1) The item relating to “District of Columbia
13 Funds—Operating Expenses—Repayment of Loans and
14 Interest” in the District of Columbia Appropriations Act,
15 2002 (Public Law 107–96; 115 Stat. 940) is amended by
16 striking “That any funds set aside” and all that follows
17 through “That for equipment leases,” and inserting “That
18 for equipment leases,”.

19 (2) Section 159(c) of the District of Columbia Appro-
20 priations Act, 2001 (Public Law 106–522; 114 Stat.
21 2482), as amended by section 133(c) of the District of
22 Columbia Appropriations Act, 2002 (Public Law 107–96;
23 115 Stat. 956) is amended by striking paragraph (3).

1 of, the U.S. Army Corps of Engineers, including adminis-
2 trative buildings and facilities.

3 DEPARTMENT OF ENERGY

4 ENERGY PROGRAMS

5 SCIENCE

6 For an additional amount for “Science” for emer-
7 gency expenses necessary to support safeguards and secu-
8 rity activities, \$29,000,000: *Provided*, That the entire
9 amount shall be available only to the extent an official
10 budget request for \$29,000,000, that includes designation
11 of the entire amount of the request as an emergency re-
12 quirement as defined in the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985, as amended, is trans-
14 mitted by the President to the Congress: *Provided further*,
15 That the entire amount is designated by the Congress as
16 an emergency requirement pursuant to section
17 251(b)(2)(A) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985, as amended.

19 NATIONAL NUCLEAR SECURITY ADMINISTRATION

20 WEAPONS ACTIVITIES

21 For an additional amount for “Weapons Activities”
22 for emergency expense resulting from the September 11,
23 2001, terrorist attacks, \$125,400,000: *Provided*, That
24 \$106,000,000 shall be available only to the extent that an
25 official budget request for a specific dollar amount, that

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

9 DEFENSE NUCLEAR NONPROLIFERATION

10 For an additional amount for “Defense Nuclear Non-
11 proliferation” for international safeguards activities,
12 \$5,000,000: *Provided*, That the entire amount shall be
13 available only to the extent an official budget request for
14 \$5,000,000, that includes designation of the entire
15 amount of the request as an emergency requirement as
16 defined in the Balanced Budget and Emergency Deficit
17 Control Act of 1985, as amended, is transmitted by the
18 President to the Congress: *Provided further*, That the en-
19 tire amount is designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985, as amended.

1 ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES
2 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE
3 MANAGEMENT

4 For an additional amount for “Defense Environ-
5 mental Restoration and Waste Management” for emer-
6 gency expenses necessary to support safeguards and secu-
7 rity activities, \$67,000,000: *Provided*, That the entire
8 amount shall be available only to the extent an official
9 budget request for \$67,000,000, that includes designation
10 of the entire amount of the request as an emergency re-
11 quirement as defined in the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985, as amended, is trans-
13 mitted by the President to the Congress: *Provided further*,
14 That the entire amount is designated by the Congress as
15 an emergency requirement pursuant to section
16 251(b)(2)(A) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985, as amended.

18 DEFENSE FACILITIES CLOSURE PROJECTS

19 For an additional amount for “Defense Facilities Clo-
20 sure Projects” for emergency expense necessary to support
21 safeguards and security activities, \$16,600,000: *Provided*,
22 That the entire amount shall be available only to the ex-
23 tent an official budget request for \$16,600,000, that in-
24 cludes designation of the entire amount of the request as
25 an emergency requirement as defined in the Balanced

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

7 OTHER DEFENSE ACTIVITIES

8 For an additional amount for “Other Defense Activi-
9 ties” for emergency expenses necessary to support energy
10 security and assurance activities, \$7,000,000: *Provided*,
11 That the entire amount is designated by the Congress as
12 an emergency requirement pursuant to section
13 251(b)(2)(A) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended.

15 CHAPTER 6

16 BILATERAL ECONOMIC ASSISTANCE

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 UNITED STATES AGENCY FOR INTERNATIONAL

19 DEVELOPMENT

20 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

21 For an additional amount for “Child Survival and
22 Health Programs Fund” for emergency expenses for ac-
23 tivities related to combating AIDS, tuberculosis, and ma-
24 laria, \$200,000,000, to remain available until December
25 30, 2002: *Provided*, That funds appropriated in this Act
26 and in prior Acts under this heading and under the head-

1 ing “Child Survival and Disease Programs Fund” and
2 made available for the Global Fund to Fight AIDS, Tu-
3 berculosis, and Malaria shall not exceed 40 percent of the
4 total resources pledged by all donors to the Global Fund
5 for calendar year 2002: *Provided further*, That the entire
6 amount is designated by the Congress as an emergency
7 requirement pursuant to section 251(b)(2)(A) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985,
9 as amended: *Provided further*, That the entire amount pro-
10 vided shall be available only to the extent an official budg-
11 et request that includes designation of the entire amount
12 of the request as an emergency requirement as defined in
13 the Balanced Budget and Emergency Deficit Control Act
14 of 1985, as amended, is transmitted by the President to
15 the Congress.

16 INTERNATIONAL DISASTER ASSISTANCE

17 For an additional amount for “International Disaster
18 Assistance” for emergency expenses for activities related
19 to combating international terrorism, \$190,000,000, to re-
20 main available until September 30, 2003: *Provided*, That
21 the entire amount is designated by the Congress as an
22 emergency requirement pursuant to section 251(b)(2)(A)
23 of the Balanced Budget and Emergency Deficit Control
24 Act of 1985, as amended: *Provided further*, That the entire
25 amount provided shall be available only to the extent an
26 official budget request that includes designation of the en-

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

5 OPERATING EXPENSES OF THE UNITED STATES AGENCY
6 FOR INTERNATIONAL DEVELOPMENT

7 For an additional amount for “Operating Expenses
8 of the United States Agency for International Develop-
9 ment” for emergency expenses for activities related to
10 combating international terrorism, \$7,000,000: *Provided*,
11 That the entire amount is designated by the Congress as
12 an emergency requirement pursuant to section
13 251(b)(2)(A) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended.

15 OTHER BILATERAL ECONOMIC ASSISTANCE
16 ECONOMIC SUPPORT FUND

17 For an additional amount for “Economic Support
18 Fund” for emergency expenses for activities related to
19 combating international terrorism, \$460,000,000, to re-
20 main available until September 30, 2003: *Provided*, That
21 the entire amount is designated by the Congress as an
22 emergency requirement pursuant to section 251(b)(2)(A)
23 of the Balanced Budget and Emergency Deficit Control
24 Act of 1985, as amended: *Provided further*, That funds
25 appropriated under this heading, and funds appropriated
26 under this heading in prior Acts that are made available

1 for the purposes of this paragraph, may be made available
2 notwithstanding section 512 of the Foreign Operations,
3 Export Financing, and Related Programs Appropriations
4 Act, 2002 or any similar provision of law.

5 In addition, for an additional amount for “Economic
6 Support Fund”, \$250,000,000, to remain available until
7 September 30, 2003: *Provided*, That \$200,000,000 of the
8 funds appropriated in this paragraph shall be made avail-
9 able for assistance for Israel for activities relating to com-
10 bating international terrorism: *Provided further*, That
11 \$50,000,000 of the funds appropriated in this paragraph
12 shall be transferred to “International Disaster Assist-
13 ance” to be made available for humanitarian and refugee
14 assistance for the West Bank and Gaza: *Provided further*,
15 That none of the funds provided in the preceding proviso
16 shall be available for assistance for the Palestinian Au-
17 thority: *Provided further*, That the entire amount is des-
18 ignated by the Congress as an emergency requirement
19 pursuant to section 251(b)(2)(A) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985, as amended:
21 *Provided further*, That the entire amount provided shall
22 be available only to the extent an official budget request
23 that includes designation of the entire amount of the re-
24 quest as an emergency requirement as defined in the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985,

1 as amended, is transmitted by the President to the Con-
2 gress.

3 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
4 FORMER SOVIET UNION

5 For an additional amount for “Assistance for the
6 Independent States of the Former Soviet Union” for
7 emergency expenses for activities related to combating
8 international terrorism, \$110,000,000, to remain available
9 until September 30, 2003: *Provided*, That the entire
10 amount is designated by the Congress as an emergency
11 requirement pursuant to section 251(b)(2)(A) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended.

14 DEPARTMENT OF STATE
15 INTERNATIONAL NARCOTICS CONTROL AND LAW
16 ENFORCEMENT

17 For an additional amount for “International Nar-
18 cotics Control and Law Enforcement” for emergency ex-
19 penses for activities related to combating international ter-
20 rorism, \$120,000,000, to remain available until September
21 30, 2003: *Provided*, That the entire amount is designated
22 by the Congress as an emergency requirement pursuant
23 to section 251(b)(2)(A) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985, as amended.

1 MIGRATION AND REFUGEE ASSISTANCE

2 For an additional amount for “Migration and Ref-
3 ugee Assistance” for emergency expenses for activities re-
4 lated to combating international terrorism, \$10,000,000,
5 to remain available until September 30, 2003: *Provided*,
6 That the entire amount is designated by the Congress as
7 an emergency requirement pursuant to section
8 251(b)(2)(A) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985, as amended: *Provided further*,
10 That the entire amount provided shall be available only
11 to the extent an official budget request that includes des-
12 ignation of the entire amount of the request as an emer-
13 gency requirement as defined of the Balanced Budget and
14 Emergency Deficit Control Act of 1985, as amended, is
15 transmitted by the President to the Congress.

16 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
17 RELATED PROGRAMS

18 For an additional amount for “Nonproliferation,
19 Anti-Terrorism, Demining and Related Programs” for
20 emergency expenses for activities related to combating
21 international terrorism, \$83,000,000, to remain available
22 until September 30, 2003: *Provided*, That the entire
23 amount is designated by the Congress as an emergency
24 requirement pursuant to section 251(b)(2)(A) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985,
26 as amended.

1 MILITARY ASSISTANCE
2 FUNDS APPROPRIATED TO THE PRESIDENT
3 FOREIGN MILITARY FINANCING PROGRAM

4 For an additional amount for “Foreign Military Fi-
5 nancing Program” for emergency expenses for activities
6 related to combating international terrorism,
7 \$366,500,000: *Provided*, That the entire amount is des-
8 ignated by the Congress as an emergency requirement
9 pursuant to section 251(b)(2)(A) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985, as amended:
11 *Provided further*, That funds appropriated under this
12 heading, and funds appropriated under this heading in
13 prior Acts that are made available for the purposes of this
14 paragraph, may be made available notwithstanding section
15 512 of the Foreign Operations, Export Financing, and Re-
16 lated Programs Appropriations Act, 2002 or any similar
17 provision of law: *Provided further*, That not to exceed
18 \$2,000,000 of the funds appropriated in this paragraph
19 may be obligated for necessary expenses, including the
20 purchase of passenger motor vehicles for use outside of
21 the United States, for the general cost of administering
22 military assistance and sales.

