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

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2002

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

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for “Food Safety and Inspection Service”, $2,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, 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: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”, $75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary de-
termines necessary, notwithstanding section 17(i) of the Child Nutrition Act.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for “Animal and Plant Health Inspection Service, Salaries and Expenses”, $10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: Provided, That the entire amount shall be available only to the extent an official budget request, 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: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.
DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Food and Drug Administration, Salaries and Expenses”, $18,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, 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: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 101. None of the funds appropriated in this or any other Act for the Department of Health and Human Services may be used to consolidate the Food and Drug Administration Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Services.

Sec. 102. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the
Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2002.

CHAPTER 2
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for emergency expenses resulting from the September 11, 2001, terrorist attacks, $5,750,000: 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.

LEGAL ACTIVITIES
SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for “Salaries and Expenses” for emergency expenses resulting from the September 11, 2001, terrorist attacks, $1,000,000, to remain available until expended: 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 the entire amount shall
be available only to the extent that an official budget re-
quest, 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.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Ex-
penses” for emergency expenses resulting from the Sep-
tember 11, 2001, terrorist attacks, $112,000,000, to re-
main available until September 30, 2004; 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
$102,000,000 shall be available only to the extent that an
official budget request for a specific dollar amount that
includes the designation of the entire amount of the re-
quest as an emergency requirement as defined in the Bal-
anced Budget and Emergency Deficit Control Act of 1985,
as amended, is transmitted by the President to the Con-
gress.
IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for “Salaries and Expenses, Enforcement and Border Affairs” for emergency expenses resulting from the September 11, 2001, terrorist attacks, $75,000,000, to remain available until expended:

Provided, That none of the funds appropriated in this Act, or in Public Law 107–117, for the Immigration and Naturalization Service’s Entry Exit System may be obligated until the INS submits a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: Provided further, 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 $40,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emer-
gency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Office of Justice Programs

Justice Assistance

For an additional amount for “Justice Assistance” for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT Act (Public Law 107–56) and for other counter-terrorism programs, including first responder training and equipment to respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, $175,000,000, to remain available until expended: 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.
For an additional amount for “Salaries and Expenses” for emergency expenses for increased security requirements, $1,100,000, to remain available until expended: 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 the entire amount shall be available only to the extent that an official budget request, 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 of the Congress.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for “Scientific and Technical Research and Services” for emergency expenses resulting from new homeland security activities and in-
increased security requirements, $4,000,000: 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.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FISHERIES FINANCE PROGRAM ACCOUNT

Funds provided under the heading, “Fisheries Finance Program Account” for the direct loan program authorized by the Merchant Marine Act of 1936, as amended, are available to subsidize gross obligations during fiscal year 2002 for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $19,000,000 for Traditional loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for emergency expenses resulting from new homeland security activities, $400,000: 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.
THE JUDICIARY

Supreme Court of the United States

Care of the Building and Grounds

For an additional amount for “Care of the Building and Grounds” for emergency expenses for the Supreme Court building, $10,000,000, to remain available until expended: 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.

Courts of Appeals, District Courts, and Other Judicial Services

Salaries and Expenses

For an additional amount for “Salaries and Expenses” for emergency expenses to enhance security and to provide for extraordinary costs related to terrorist trials, $6,258,000, to remain available until expended: 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 $3,115,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Bal-
1 anced Budget and Emergency Deficit Control Act of 1985,
2 as amended, is transmitted by the President of the Con-
3 gress.

4 DEPARTMENT OF STATE AND RELATED
5 AGENCY
6 DEPARTMENT OF STATE
7 ADMINISTRATION OF FOREIGN AFFAIRS
8 DIPLOMATIC AND CONSULAR PROGRAMS
9 For an additional amount for “Diplomatic and Con-
10 sular Programs” for emergency expenses for activities re-
11 related to combating international terrorism, $51,050,000,
12 to remain available until September 30, 2003: Provided,
13 That the entire amount is designated by the Congress as
14 an emergency requirement pursuant to section
15 251(b)(2)(A) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985, as amended.
17 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS
18 For an additional amount for “Educational and Cul-
19 tural Exchange Programs” for emergency expenses for ac-
20 tivities related to combating international terrorism,
21 $20,000,000, to remain available until expended: Pro-
22 vided, That the entire amount is designated by the Con-
23 gress as an emergency requirement pursuant to section
24 251(b)(2)(A) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985, as amended: Provided further,
26 That $10,000,000 shall be available only to the extent that
an official budget request for a specific dollar amount that includes the 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.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance”, for