23 PEACEKEEPING OPERATIONS

24 For an additional amount for “Peacekeeping Oper-
25 ations” for emergency expenses for activities related to
26 combating international terrorism, \$20,000,000, to re-

1 main available until September 30, 2003: *Provided*, That
2 the entire amount of designated by the Congress as an
3 emergency requirement pursuant to section 251(b)(2)(A)
4 of the Balanced Budget and Emergency Deficit Control
5 Act of 1985, as amended: *Provided further*, That funds
6 appropriated under this heading, and funds appropriated
7 under this heading in prior Acts that are made available
8 for the purposes of this paragraph, may be made available
9 notwithstanding section 512 of the Foreign Operations,
10 Export Financing, and Related Programs Appropriations
11 Act, 2002 or any similar provision of law.

12 MULTILATERAL ECONOMIC ASSISTANCE

13 FUNDS APPROPRIATED TO THE PRESIDENT

14 SPECIAL PAYMENTS TO THE INTERNATIONAL FINANCIAL

15 INSTITUTIONS

16 (RESCISSION)

17 The unobligated balances of funds provided in Public
18 Law 92–301 and Public Law 93–142 for maintenance of
19 value payments to international financial institutions are
20 hereby rescinded.

21 GENERAL PROVISIONS—THIS CHAPTER

22 SEC. 601. (a) In fiscal year 2002, funds available to
23 the Department of State for assistance to the Government
24 of Colombia shall be available to support a unified cam-
25 paign against narcotics trafficking, against activities by
26 organizations designated as terrorist organizations such as

1 the Revolutionary Armed Forces of Colombia (FARC), the
2 National Liberation Army (ELN), and the United Self-
3 Defense Forces of Colombia (AUC), and to take actions
4 to protect human health and welfare in emergency cir-
5 cumstances, including undertaking rescue operations.

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

9 (c) The authority in this section is in addition to au-
10 thorities currently available to provide assistance to Co-
11 lombia.

12 (RESCISSION)

13 SEC. 602. Of the funds appropriated under the head-
14 ings “Development Assistance” and “Economic Support
15 Fund” in title II of the Foreign Operations, Export Fi-
16 nancing, and Related Programs Appropriations Act, 2000
17 (as contained in Public Law 106–113) and in prior Acts
18 making appropriations for foreign operations, export fi-
19 nancing, and related programs, \$60,000,000 are re-
20 scinded.

21 ANDEAN SECURITY STRATEGY

22 SEC. 603. (a) Not later than 30 days after the date
23 of the enactment of this Act, the President shall transmit
24 to the appropriate congressional committees a report on
25 the United States policy and strategy to assist Colombia

1 as well as to achieve a robust security environment in the
2 Andean region.

3 (b) The report required by subsection (a) shall ad-
4 dress the following:

5 (1) The key objectives of the United States as-
6 sistance to the Government of Colombia.

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

11 (3) The role of the United States in the efforts
12 of the Government of Colombia to provide security
13 within the country.

14 (4) How the strategy regarding Colombia re-
15 lates to and affects the strategy of the United States
16 to achieve regional security between, and within, An-
17 dean countries, and how those Andean countries are
18 working with Colombia to achieve regional security.

19 (5) A strategy, time schedule, and cost esti-
20 mates for providing material, technical, and
21 logistical support to the Government of Colombia to
22 assist it contain and eliminate the threat which the
23 United Self-Defense Forces (AUC) of Colombia
24 poses to the national security of that country.

1 funds shall be available only to the extent that an official
2 budget request for a specific dollar amount, that includes
3 designation of the entire amount as an emergency require-
4 ment as defined by such Act, is transmitted by the Presi-
5 dent to the Congress.

6 UNITED STATES FISH AND WILDLIFE SERVICE

7 RESOURCE MANAGEMENT

8 For an additional amount for “Resource Manage-
9 ment”, \$1,443,000, for emergency security expenses, to
10 remain available until expended: *Provided*, That the entire
11 amount is designated by the Congress as an emergency
12 requirement pursuant to section 251(b)(2)(A) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985,
14 as amended: *Provided further*, That these funds shall be
15 available only to the extent that an official budget request
16 for a specific dollar amount, that includes designation of
17 the entire amount as an emergency requirement as defined
18 by such Act, is transmitted by the President to the Con-
19 gress.

20 NATIONAL PARK SERVICE

21 OPERATION OF THE NATIONAL PARK SYSTEM

22 For an additional amount for “Operation of the Na-
23 tional Park System”, \$1,173,000, for emergency security
24 expenses, to remain available until expended: *Provided*,
25 That the entire amount is designated by the Congress as

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

9 CONSTRUCTION

10 For an additional amount for “Construction”,
11 \$19,300,000, for emergency security expenses, to remain
12 available until expended: *Provided*, That the entire amount
13 is designated by the Congress as an emergency require-
14 ment pursuant to section 251(b)(2)(A) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985, as
16 amended: *Provided further*, That these funds shall be
17 available only to the extent that an official budget request
18 for a specific dollar amount, that includes designation of
19 the entire amount as an emergency requirement as defined
20 by such Act, is transmitted by the President to the Con-
21 gress.

22 UNITED STATES GEOLOGICAL SURVEY
23 SURVEYS, INVESTIGATIONS, AND RESEARCH

24 For an additional amount for “Surveys, Investiga-
25 tions, and Research”, \$25,700,000, for emergency secu-

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

11 BUREAU OF INDIAN AFFAIRS

12 OPERATION OF INDIAN PROGRAMS

13 (INCLUDING RESCISSION OF FUNDS)

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

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

5 Funds provided under this heading in Public Law
6 107–20, for electric power operations and related activities
7 at the San Carlos Irrigation Project, and remaining within
8 the account may be used for unanticipated trust reform
9 projects and costs related to the ongoing Cobell litigation
10 or other litigation concerning the management of Indian
11 trust funds: *Provided*, That funds made available herein
12 may, as needed, be transferred to or merged with any ac-
13 count funded in the Interior and Related Agencies Appro-
14 priations Act to reimburse costs incurred for these litiga-
15 tion activities.

16 DEPARTMENTAL OFFICES

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-
20 penses”, \$905,000, for emergency security expenses, to re-
21 main available until expended: *Provided*, That the entire
22 amount is designated by the Congress as an emergency
23 requirement pursuant to section 251(b)(2)(A) of the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985,
25 as amended: *Provided further*, That these funds shall be

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

6 RELATED AGENCY

7 SMITHSONIAN INSTITUTION

8 SALARIES AND EXPENSES

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

21 CONSTRUCTION

22 For an additional amount for “Construction”, for
23 emergency security expenses, \$2,000,000, to remain avail-
24 able until expended: *Provided*, That the entire amount is
25 designated by the Congress as an emergency requirement

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

8 GENERAL PROVISIONS—THIS CHAPTER

9 SEC. 701. Within 10 days of enactment of this Act,
10 funds appropriated to the Forest Service under the head-
11 ing “Wildland Fire Management” in Public Law 107–63
12 for the following purposes: \$5,000,000 for research activi-
13 ties and \$10,000,000 for capital improvement and mainte-
14 nance of fire facilities shall be released and made available
15 for immediate obligation. These funds are not available for
16 transfer for purposes other than those described in this
17 section.

18 SEC. 702. None of the funds appropriated in this or
19 any other Act, except funds appropriated to the Office of
20 Management and Budget, shall be available to study the
21 transfer of any research activities from the Smithsonian
22 Institution to the National Science Foundation.

23 SEC. 703. In fiscal year 2002 and thereafter, the Sec-
24 retary of the Interior may charge reasonable fees for serv-
25 ices provided at Midway Atoll National Wildlife Refuge,

1 including fuel sales, and retain those fees, to be credited
2 to the United States Fish and Wildlife Service, “Resource
3 Management” account and remain available until ex-
4 pended for operation and maintenance of infrastructure
5 and staffing required for non-refuge specific needs, includ-
6 ing the purchase of fuel supplies.

7 SEC. 704. In entering into agreements with foreign
8 countries pursuant to the Wildfire Suppression Assistance
9 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
10 the Secretary of the Interior are authorized to enter into
11 reciprocal agreements where the individuals furnished
12 under said agreements to provide wildfire services are con-
13 sidered, for purposes of tort liability, employees of the
14 country receiving said services when the individuals are
15 fighting fires. The Secretary of Agriculture or the Sec-
16 retary of the Interior shall not enter into any agreement
17 under this provision unless the foreign country (either di-
18 rectly or through its fire organization) agrees to assume
19 any and all liability for the acts or omissions of American
20 firefighters engaged in firefighting in a foreign country.
21 When an agreement is reached for furnishing fire fighting
22 services, the only remedies for acts or omissions com-
23 mitted while fighting fires shall be that provided under
24 the laws of the host country and those remedies shall be
25 the exclusive remedies for any claim arising out of fighting

1 and 173 of the Workforce Investment Act of 1998, except
2 that not more than \$20,000,000 may be used for carrying
3 out section 171(d); and of which \$110,000,000, to remain
4 available through June 30, 2002, is available for carrying
5 out section 132(a)(2)(B) of such Act: *Provided*, That not-
6 withstanding sections 132(b)(2)(B) and 133(b)(2)(B) of
7 such Act, such funds for carrying out section 132(a)(2)(B)
8 shall be allotted and allocated in a manner that restores
9 to the affected States and local workforce investment
10 areas the \$110,000,000 that was subject to rescission
11 under Public Law 107–20: *Provided further*, That the en-
12 tire amount is designated by the Congress as an emer-
13 gency requirement pursuant to section 251(b)(2)(A) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985, as amended: *Provided further*, That the entire
16 amount shall be available only to the extent that an official
17 budget request for a specific dollar amount that includes
18 designation of the entire amount of the request as an
19 emergency requirement as defined in such Act, is trans-
20 mitted by the President to Congress.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 HEALTH RESOURCES AND SERVICES

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

- 7 (1) by inserting “IV,” after “titles II, III,”; and
8 (2) by striking “\$311,978,000” and inserting
9 “\$315,333,000”.

10 CENTERS FOR DISEASE CONTROL AND PREVENTION
11 DISEASE CONTROL, RESEARCH, AND TRAINING

12 For an additional amount for the Centers for Disease
13 Control and Prevention, “Disease Control, Research, and
14 Training”, \$1,000,000: *Provided*, That the entire amount
15 is designated by the Congress as an emergency require-
16 ment pursuant to section 251(b)(2)(A) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985, as
18 amended: *Provided further*, That these funds shall be
19 available only to the extent that an official budget request,
20 that designates the entire amount of the request as an
21 emergency requirement as defined in such Act, is trans-
22 mitted by the President to the Congress.

1 NATIONAL INSTITUTES OF HEALTH
2 BUILDINGS AND FACILITIES
3 (RESCISSION)

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

6 ADMINISTRATION FOR CHILDREN AND FAMILIES
7 CHILDREN AND FAMILIES SERVICES AND PROGRAMS

8 For an additional amount for “Children and Families
9 Services Programs” for carrying out section 316 of the
10 Family Violence Prevention and Services Act (42 U.S.C.
11 10416), \$500,000: *Provided*, That such amount is des-
12 ignated by the Congress as an emergency requirement
13 pursuant to section 251(b)(2)(A) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985: *Provided fur-*
15 *ther*, That such amount shall be available only to the ex-
16 tent that an official budget request, that includes designa-
17 tion of the entire amount of the request as an emergency
18 requirement as defined in the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985, is transmitted by the
20 President to the Congress.

21 DEPARTMENT OF EDUCATION
22 SCHOOL IMPROVEMENT PROGRAMS

23 Of the funds provided under this heading in Public
24 Law 107–116 to carry out the Elementary and Secondary
25 Education Act of 1965, \$832,889,000 shall be available

1 to carry out part D of title V, and up to \$11,500,000 may
2 be used to carry out section 2345.

3 In the statement of the managers of the committee
4 of conference accompanying H.R. 3061 (Public Law 107–
5 116; H. Rpt. 107–342), in the matter relating to the Fund
6 for the Improvement of Education under the heading
7 “School Improvement Programs”—

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

17 (2) the provision specifying \$50,000 for the
18 Lewiston-Auburn College/University of Southern
19 Maine shall be deemed to read as follows: “Lewis-
20 ton-Auburn College/University of Southern Maine
21 TEAMS program to prepare teachers to meet the
22 demands of Maine’s 21st century elementary and
23 middle schools, \$50,000”;

24 (3) the provision specifying \$250,000 for the
25 Wellington Public School District, Wellington, KS,

1 shall be deemed to read as follows: “Wellington Pub-
2 lic School District, Wellington, KS, for after school
3 activities, \$250,000”;

4 (4) the provision specifying \$200,000 for the
5 Vermont Higher Education Council shall be deemed
6 to read as follows: “Vermont Higher Education Con-
7 sortium to develop universal early learning programs
8 to ensure that at least one certified teacher will be
9 available in center-based child care programs,
10 \$200,000”;

11 (5) the provision specifying \$250,000 for Edu-
12 cation Service District 117 in Wenatchee, WA, shall
13 be deemed to read as follows: “Education Service
14 District 171 in Wenatchee, WA to equip a commu-
15 nity technology center to expand technology-based
16 training, \$250,000”;

17 (6) the provision specifying \$1,000,000 for the
18 Electronic Data Systems Project shall be deemed to
19 read as follows: “Washington State Department of
20 Education for an electronic data systems project to
21 create a database that would improve the acquisi-
22 tion, analysis and sharing of student information,
23 \$1,000,000”;

24 (7) the provision specifying \$250,000 for the
25 YMCA of Seattle-King-Snohomish County shall be

1 deemed to read as follows: “YWCA of Seattle-King
2 County-Snohomish County to support women and
3 families through an at-risk youth center and other
4 family supports, \$250,000”;

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

9 (9) the provision specifying \$20,000,000 for the
10 Commonwealth of Pennsylvania Department of Edu-
11 cation shall be deemed to read as follows:
12 “\$20,000,000 is included for a grant to the Com-
13 monwealth of Pennsylvania Department of Edu-
14 cation to provide assistance, through subgrants, to
15 low-performing school districts that are slated for
16 potential takeover and/or on the Education Em-
17 powerment List as prescribed by Pennsylvania State
18 Law. The initiative is intended to improve the man-
19 agement and operations of the school districts; assist
20 with curriculum development; provide after-school,
21 summer, and weekend programs; offer teacher and
22 principal professional development; and promote the
23 acquisition and effective use of instructional tech-
24 nology and equipment.”;

1 (10) the provision specifying \$1,000,000 for
2 State of Louisiana for Louisiana Online shall be
3 deemed to read as follows: “Online Louisiana, Inc.,
4 New Orleans, LA, for a K–12 technology initiative,
5 \$1,000,000”;

6 (11) the provision specifying \$150,000 for the
7 American Theater Arts for Youth, Inc., Philadel-
8 phia, PA, for a Mississippi Arts in Education Pro-
9 gram shall be deemed to read as follows: “American
10 Theater Arts for Youth, Inc., for a Mississippi Arts
11 in Education program, \$150,000”; and

12 (12) the provision specifying \$25,000 for the
13 American Theater Arts for Youth for an Arts in
14 Education program shall be deemed to read as fol-
15 lows: “American Theater Arts for Youth, Inc., in
16 Philadelphia, Pennsylvania for an Arts in Education
17 Program, \$25,000”.

18 STUDENT FINANCIAL ASSISTANCE

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

22 HIGHER EDUCATION

23 In the statement of the managers of the committee
24 of conference accompanying H.R. 3061 (Public Law 107–
25 116; H. Rept. 107–342), in the matter relating to the

1 Fund for the Improvement of Postsecondary Education
2 under the heading “Higher Education”—

3 (1) the provision for Nicholls State University,
4 Thibodaux, LA shall be applied by substituting
5 “Intergenerational” for “International”; and

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

11 CHAPTER 9

12 LEGISLATIVE BRANCH

13 HOUSE OF REPRESENTATIVES

14 SALARIES AND EXPENSES

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

17 COMMITTEE EMPLOYEES

18 STANDING COMMITTEES, SPECIAL AND SELECT

19 For an additional amount for salaries and expenses
20 of standing committees, special and select, authorized by
21 House resolutions, \$1,600,000: *Provided*, That such
22 amount shall remain available for such salaries and ex-
23 penses until December 31, 2002.

1 LIBRARY OF CONGRESS
2 COPYRIGHT OFFICE
3 SALARIES AND EXPENSES

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

9 JOINT ITEMS
10 CAPITOL POLICE BOARD
11 CAPITOL POLICE
12 GENERAL EXPENSES

13 For an additional amount for the Capitol Police
14 Board for necessary expenses of the Capitol Police, includ-
15 ing computer equipment and services, training, commu-
16 nications, uniforms, weapons, and reimbursement to the
17 Environmental Protection Agency, Hazardous Substance
18 Superfund for additional expenses incurred for anthrax in-
19 vestigations and cleanup actions, \$16,100,000, to be dis-
20 bursed by the Capitol Police Board or their delegee: *Pro-*
21 *vided*, That this amount shall be available only to the ex-
22 tent that an official budget request, that includes designa-
23 tion of the amount as an emergency requirement, as de-
24 fined in the Balanced Budget and Emergency Deficit Con-
25 trol Act of 1985, is transmitted by the President to Con-

1 gress: *Provided further*, That such amount is designated
2 by the Congress as an emergency requirement pursuant
3 to section 251(b)(2)(A) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 ADMINISTRATIVE PROVISIONS

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

10 (b) Funds in the account shall be used by the Archi-
11 tect of the Capitol for all necessary expenses for the main-
12 tenance, care, and operation of buildings of the United
13 States Capitol Police.

14 (c) This section shall apply with respect to fiscal year
15 2002 and each succeeding fiscal year. Any amounts pro-
16 vided to the Architect of the Capitol prior to the date of
17 the enactment of this Act for the maintenance, care, and
18 operation of buildings of the United States Capitol Police
19 during fiscal year 2002 shall be transferred to the ac-
20 count.

21 SEC. 902. (a) Subject to the approval of the House
22 Office Building Commission and the Senate Committee on
23 Rules and Administration, the Architect of the Capitol is
24 authorized to acquire (through purchase, lease, transfer
25 from another Federal entity, or otherwise) real property,

1 subject to the availability of appropriations, for the use
2 of the United States Capitol Police.

3 (b) Any real property acquired by the Architect of
4 the Capitol pursuant to subsection (a) shall be a part of
5 the United States Capitol Grounds and shall be subject
6 to the provisions of the Act entitled “An Act to define
7 the area of the United States Capitol Grounds, to regulate
8 the use thereof, and for other purposes”, approved July
9 31, 1946.

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

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

15 (1) in section 903 (a), by striking “buildings
16 and facilities” and insert “buildings and facilities,
17 subject to the availability of appropriations,”.

18 (b) Section 9 of the Act of July 31, 1946 (40 U.S.C.
19 212a), is amended by redesignating the subsection (b)
20 added by section 903(c)(2) of the Emergency Supple-
21 mental Act, 2002, as subsection (c).

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

1 SEC. 904. Nothing in section 1535 of title 31, U.S.C.
2 (commonly referred to as the “Economy Act”), or any
3 other provision of such title may be construed to prevent
4 or restrict the Chief Administrative Officer of the House
5 of Representatives from placing orders under such section
6 during any fiscal year in the same manner and to the same
7 extent as the head of any other major organizational unit
8 with an agency may place orders under such section dur-
9 ing a fiscal year.

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

14 (1) by redesignating subsections (e) through (h)
15 as subsections (d) through (i); and

16 (2) by inserting after subsection (b) the fol-
17 lowing new subsection:

18 “(c) RUSSIAN EXCHANGE PROGRAM FOR AMERICAN
19 LEADERSHIP.—

20 “(1) IN GENERAL.—In addition to the program
21 established under subsection (b), the Center shall es-
22 tablish a program to carry out activities (including
23 the awarding of grants) to enable emerging political
24 leaders of the Federal Government and State and
25 local governments to visit the Russian Federation to

1 study the operation of political institutions, business
2 organizations, and nongovernmental organizations of
3 the Russian Federation.

4 “(2) ADMINISTRATION.—The provisions of
5 paragraphs (3) and (4) of subsection (b) shall apply
6 with respect to the program under this subsection in
7 the same manner as such provisions apply to the
8 program under subsection (b).”.

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

11 (1) in subsection (b)(1), by striking the period
12 at the end and inserting the following: “, and to es-
13 tablish and administer the program described in sub-
14 section (c).”; and

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

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

20 SEC. 906. (a) The Librarian of Congress and the Di-
21 rector of the Congressional Research Service shall take
22 such steps as may be necessary to ensure that all materials
23 of the Congressional Research Service which are provided
24 and available to Members of Congress and officers and
25 employees of the House of Representatives and Senate at

1 the United States Capitol and Congressional office build-
2 ings (including materials provided through electronic
3 means) may be provided and available to such individuals
4 in the same manner and to the same extent at all other
5 locations where such individuals carry out their official du-
6 ties.

7 (b) This section shall apply to materials of the Con-
8 gressional Research Service which are provided and avail-
9 able at any time after the date of the enactment of this
10 Act.

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

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

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

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

24 (3) the House Office Building Commission in
25 the case of a building or facility acquired for the use

1 of any other office in the legislative branch as part
2 of a joint facility with (1) above, or the Committee
3 on Rules and Administration of the Senate, in the
4 case of a building or facility acquired for the use of
5 any other office in the legislative branch as part of
6 a joint facility with (2) above.

7 (c) Any building or facility acquired by the Architect
8 of the Capitol pursuant to subsection (a) shall be a part
9 of the United States Capitol Grounds and shall be subject
10 to the provisions of the Act entitled “An Act to define
11 the area of the United States Capitol Grounds, to regulate
12 the use thereof, and for other purposes”, approved July
13 31, 1946.

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

16 CHAPTER 10

17 DEPARTMENT OF DEFENSE

18 MILITARY CONSTRUCTION

19 MILITARY CONSTRUCTION, AIR FORCE

20 For an additional amount for “Military Construction,
21 Air Force”, \$8,505,000, to remain available until Sep-
22 tember 30, 2006: *Provided*, That the entire amount is des-
23 ignated by the Congress as an emergency requirement
24 pursuant to section 251(b)(2)(A) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985, as amended:

1 *Provided further*, That the entire amount shall be available
2 only to the extent an official budget request for a specific
3 dollar amount that includes designation of the entire
4 amount of the request as an emergency requirement as
5 defined in the Balanced Budget and Emergency Deficit
6 Control Act of 1985, as amended, is transmitted by the
7 President to the Congress: *Provided further*, That notwith-
8 standing any other provision of law, such funds may be
9 obligated or expended to carry out planning and design
10 and military construction projects not otherwise author-
11 ized by law.

12 MILITARY CONSTRUCTION, DEFENSE-WIDE

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Military Construction,
15 Defense-wide”, \$21,500,000, to remain available until
16 September 30, 2006: *Provided*, That the entire amount
17 is designated by the Congress as an emergency require-
18 ment pursuant to section 251(b)(2)(A) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985, as
20 amended: *Provided further*, That the entire amount shall
21 be available only to the extent an official budget request
22 for a specific dollar amount that includes designation of
23 the entire amount of the request as an emergency require-
24 ment as defined in the Balanced Budget and Emergency
25 Deficit Control Act of 1985, as amended, is transmitted

1 gage explosive detection systems, including explosive
2 trace detection systems, \$850,000,000;

3 (2) Procurement of explosive detection systems,
4 including explosive trace detection systems, for
5 checked baggage screening, \$630,000,000;

6 (3) Reimbursement of air carriers for installa-
7 tion of intrusion-resistant cockpit doors,
8 \$25,000,000;

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

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

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

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

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

24 *Provided further*, That none of the funds in this Act shall
25 be used to recruit or hire personnel into the Transpor-

1 tation Security Administration which would cause the
2 agency to exceed a staffing level of 45,000 full-time per-
3 manent positions: *Provided further*, That of such amount,
4 \$1,545,000,000 shall be available only to the extent an
5 official budget request for a specific dollar amount that
6 includes designation of the entire amount of the request
7 as an emergency requirement as defined in such Act is
8 transmitted by the President to the Congress.

9 U.S. COAST GUARD

10 OPERATING EXPENSES

11 For an additional amount for “Operating Expenses”
12 for emergency expenses for homeland security and other
13 purposes, \$210,000,000, to remain available until Sep-
14 tember 30, 2003: *Provided*, That the entire amount is des-
15 ignated by the Congress as an emergency requirement
16 pursuant to section 251(b)(2)(A) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985, as amended:
18 *Provided further*, That of such amount, \$21,000,000 shall
19 be available only to the extent an official budget request
20 for a specific dollar amount that includes designation of
21 the entire amount of the request as an emergency require-
22 ment as defined in such Act is transmitted by the Presi-
23 dent to the Congress.

1 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

2 For an additional amount for “Acquisition, Construc-
3 tion, and Improvements” for emergency expenses for
4 homeland security and other purposes, \$78,000,000: *Pro-*
5 *vided*, That the entire amount is designated by the Con-
6 gress as an emergency requirement pursuant to section
7 251(b)(2)(A) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985, as amended: *Provided further*,
9 That of such amount, \$12,000,000 shall be available only
10 to the extent an official budget request for a specific dollar
11 amount that includes designation of the entire amount of
12 the request as an emergency requirement as defined in
13 such Act is transmitted by the President to the Congress.

14 FEDERAL AVIATION ADMINISTRATION

15 OPERATIONS

16 (TRANSFER OF FUNDS)

17 For an additional amount for “Operations”, up to
18 \$25,000,000, to remain available until September 30,
19 2002, for security activities at Federal Aviation Adminis-
20 tration facilities, to be derived by transfer from “Facilities
21 and Equipment (Airport and Airway Trust Fund)”.

22 GRANTS-IN-AID FOR AIRPORTS

23 For emergency expenses to respond to the September
24 11, 2001, terrorist attacks on the United States, notwith-
25 standing any other provision of law, for “Grants-in-aid for

1 airports”, to enable the Federal Aviation Administrator to
2 compensate airports for a portion of the direct costs asso-
3 ciated with new, additional or revised security require-
4 ments imposed on airport operators by the Administrator
5 on or after September 11, 2001, \$200,000,000, to remain
6 available until expended: *Provided*, That the entire amount
7 is designated by the Congress as an emergency require-
8 ment pursuant to section 251(b)(2)(A) of the Balanced
9 Budget and Emergency Deficit Control Act of 1985, as
10 amended: *Provided further*, That such amount shall be
11 available only to the extent an official budget request for
12 a specific dollar amount that includes designation of the
13 entire amount of the request as an emergency requirement
14 as defined in such Act is transmitted by the President to
15 the Congress.

16 FEDERAL HIGHWAY ADMINISTRATION

17 FEDERAL-AID HIGHWAYS

18 EMERGENCY RELIEF PROGRAM

19 (HIGHWAY TRUST FUND)

20 For an additional amount for the “Emergency Relief
21 Program”, as authorized by 23 U.S.C. 125, for emergency
22 expenses to respond to natural disasters or catastrophic
23 failures from external causes, \$167,000,000, to be derived
24 from the Highway Trust Fund and to remain available
25 until expended, for the State of New York to respond to

1 the September 11, 2001, terrorist attacks on New York
2 City: *Provided*, That the entire amount is designated by
3 the Congress as an emergency requirement pursuant to
4 section 251(b)(2)(A) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985, as amended: *Provided*
6 *further*, That notwithstanding 23 U.S.C. 120(e), the Fed-
7 eral share for any project on a Federal-aid highway re-
8 lated to the New York City terrorist attacks shall be 100
9 percent: *Provided further*, That notwithstanding 23 U.S.C.
10 125(d)(1), the Secretary of Transportation may obligate
11 more than \$100,000,000 for those projects.

12 FEDERAL MOTOR CARRIER SAFETY

13 ADMINISTRATION

14 BORDER ENFORCEMENT PROGRAM

15 (HIGHWAY TRUST FUND)

16 For necessary expenses of the Border Enforcement
17 Program to respond to the September 11, 2001, terrorist
18 attacks on the United States, \$19,300,000, to be derived
19 from the Highway Trust Fund, of which \$4,200,000 shall
20 be to implement section 1012 of Public Law 107–56 (USA
21 Patriot Act); \$10,000,000 shall be for drivers’ license
22 fraud detection and prevention, the northern border safety
23 and security study, and hazardous material security edu-
24 cation and outreach; and \$5,100,000 shall be for the pur-
25 poses of coordinating drivers’ license registration and so-

1 cial security number verification: *Provided*, That in con-
2 nection with such commercial drivers' license fraud deter-
3 rence projects, the Secretary may enter into such con-
4 tracts or grants with the American Association of Motor
5 Vehicle Administrators, States, or other persons as the
6 Secretary may so designate to carry out these purposes:
7 *Provided further*, That the entire amount is designated by
8 the Congress as an emergency requirement pursuant to
9 section 251(b)(2)(A) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985, as amended.

11 HAZARDOUS MATERIALS SECURITY

12 (HIGHWAY TRUST FUND)

13 For necessary expenses to implement the hazardous
14 materials safety permit program pursuant to 49 U.S.C.
15 5109, \$5,000,000, to be derived from the Highway Trust
16 Fund and to remain available until expended: *Provided*,
17 That the entire amount is designated by the Congress as
18 an emergency requirement pursuant to section
19 251(b)(2)(A) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985, as amended: *Provided further*,
21 That such amount shall be available only to the extent
22 an official budget request for a specific dollar amount that
23 includes designation of the entire amount of the request
24 as an emergency requirement as defined in such Act is
25 transmitted by the President to the Congress.

1 FEDERAL TRANSIT ADMINISTRATION
2 CAPITAL INVESTMENT GRANTS

3 For an additional amount for “Capital Investment
4 Grants” for emergency expenses to respond to the Sep-
5 tember 11, 2001, terrorist attacks in New York City,
6 \$1,800,000,000, to remain available until expended to re-
7 place, rebuild, or enhance the public transportation sys-
8 tems serving the Borough of Manhattan, New York City,
9 New York: *Provided*, That the Secretary may use up to
10 1 percent of this amount for oversight activities: *Provided*
11 *further*, That these funds are subject to grant require-
12 ments as determined by the Secretary to ensure that eligi-
13 ble projects will improve substantially the mobility of com-
14 muters in Lower Manhattan: *Provided further*, That the
15 Federal share for any project funded from this amount
16 shall be 100 percent: *Provided further*, That these funds
17 are in addition to any other appropriation available for
18 these purposes: *Provided further*, That the entire amount
19 is designated by the Congress as an emergency require-
20 ment pursuant to section 251(b)(2)(A) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985, as
22 amended.

23 GENERAL PROVISIONS—THIS CHAPTER

24 SEC. 1101. Notwithstanding any other provision of
25 law, projects and activities designated on pages 82

1 through 92 of House Report 107–308 shall be eligible for
2 fiscal year 2002 funds made available for the program for
3 which each project or activity is so designated.

4 SEC. 1102. Section 335 of Public Law 107–87 is
5 hereby amended by inserting “or the Transportation Secu-
6 rity Administration” after “the Federal Aviation Adminis-
7 tration” and by inserting “, aviation security” after “air
8 navigation”.

9 SEC. 1103. After the date of enactment of this Act,
10 no further Federal credit instruments may be issued pur-
11 suant to section 101(a)(1) of the Air Transportation Safe-
12 ty and System Stabilization Act in fiscal year 2002.

13 CHAPTER 12

14 DEPARTMENT OF THE TREASURY

15 FEDERAL LAW ENFORCEMENT TRAINING CENTER

16 SALARIES AND EXPENSES

17 For an additional amount for “Salaries and Ex-
18 penses” for expenses of expanded law enforcement train-
19 ing workload resulting from the September 11, 2001 ter-
20 rorist attacks against the United States, \$15,870,000, to
21 remain available until September 30, 2003: *Provided*,
22 That such amount is designated by the Congress as an
23 emergency requirement pursuant to section 251(b)(2)(A)
24 of the Balanced Budget and Emergency Deficit Control
25 Act of 1985: *Provided further*, That such amount shall be

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

6 UNITED STATES SECRET SERVICE

7 SALARIES AND EXPENSES

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

22 POSTAL SERVICE

23 PAYMENT TO THE POSTAL SERVICE FUND

24 For an additional amount for “Payment to the Postal
25 Service” for emergency expenses to enable the Postal

1 Service to protect postal employees and postal customers
 2 from exposure to biohazardous material and to sanitize
 3 and screen the mail, \$87,000,000, to remain available
 4 until expended: *Provided*, That the entire amount is des-
 5 ignated by the Congress as an emergency requirement
 6 pursuant to section 251(b)(2)(A) of the Balanced Budget
 7 and Emergency Deficit Control Act of 1985, as amended.

8 EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS

9 APPROPRIATED TO THE PRESIDENT

10 OFFICE OF MANAGEMENT AND BUDGET

11 SALARIES AND EXPENSES

12 (RESCISSION)

13 Of the funds made available under this heading in
 14 Public Law 107–67, \$750,000 are rescinded.

15 ELECTION ADMINISTRATION REFORM AND RELATED

16 EXPENSES

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses for the implementation of
 19 election administration reform, and related expenses,
 20 \$450,000,000, to remain available until expended: *Pro-*
 21 *vided*, That such amount shall not be available for obliga-
 22 tion until the enactment of legislation that establishes pro-
 23 grams for improving the administration of elections: *Pro-*
 24 *vided further*, That, upon the enactment of such legisla-
 25 tion, the Director of the Office of Management and Budg-
 26 et shall transfer the specific amounts authorized, for the

1 purposes designated, to the Federal entities specified by
2 such legislation, and according to the provisions estab-
3 lished in H.R. 3295, as passed by the House of Represent-
4 atives on December 12, 2001: *Provided further*, That,
5 within 15 days of such transfers, the Director of the Office
6 of Management and Budget shall notify the Congress of
7 the amounts transferred to each authorized Federal entity:
8 *Provided further*, That the entities to which the amounts
9 are transferred shall use the amounts to carry out the ap-
10 plicable provisions of such legislation: *Provided further*,
11 That the transfer authority provided in this paragraph
12 shall be in addition to any other transfer authority pro-
13 vided in this or any other Act.

14 INDEPENDENT AGENCIES

15 FEDERAL ELECTION COMMISSION

16 SALARIES AND EXPENSES

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

20 GENERAL SERVICES ADMINISTRATION

21 REAL PROPERTY ACTIVITIES

22 FEDERAL BUILDINGS FUND

23 For an additional amount for “Federal Buildings
24 Fund” for building security emergency expenses resulting
25 from the September 11, 2001 terrorist attacks on the

1 United States, \$51,800,000: *Provided*, That such amount
2 is designated by the Congress as an emergency require-
3 ment pursuant to section 251(b)(2)(A) of the Balanced
4 Budget and Emergency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS CHAPTER

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

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

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

24 SEC. 1202. None of the funds appropriated in this
25 or any other Act may be used to transfer the functions,

1 missions, or activities of the United States Customs Serv-
2 ice to the Department of Justice.

3 SEC. 1203. (a) The Federal Law Enforcement Train-
4 ing Center may, for a period ending not later than 5 years
5 after the date of the enactment of this Act, appoint and
6 maintain a cadre of up to 250 Federal annuitants—(1)
7 without regard to any provision of title 5, United States
8 Code, which might otherwise require the application of
9 competitive hiring procedures; and (2) who shall not be
10 subject to any reduction in pay (for annuity allocable to
11 the period of actual employment) under the provisions of
12 section 8344 or 8468 of such title 5 or similar provision
13 of any other retirement system for employees. A reem-
14 ployed Federal annuitant as to whom a waiver of reduc-
15 tion under paragraph (2) applies shall not, for any period
16 during which such waiver is in effect, be considered an
17 employee for purposes of subchapter III of chapter 83 or
18 chapter 84 of title 5, United States Code, or such other
19 retirement system (referred to in paragraph (2)) as may
20 apply.

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

23 (c) For purposes of this section—

24 (1) the term “Federal annuitant” means an
25 employee who has retired under the Civil Service Re-

1 tirement System, the Federal Employees’ Retirement
2 ment System, or any other retirement system for
3 employees;

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

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

8 CHAPTER 13

9 DEPARTMENT OF VETERANS AFFAIRS

10 VETERANS HEALTH ADMINISTRATION

11 MEDICAL CARE

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

1 to bill Medicare or Medicaid for any medical services pro-
2 vided by the Veterans Health Administration or to require
3 the Centers for Medicare and Medicaid Services to pay
4 for any medical services provided by the Department of
5 Veterans Affairs.

6 DEPARTMENT OF HOUSING AND URBAN

7 DEVELOPMENT

8 PUBLIC AND INDIAN HOUSING

9 HOUSING CERTIFICATE FUND

10 (RESCISSION)

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

20 COMMUNITY PLANNING AND DEVELOPMENT

21 COMMUNITY DEVELOPMENT FUND

22 For an additional amount for the “Community Devel-
23 opment Fund” for emergency expenses to respond to the
24 September 11, 2001, terrorist attacks on the United
25 States, \$750,000,000, to remain available until expended:
26 *Provided*, That the State of New York, in cooperation with

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

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

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

1 park, \$400,000 to the Louisville Science Center for con-
2 struction of a permanent exhibition, \$150,000 to the New
3 Zion Community Development Foundation for renovation
4 of a facility, \$400,000 to the Presbyterian Community
5 Center for construction of a facility, \$180,000 to the St.
6 Stephen Family Life Center for renovation of a facility,
7 and \$200,000 to the United Crescent Hill Ministries for
8 renovation of a facility”.

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

1 ments, \$600,000 to the Kentucky Art and Craft Founda-
 2 tion for renovation of a facility, and \$200,000 to the Shel-
 3 by Park Neighborhood Association for facility construc-
 4 tion”.

5 HOUSING PROGRAMS

6 RENTAL HOUSING ASSISTANCE

7 (RESCISSION)

8 The limitation otherwise applicable to the maximum
 9 payments that may be required in any fiscal year by all
 10 contracts entered into under section 236 of the National
 11 Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year
 12 2002 by not more than \$300,000,000 in uncommitted bal-
 13 ances of authorizations of contract authority provided for
 14 this purpose in appropriations acts: *Provided*, That up to
 15 \$300,000,000 of recaptured section 236 budget authority
 16 resulting from the prepayment of mortgages subsidized
 17 under section 236 of the National Housing Act (12 U.S.C.
 18 1715z-1) shall be rescinded in fiscal year 2002.

19 INDEPENDENT AGENCIES

20 DEPARTMENT OF HEALTH AND HUMAN

21 SERVICES

22 NATIONAL INSTITUTES OF HEALTH

23 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

24 SCIENCES

25 For an additional amount for “National Institute of
 26 Environmental Health Sciences”, \$8,000,000, to carry out

1 activities set forth in section 311(a) of the Comprehensive
2 Environmental Response, Compensation, and Liability Act
3 of 1980, as amended, and section 126(g) of the Superfund
4 Amendments and Reauthorization Act of 1986 in response
5 to the September 11, 2001, terrorist attacks on the United
6 States: *Provided*, That the entire amount is designated by
7 the Congress as an emergency requirement pursuant to
8 section 251(b)(2)(A) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985, as amended.

10 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

11 REGISTRY

12 SALARIES AND EXPENSES

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

1 ENVIRONMENTAL PROTECTION AGENCY
2 STATE AND TRIBAL ASSISTANCE GRANTS

3 The referenced statement of the managers under this
4 heading in Public Law 106–377 is deemed to be amended
5 by striking everything after “\$1,000,000” in reference to
6 item number 91 and inserting “for Carrolton Utilities
7 (\$500,000), City of Williamston (\$100,000) and Pen-
8 dleton County Industrial Authority (\$400,000)”.

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

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

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

1 improvements including the treatment of biosolids
2 (\$1,000,000).”.

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

7 FEDERAL EMERGENCY MANAGEMENT AGENCY

8 DISASTER RELIEF

9 For an additional amount for “Disaster relief” for
10 necessary expenses in carrying out the Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act (42 U.S.C.
12 5121 et seq.), and the Federal Fire Prevention and Con-
13 trol Act of 1974, as amended (15 U.S.C. 2201 et seq.),
14 \$2,750,000,000 to remain available until expended: *Pro-*
15 *vided*, That the entire amount is designated by the Con-
16 gress as an emergency requirement pursuant to section
17 251(b)(2)(A) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985, as amended: *Provided further*,
19 That notwithstanding any other provision of law, the
20 Texas Medical Center may be provided FEMA Public As-
21 sistance and Hazard Mitigation grants as an agent for eli-
22 gible applicants.

23 DISASTER ASSISTANCE FOR UNMET NEEDS

24 For an additional amount for “Disaster assistance
25 for unmet needs”, \$23,320,000, to remain available until
26 September 30, 2004, for use by the Director of the Fed-

1 eral Emergency Management Agency (Director) only for
2 disaster relief, long-term recovery, and mitigation in com-
3 munities affected by Presidentially-declared natural disas-
4 ters designated during fiscal year 2002, only to the extent
5 funds are not made available for those activities by the
6 Federal Emergency Management Agency (under its “Dis-
7 aster relief” program) or the Small Business Administra-
8 tion; *Provided*, That in administering these funds the Di-
9 rector shall allocate these funds to States to be adminis-
10 tered by each State in conjunction with its Federal Emer-
11 gency Management Agency Disaster Relief program: *Pro-*
12 *vided further*, That each State shall provide not less than
13 25 percent in non-Federal public matching funds or its
14 equivalent value (other than administrative costs) for any
15 funds allocated to the State under this heading: *Provided*
16 *further*, That the Director shall allocate these funds based
17 on the unmet needs arising from a Presidentially-declared
18 disaster as identified by the Director as those which have
19 not or will not be addressed by other Federal disaster as-
20 sistance programs and for which it is deemed appropriate
21 to supplement the efforts and available resources of
22 States, local governments and disaster relief organiza-
23 tions: *Provided further*, That the Director shall establish
24 review groups within the Federal Emergency Management
25 Agency to review each request by a State of its unmet

1 needs and certify as to the actual costs associated with
2 the unmet needs as well as the commitment and ability
3 of each State to provide its match requirement: *Provided*
4 *further*, That the Director shall publish a notice in the
5 Federal Register governing the allocation and use of the
6 funds under this heading, including provisions for ensur-
7 ing the compliance of the States with the requirements
8 of this program: *Provided further*, That 10 days prior to
9 distribution of funds, the Director shall submit a list to
10 the House and Senate Committees on Appropriations set-
11 ting forth the proposed uses of funds and the most recent
12 estimates of unmet needs: *Provided further*, That the Di-
13 rector shall submit quarterly reports to said Committees
14 regarding the actual projects and needs for which funds
15 have been provided under this heading: *Provided further*,
16 That to the extent any funds under this heading are used
17 in a manner inconsistent with the requirements of the pro-
18 gram established under this heading and rules issued pur-
19 suant thereto, the Director shall recapture an equivalent
20 amount of funds from the State from any existing funds
21 or future funds awarded to the State under this heading
22 or any other program administered by the Federal Emer-
23 gency Management Agency: *Provided further*, That the en-
24 tire amount shall be available only to the extent an official
25 budget request, that includes designation of the entire

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

9 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

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

19 GENERAL PROVISIONS—THIS CHAPTER

20 SEC. 1301. Notwithstanding the first paragraph of
21 the item in title II of Public Law 107–73 relating to “Fed-
22 eral housing administration, Mutual mortgage insurance
23 program account”, during fiscal year 2002, commitments
24 to guarantee loans to carry out the purposes of section
25 203(b) of the National Housing Act shall not exceed a
26 loan principal of \$165,000,000,000.

1 for fiscal year 2003, including the discretionary sequester
2 preview report.

3 SEC. 1403. Section 3101 of title 31, United States
4 Code, is amended by adding at the end the following new
5 subsection:

6 “(d) The United States Government shall take all
7 steps necessary to guarantee the full faith and credit of
8 the Government.”.

9 **SEC. 1404. TREATMENT OF CERTAIN COUNTIES FOR PUR-**
10 **POSES OF REIMBURSEMENT UNDER THE**
11 **MEDICARE PROGRAM.**

12 (a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA
13 COUNTIES.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, effective for discharges occurring
16 during fiscal year 2003, for purposes of making pay-
17 ments under subsections (d) and (j) of section 1886
18 of the Social Security Act (42 U.S.C. 1395ww) to
19 hospitals (including rehabilitation hospitals and re-
20 habilitation units under such subsection (j))—

21 (A) in Lackawanna, Lucerne, Wyoming,
22 Lycoming, and Columbia Counties, Pennsyl-
23 vania, such counties are deemed to be located
24 in the Newburgh, New York-PA Metropolitan
25 Statistical Area; and

1 (B) in Mercer County, Pennsylvania, such
2 county is deemed to be located in Youngston-
3 Warren, Ohio Metropolitan Statistical Area.

4 (2) RULES.—The reclassifications made under
5 paragraph (1) with respect to a subsection (d) hos-
6 pital shall be treated as a decision of the Medicare
7 Geographic Classification Review Board under para-
8 graph (10) of section 1886(d) of the Social Security
9 Act (42 U.S.C. 1395ww(d)).

10 (b) LARGE URBAN AREA OF NEW YORK.—Notwith-
11 standing any other provision of law, effective for dis-
12 charges occurring on or after October 1, 2002, and before
13 October 1, 2005, for purposes of making payments under
14 section 1886(d) of the Social Security Act (42 U.S.C.
15 1395ww(d)) the large urban area of New York, New York
16 is deemed to include Orange County, New York, and
17 Dutchess County, New York.

18 **SEC. 1405. AMENDMENTS TO THE CARIBBEAN BASIN ECO-**
19 **NOMIC RECOVERY ACT.**

20 Section 213(b)(2)(A) of the Caribbean Basin Eco-
21 nomic Recovery Act (title II of Public Law 98–67; 19
22 U.S.C. 2703(b)(2)(A)) is amended—

23 (1) in clause (i), by adding at the end the fol-
24 lowing:

1 “Apparel articles shall qualify under the
2 preceding sentence only if all dyeing, printing,
3 and finishing of the fabrics from which the arti-
4 cles are assembled, if the fabrics are knit fab-
5 rics, is carried out in the United States. Ap-
6 parel articles shall qualify under the first sen-
7 tence of this clause only if all dyeing, printing,
8 and finishing of the fabrics from which the arti-
9 cles are assembled, if the fabrics are woven fab-
10 rics, is carried out in the United States.”; and
11 (2) in clause (ii), by adding at the end the fol-
12 lowing:

13 “Apparel articles shall qualify under the
14 preceding sentence only if all dyeing, printing,
15 and finishing of the fabrics from which the arti-
16 cles are assembled, if the fabrics are knit fab-
17 rics, is carried out in the United States. Ap-
18 parel articles shall qualify under the first sen-
19 tence of this clause only if all dyeing, printing,
20 and finishing of the fabrics from which the arti-
21 cles are assembled, if the fabrics are woven fab-
22 rics, is carried out in the United States.”.

23 (b) ANDEAN TRADE PREFERENCE ACT.—Any duty
24 free or other preferential treatment provided under the
25 Andean Trade Preference Act to apparel articles assem-

1 bled from fabric formed in the United States shall apply
2 to such articles only if all dyeing, printing, and finishing
3 of the fabrics from which the articles are assembled if the
4 fabrics are knit fabrics, is carried out in the United States.
5 Any duty-free or other preferential treatment provided
6 under the Andean Trade Preference Act to apparel articles
7 assembled from fabric formed in the United States shall
8 apply to such articles only if all dyeing, printing, and fin-
9 ishing of the fabrics from which the articles are assembled
10 if the fabrics are woven fabrics, is carried out in the
11 United States.

12 (c) EFFECTIVE DATE.—Subsection (b) and the
13 amendments made by subsection (a) shall take effect—

14 (1) 90 days after the date of the enactment of
15 this Act, or

16 (2) September 1, 2002,
17 whichever occurs first.

18 SEC. 1406. Congress shall take all steps necessary
19 to ensure that section 5402 of title 39, United States
20 Code, is amended to allow the United States Postal Serv-
21 ice to tender non-priority bypass mail to mainline carriers
22 who carry mainline non-priority bypass mail. Congress
23 shall take all steps necessary to ensure that section 5402
24 of title 39, United States Code, is further amended to
25 allow the United States Postal Service to tender non-pri-

1 ority bypass mail to bush carriers, on a route not served
2 by a mainline carriers or between two bush points. Car-
3 riers are encouraged to upgrade their operating certifi-
4 cates and increase passenger service. Carriers who make
5 these changes may be tendered a greater percentage of
6 non-priority bypass mail. Congress shall take all steps nec-
7 essary to ensure that the Secretary of the Department of
8 Transportation sets non-priority bypass mail rate as is
9 deemed necessary to continue the bypass mail service. The
10 requirements of these provisions will only be in effect in
11 the State of Alaska.

12 **TITLE II—AMERICAN SERVICE-** 13 **MEMBERS’ PROTECTION ACT**

14 **SEC. 2001. SHORT TITLE.**

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

17 **SEC. 2002. FINDINGS.**

18 Congress makes the following findings:

19 (1) On July 17, 1998, the United Nations Dip-
20 lomatic Conference of Plenipotentiaries on the Es-
21 tablishment of an International Criminal Court,
22 meeting in Rome, Italy, adopted the “Rome Statute
23 of the International Criminal Court”. The vote on
24 whether to proceed with the statute was 120 in favor
25 to 7 against, with 21 countries abstaining. The

1 United States voted against final adoption of the
2 Rome Statute.

3 (2) As of April 30, 2001, 139 countries had
4 signed the Rome Statute and 30 had ratified it. Pur-
5 suant to Article 126 of the Rome Statute, the stat-
6 ute will enter into force on the first day of the
7 month after the 60th day following the date on
8 which the 60th country deposits an instrument rati-
9 fying the statute.

10 (3) Since adoption of the Rome Statute, a Pre-
11 paratory Commission for the International Criminal
12 Court has met regularly to draft documents to im-
13 plement the Rome Statute, including Rules of Proce-
14 dure and Evidence, Elements of Crimes, and a defi-
15 nition of the Crime of Aggression.

16 (4) During testimony before the Congress fol-
17 lowing the adoption of the Rome Statute, the lead
18 United States negotiator, Ambassador David
19 Scheffer stated that the United States could not
20 sign the Rome Statute because certain critical nego-
21 tiating objectives of the United States had not been
22 achieved. As a result, he stated: “We are left with
23 consequences that do not serve the cause of inter-
24 national justice.”

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

18 (6) Notwithstanding these concerns, President
19 Clinton directed that the United States sign the
20 Rome Statute on December 31, 2000. In a state-
21 ment issued that day, he stated that in view of the
22 unremedied deficiencies of the Rome Statute, “I will
23 not, and do not recommend that my successor sub-
24 mit the Treaty to the Senate for advice and consent
25 until our fundamental concerns are satisfied”.

1 (7) Any American prosecuted by the Inter-
2 national Criminal Court will, under the Rome Stat-
3 ute, be denied procedural protections to which all
4 Americans are entitled under the Bill of Rights to
5 the United States Constitution, such as the right to
6 trial by jury.

7 (8) Members of the Armed Forces of the
8 United States should be free from the risk of pros-
9 ecution by the International Criminal Court, espe-
10 cially when they are stationed or deployed around
11 the world to protect the vital national interests of
12 the United States. The United States Government
13 has an obligation to protect the members of its
14 Armed Forces, to the maximum extent possible,
15 against criminal prosecutions carried out by the
16 International Criminal Court.

17 (9) In addition to exposing members of the
18 Armed Forces of the United States to the risk of
19 international criminal prosecution, the Rome Statute
20 creates a risk that the President and other senior
21 elected and appointed officials of the United States
22 Government may be prosecuted by the International
23 Criminal Court. Particularly if the Preparatory
24 Commission agrees on a definition of the Crime of
25 Aggression over United States objections, senior

1 United States officials may be at risk of criminal
2 prosecution for national security decisions involving
3 such matters as responding to acts of terrorism, pre-
4 venting the proliferation of weapons of mass destruc-
5 tion, and deterring aggression. No less than mem-
6 bers of the Armed Forces of the United States, sen-
7 ior officials of the United States Government should
8 be free from the risk of prosecution by the Inter-
9 national Criminal Court, especially with respect to
10 official actions taken by them to protect the national
11 interests of the United States.

12 (10) Any agreement within the Preparatory
13 Commission on a definition of the Crime of Aggres-
14 sion that usurps the prerogative of the United Na-
15 tions Security Council under Article 39 of the char-
16 ter of the United Nations to “determine the exist-
17 ence of any act of aggression” would contravene
18 the charter of the United Nations and undermine
19 deterrence.

20 (11) It is a fundamental principle of inter-
21 national law that a treaty is binding upon its parties
22 only and that it does not create obligations for non-
23 parties without their consent to be bound. The
24 United States is not a party to the Rome Statute
25 and will not be bound by any of its terms. The

1 United States will not recognize the jurisdiction of
2 the International Criminal Court over United States
3 nationals.

4 **SEC. 2003. WAIVER AND TERMINATION OF PROHIBITIONS**
5 **OF THIS TITLE.**

6 (a) **AUTHORITY TO INITIALLY WAIVE SECTIONS 5**
7 **AND 7.**—The President is authorized to waive the prohibi-
8 tions and requirements of sections 2005 and 2007 for a
9 single period of 1 year. A waiver under this subsection
10 may be issued only if the President at least 15 days in
11 advance of exercising such authority—

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

15 (2) determines and reports to the appropriate
16 congressional committees that the International
17 Criminal Court has entered into a binding agree-
18 ment that—

19 (A) prohibits the International Criminal
20 Court from seeking to exercise jurisdiction over
21 the following persons with respect to actions
22 undertaken by them in an official capacity:

- 23 (i) covered United States persons;
24 (ii) covered allied persons; and

1 (iii) individuals who were covered
2 United States persons or covered allied
3 persons; and

4 (B) ensures that no person described in
5 subparagraph (A) will be arrested, detained,
6 prosecuted, or imprisoned by or on behalf of the
7 International Criminal Court.

8 (b) AUTHORITY TO EXTEND WAIVER OF SECTIONS
9 5 AND 7.—The President is authorized to waive the prohi-
10 bitions and requirements of sections 2005 and 2007 for
11 successive periods of 1 year each upon the expiration of
12 a previous waiver pursuant to subsection (a) or this sub-
13 section. A waiver under this subsection may be issued only
14 if the President at least 15 days in advance of exercising
15 such authority—

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

19 (2) determines and reports to the appropriate
20 congressional committees that the International
21 Criminal Court—

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

24 (i) prohibits the International Crimi-
25 nal Court from seeking to exercise jurisdic-

1 tion over the following persons with respect
2 to actions undertaken by them in an offi-
3 cial capacity:

4 (I) covered United States per-
5 sons;

6 (II) covered allied persons; and

7 (III) individuals who were cov-
8 ered United States persons or covered
9 allied persons; and

10 (ii) ensures that no person described
11 in clause (i) will be arrested, detained,
12 prosecuted, or imprisoned by or on behalf
13 of the International Criminal Court; and

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

17 (c) **AUTHORITY TO WAIVE SECTIONS 4 AND 6 WITH**
18 **RESPECT TO AN INVESTIGATION OR PROSECUTION OF A**
19 **NAMED INDIVIDUAL.**—The President is authorized to
20 waive the prohibitions and requirements of sections 2004
21 and 2006 to the degree such prohibitions and require-
22 ments would prevent United States cooperation with an
23 investigation or prosecution of a named individual by the
24 International Criminal Court. A waiver under this sub-

1 section may be issued only if the President at least 15
2 days in advance of exercising such authority—

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

6 (2) determines and reports to the appropriate
7 congressional committees that—

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

11 (B) there is reason to believe that the
12 named individual committed the crime or
13 crimes that are the subject of the International
14 Criminal Court's investigation or prosecution;

15 (C) it is in the national interest of the
16 United States for the International Criminal
17 Court's investigation or prosecution of the
18 named individual to proceed; and

19 (D) in investigating events related to ac-
20 tions by the named individual, none of the fol-
21 lowing persons will be investigated, arrested,
22 detained, prosecuted, or imprisoned by or on
23 behalf of the International Criminal Court with
24 respect to actions undertaken by them in an of-
25 ficial capacity:

- 1 (i) Covered United States persons.
2 (ii) Covered allied persons.
3 (iii) Individuals who were covered
4 United States persons or covered allied
5 persons.

6 (d) TERMINATION OF WAIVER PURSUANT TO SUB-
7 SECTION (c).—Any waiver or waivers exercised pursuant
8 to subsection (c) of the prohibitions and requirements of
9 sections 2004 and 2006 shall terminate at any time that
10 a waiver pursuant to subsection (a) or (b) of the prohibi-
11 tions and requirements of sections 2005 and 2007 expires
12 and is not extended pursuant to subsection (b).

13 (e) TERMINATION OF PROHIBITIONS OF THIS
14 TITLE.—The prohibitions and requirements of sections
15 2004, 2005, 2006, and 2007 shall cease to apply, and the
16 authority of section 2008 shall terminate, if the United
17 States becomes a party to the International Criminal
18 Court pursuant to a treaty made under article II, section
19 2, clause 2 of the Constitution of the United States.

20 **SEC. 2004. PROHIBITION ON COOPERATION WITH THE**
21 **INTERNATIONAL CRIMINAL COURT.**

22 (a) APPLICATION.—The provisions of this section—
23 (1) apply only to cooperation with the Inter-
24 national Criminal Court and shall not apply to co-
25 operation with an ad hoc international criminal tri-

1 bunal established by the United Nations Security
2 Council before or after the date of the enactment of
3 this Act to investigate and prosecute war crimes
4 committed in a specific country or during a specific
5 conflict; and

6 (2) shall not prohibit—

7 (A) any action permitted under section
8 2008; or

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

11 (b) PROHIBITION ON RESPONDING TO REQUESTS
12 FOR COOPERATION.—Notwithstanding section 1782 of
13 title 28, United States Code, or any other provision of law,
14 no United States Court, and no agency or entity of any
15 State or local government, including any court, may co-
16 operate with the International Criminal Court in response
17 to a request for cooperation submitted by the Inter-
18 national Criminal Court pursuant to the Rome Statute.

19 (c) PROHIBITION ON TRANSMITTAL OF LETTERS
20 ROGATORY FROM THE INTERNATIONAL CRIMINAL
21 COURT.—Notwithstanding section 1781 of title 28,
22 United States Code, or any other provision of law, no
23 agency of the United States Government may transmit for
24 execution any letter rogatory issued, or other request for
25 cooperation made, by the International Criminal Court to

1 the tribunal, officer, or agency in the United States to
2 whom it is addressed.

3 (d) PROHIBITION ON EXTRADITION TO THE INTER-
4 NATIONAL CRIMINAL COURT.—Notwithstanding any other
5 provision of law, no agency or entity of the United States
6 Government or of any State or local government may ex-
7 tradite any person from the United States to the Inter-
8 national Criminal Court, nor support the transfer of any
9 United States citizen or permanent resident alien to the
10 International Criminal Court.

11 (e) PROHIBITION ON PROVISION OF SUPPORT TO
12 THE INTERNATIONAL CRIMINAL COURT.—Notwith-
13 standing any other provision of law, no agency or entity
14 of the United States Government or of any State or local
15 government, including any court, may provide support to
16 the International Criminal Court.

17 (f) PROHIBITION ON USE OF APPROPRIATED FUNDS
18 TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—
19 Notwithstanding any other provision of law, no funds ap-
20 propriated under any provision of law may be used for
21 the purpose of assisting the investigation, arrest, deten-
22 tion, extradition, or prosecution of any United States cit-
23 izen or permanent resident alien by the International
24 Criminal Court.

1 (g) RESTRICTION ON ASSISTANCE PURSUANT TO
2 MUTUAL LEGAL ASSISTANCE TREATIES.—The United
3 States shall exercise its rights to limit the use of assist-
4 ance provided under all treaties and executive agreements
5 for mutual legal assistance in criminal matters, multilat-
6 eral conventions with legal assistance provisions, and ex-
7 tradition treaties, to which the United States is a party,
8 and in connection with the execution or issuance of any
9 letter rogatory, to prevent the transfer to, or other use
10 by, the International Criminal Court of any assistance
11 provided by the United States under such treaties and let-
12 ters rogatory.

13 (h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF
14 AGENTS.—No agent of the International Criminal Court
15 may conduct, in the United States or any territory subject
16 to the jurisdiction of the United States, any investigative
17 activity relating to a preliminary inquiry, investigation,
18 prosecution, or other proceeding at the International
19 Criminal Court.

20 **SEC. 2005. RESTRICTION ON UNITED STATES PARTICIPA-**
21 **TION IN CERTAIN UNITED NATIONS PEACE-**
22 **KEEPING OPERATIONS.**

23 (a) POLICY.—Effective beginning on the date on
24 which the Rome Statute enters into force pursuant to Ar-
25 ticle 126 of the Rome Statute, the President should use

1 the voice and vote of the United States in the United Na-
2 tions Security Council to ensure that each resolution of
3 the Security Council authorizing any peacekeeping oper-
4 ation under chapter VI of the charter of the United Na-
5 tions or peace enforcement operation under chapter VII
6 of the charter of the United Nations permanently exempts,
7 at a minimum, members of the Armed Forces of the
8 United States participating in such operation from crimi-
9 nal prosecution or other assertion of jurisdiction by the
10 International Criminal Court for actions undertaken by
11 such personnel in connection with the operation.

12 (b) RESTRICTION.—Members of the Armed Forces of
13 the United States may not participate in any peacekeeping
14 operation under chapter VI of the charter of the United
15 Nations or peace enforcement operation under chapter VII
16 of the charter of the United Nations, the creation of which
17 is authorized by the United Nations Security Council on
18 or after the date that the Rome Statute enters into effect
19 pursuant to Article 126 of the Rome Statute, unless the
20 President has submitted to the appropriate congressional
21 committees a certification described in subsection (c) with
22 respect to such operation.

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

1 (1) members of the Armed Forces of the United
2 States are able to participate in the peacekeeping or
3 peace enforcement operation without risk of criminal
4 prosecution or other assertion of jurisdiction by the
5 International Criminal Court because, in authorizing
6 the operation, the United Nations Security Council
7 permanently exempted, at a minimum, members of
8 the Armed Forces of the United States participating
9 in the operation from criminal prosecution or other
10 assertion of jurisdiction by the International Crimi-
11 nal Court for actions undertaken by them in connec-
12 tion with the operation;

13 (2) members of the Armed Forces of the United
14 States are able to participate in the peacekeeping or
15 peace enforcement operation without risk of criminal
16 prosecution or other assertion of jurisdiction by the
17 International Criminal Court because each country
18 in which members of the Armed Forces of the
19 United States participating in the operation will be
20 present either is not a party to the International
21 Criminal Court and has not invoked the jurisdiction
22 of the International Criminal Court pursuant to Ar-
23 ticle 12 of the Rome Statute, or has entered into an
24 agreement in accordance with Article 98 of the
25 Rome Statute preventing the International Criminal

1 Court from proceeding against members of the
2 Armed Forces of the United States present in that
3 country; or

4 (3) the national interests of the United States
5 justify participation by members of the Armed
6 Forces of the United States in the peacekeeping or
7 peace enforcement operation.

8 **SEC. 2006. PROHIBITION ON DIRECT OR INDIRECT TRANS-**
9 **FER OF CLASSIFIED NATIONAL SECURITY IN-**
10 **FORMATION AND LAW ENFORCEMENT INFOR-**
11 **MATION TO THE INTERNATIONAL CRIMINAL**
12 **COURT.**

13 (a) IN GENERAL.—Not later than the date on which
14 the Rome Statute enters into force, the President shall
15 ensure that appropriate procedures are in place to prevent
16 the transfer of classified national security information and
17 law enforcement information to the International Criminal
18 Court for the purpose of facilitating an investigation, ap-
19 prehension, or prosecution.

20 (b) INDIRECT TRANSFER.—The procedures adopted
21 pursuant to subsection (a) shall be designed to prevent
22 the transfer to the United Nations and to the government
23 of any country that is party to the International Criminal
24 Court of classified national security information and law
25 enforcement information that specifically relates to mat-

1 ters known to be under investigation or prosecution by the
2 International Criminal Court, except to the degree that
3 satisfactory assurances are received from the United Na-
4 tions or that government, as the case may be, that such
5 information will not be made available to the International
6 Criminal Court for the purpose of facilitating an investiga-
7 tion, apprehension, or prosecution.

8 (c) CONSTRUCTION.—The provisions of this section
9 shall not be construed to prohibit any action permitted
10 under section 2008.

11 **SEC. 2007. PROHIBITION OF UNITED STATES MILITARY AS-**
12 **SISTANCE TO PARTIES TO THE INTER-**
13 **NATIONAL CRIMINAL COURT.**

14 (a) PROHIBITION OF MILITARY ASSISTANCE.—Sub-
15 ject to subsections (b) and (c), and effective 1 year after
16 the date on which the Rome Statute enters into force pur-
17 suant to Article 126 of the Rome Statute, no United
18 States military assistance may be provided to the govern-
19 ment of a country that is a party to the International
20 Criminal Court.

21 (b) NATIONAL INTEREST WAIVER.—The President
22 may, without prior notice to Congress, waive the prohibi-
23 tion of subsection (a) with respect to a particular country
24 if he determines and reports to the appropriate congres-

1 sional committees that it is important to the national in-
2 terest of the United States to waive such prohibition.

3 (c) ARTICLE 98 WAIVER.—The President may, with-
4 out prior notice to Congress, waive the prohibition of sub-
5 section (a) with respect to a particular country if he deter-
6 mines and reports to the appropriate congressional com-
7 mittees that such country has entered into an agreement
8 with the United States pursuant to Article 98 of the Rome
9 Statute preventing the International Criminal court from
10 proceeding against United States personnel present in
11 such country.

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

14 (1) a NATO member country;

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

18 (3) Taiwan.

19 **SEC. 2008. AUTHORITY TO FREE MEMBERS OF THE ARMED**
20 **FORCES OF THE UNITED STATES AND CER-**
21 **TAIN OTHER PERSONS DETAINED OR IMPRIS-**
22 **ONED BY OR ON BEHALF OF THE INTER-**
23 **NATIONAL CRIMINAL COURT.**

24 (a) AUTHORITY.—The President is authorized to use
25 all means necessary and appropriate to bring about the

1 release of any person described in subsection (b) who is
2 being detained or imprisoned by, on behalf of, or at the
3 request of the International Criminal Court.

4 (b) PERSONS AUTHORIZED TO BE FREED.—The au-
5 thority of subsection (a) shall extend to the following per-
6 sons:

7 (1) Covered United States persons.

8 (2) Covered allied persons.

9 (3) Individuals detained or imprisoned for offi-
10 cial actions taken while the individual was a covered
11 United States person or a covered allied person, and
12 in the case of a covered allied person, upon the re-
13 quest of such government.

14 (c) AUTHORIZATION OF LEGAL ASSISTANCE.—When
15 any person described in subsection (b) is arrested, de-
16 tained, investigated, prosecuted, or imprisoned by, on be-
17 half of, or at the request of the International Criminal
18 Court, the President is authorized to direct any agency
19 of the United States Government to provide—

20 (1) legal representation and other legal assist-
21 ance to that person (including, in the case of a per-
22 son entitled to assistance under section 1037 of title
23 10, United States Code, representation and other as-
24 sistance in the manner provided in that section);

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

3 (3) defense of the interests of the United States
4 through appearance before the International Crimi-
5 nal Court pursuant to Article 18 or 19 of the Rome
6 Statute, or before the courts or tribunals of any
7 country.

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

12 **SEC. 2009. ALLIANCE COMMAND ARRANGEMENTS.**

13 (a) REPORT ON ALLIANCE COMMAND ARRANGE-
14 MENTS.—Not later than 6 months after the date of the
15 enactment of this Act, the President should transmit to
16 the appropriate congressional committees a report with re-
17 spect to each military alliance to which the United States
18 is party—

19 (1) describing the degree to which members of
20 the Armed Forces of the United States may, in the
21 context of military operations undertaken by or pur-
22 suant to that alliance, be placed under the command
23 or operational control of foreign military officers
24 subject to the jurisdiction of the International Crimi-

1 nal Court because they are nationals of a party to
2 the International Criminal Court; and

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

10 (b) DESCRIPTION OF MEASURES TO ACHIEVE EN-
11 HANCED PROTECTION FOR MEMBERS OF THE ARMED
12 FORCES OF THE UNITED STATES.—Not later than 1 year
13 after the date of the enactment of this Act, the President
14 should transmit to the appropriate congressional commit-
15 tees a description of modifications to command and oper-
16 ational control arrangements within military alliances to
17 which the United States is a party that could be made
18 in order to reduce any risks to members of the Armed
19 Forces of the United States identified pursuant to sub-
20 section (a)(2).

21 (c) SUBMISSION IN CLASSIFIED FORM.—The report
22 under subsection (a), and the description of measures
23 under subsection (b), or appropriate parts thereof, may
24 be submitted in classified form.

1 **SEC. 2010. WITHHOLDINGS.**

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

12 **SEC. 2011. APPLICATION OF SECTIONS 2004 AND 2006 TO EX-**
13 **ERCISE OF CONSTITUTIONAL AUTHORITIES.**

14 (a) IN GENERAL.—Sections 2004 and 2006 shall not
15 apply to any action or actions with respect to a specific
16 matter involving the International Criminal Court taken
17 or directed by the President on a case-by-case basis in the
18 exercise of the President’s authority as Commander in
19 Chief of the Armed Forces of the United States under ar-
20 ticle II, section 2 of the United States Constitution or in
21 the exercise of the executive power under article II, section
22 1 of the United States Constitution.

23 (b) NOTIFICATION TO CONGRESS.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 not later than 15 days after the President takes or
26 directs an action or actions described in subsection

1 (a) that would otherwise be prohibited under section
2 2004 or 2006, the President shall submit a notifica-
3 tion of such action to the appropriate congressional
4 committees. A notification under this paragraph
5 shall include a description of the action, a deter-
6 mination that the action is in the national interest
7 of the United States, and a justification for the ac-
8 tion.

9 (2) EXCEPTION.—If the President determines
10 that a full notification under paragraph (1) could
11 jeopardize the national security of the United States
12 or compromise a United States law enforcement ac-
13 tivity, not later than 15 days after the President
14 takes or directs an action or actions referred to in
15 paragraph (1) the President shall notify the appro-
16 priate congressional committees that an action has
17 been taken and a determination has been made pur-
18 suant to this paragraph. The President shall provide
19 a full notification under paragraph (1) not later
20 than 15 days after the reasons for the determination
21 under this paragraph no longer apply.

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

1 **SEC. 2012. NONDELEGATION.**

2 The authorities vested in the President by sections
3 2003 and 2011(a) may not be delegated by the President
4 pursuant to section 301 of title 3, United States Code,
5 or any other provision of law. The authority vested in the
6 President by section 2005(e)(3) may not be delegated by
7 the President pursuant to section 301 of title 3, United
8 States Code, or any other provision of law to any official
9 other than the Secretary of Defense, and if so delegated
10 may not be subdelegated.

11 **SEC. 2013. DEFINITIONS.**

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

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means the Committee on International Re-
18 lations of the House of Representatives and the
19 Committee on Foreign Relations of the Senate.

20 (2) CLASSIFIED NATIONAL SECURITY INFORMA-
21 TION.—The term “classified national security infor-
22 mation” means information that is classified or clas-
23 sifiable under Executive Order 12958 or a successor
24 Executive order.

25 (3) COVERED ALLIED PERSONS.—The term
26 “covered allied persons” means military personnel,

1 elected or appointed officials, and other persons em-
2 ployed by or working on behalf of the government of
3 a NATO member country, a major non-NATO ally
4 (including Australia, Egypt, Israel, Japan, Jordan,
5 Argentina, the Republic of Korea, and New Zea-
6 land), or Taiwan, for so long as that government is
7 not a party to the International Criminal Court and
8 wishes its officials and other persons working on its
9 behalf to be exempted from the jurisdiction of the
10 International Criminal Court.

11 (4) COVERED UNITED STATES PERSONS.—The
12 term “covered United States persons” means mem-
13 bers of the Armed Forces of the United States,
14 elected or appointed officials of the United States
15 Government, and other persons employed by or
16 working on behalf of the United States Government,
17 for so long as the United States is not a party to
18 the International Criminal Court.

19 (5) EXTRADITION.—The terms “extradition”
20 and “extradite” mean the extradition of a person in
21 accordance with the provisions of chapter 209 of
22 title 18, United States Code, (including section
23 3181(b) of such title) and such terms include both
24 extradition and surrender as those terms are defined
25 in Article 102 of the Rome Statute.

1 (6) INTERNATIONAL CRIMINAL COURT.—The
2 term “International Criminal Court” means the
3 court established by the Rome Statute.

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

8 (8) PARTICIPATE IN ANY PEACEKEEPING OPER-
9 ATION UNDER CHAPTER VI OF THE CHARTER OF
10 THE UNITED NATIONS OR PEACE ENFORCEMENT OP-
11 ERATION UNDER CHAPTER VII OF THE CHARTER OF
12 THE UNITED NATIONS.—The term “participate in
13 any peacekeeping operation under chapter VI of the
14 charter of the United Nations or peace enforcement
15 operation under chapter VII of the charter of the
16 United Nations” means to assign members of the
17 Armed Forces of the United States to a United Na-
18 tions military command structure as part of a peace-
19 keeping operation under chapter VI of the charter of
20 the United Nations or peace enforcement operation
21 under chapter VII of the charter of the United Na-
22 tions in which those members of the Armed Forces
23 of the United States are subject to the command or
24 operational control of one or more foreign military
25 officers not appointed in conformity with article II,

1 section 2, clause 2 of the Constitution of the United
2 States.

3 (9) PARTY TO THE INTERNATIONAL CRIMINAL
4 COURT.—The term “party to the International
5 Criminal Court” means a government that has de-
6 posited an instrument of ratification, acceptance, ap-
7 proval, or accession to the Rome Statute, and has
8 not withdrawn from the Rome Statute pursuant to
9 Article 127 thereof.

10 (10) PEACEKEEPING OPERATION UNDER CHAP-
11 TER VI OF THE CHARTER OF THE UNITED NATIONS
12 OR PEACE ENFORCEMENT OPERATION UNDER CHAP-
13 TER VII OF THE CHARTER OF THE UNITED NA-
14 TIONS.—The term “peacekeeping operation under
15 chapter VI of the charter of the United Nations or
16 peace enforcement operation under chapter VII of
17 the charter of the United Nations” means any mili-
18 tary operation to maintain or restore international
19 peace and security that—

20 (A) is authorized by the United Nations
21 Security Council under chapter VI or VII of the
22 charter of the United Nations; and

23 (B) is paid for from assessed contributions
24 of United Nations members that are made

1 available for peacekeeping or peace enforcement
2 activities.

3 (11) ROME STATUTE.—The term “Rome Statute”
4 means the Rome Statute of the International
5 Criminal Court, adopted by the United Nations Dip-
6 lomatic Conference of Plenipotentiaries on the Es-
7 tablishment of an International Criminal Court on
8 July 17, 1998.

9 (12) SUPPORT.—The term “support” means as-
10 sistance of any kind, including financial support,
11 transfer of property or other material support, serv-
12 ices, intelligence sharing, law enforcement coopera-
13 tion, the training or detail of personnel, and the ar-
14 rest or detention of individuals.

15 (13) UNITED STATES MILITARY ASSISTANCE.—
16 The term “United States military assistance”
17 means—

18 (A) assistance provided under chapter 2 or
19 5 of part II of the Foreign Assistance Act of
20 1961 (22 U.S.C. 2151 et seq.); or

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

1 **SEC. 2014. REPEAL OF LIMITATION.**

2 The Department of Defense Appropriations Act,
3 2002 (division A of Public Law 107–117) is amended by
4 striking section 8173.

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

 Passed the House of Representatives May 24, 2002.

Attest:

JEFF TRANDAHL,

Clerk.

Calendar No. 405

107TH CONGRESS
2^D SESSION

H. R. 4775

AN ACT

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

JUNE 3, 2002

Received; read twice and placed on the calendar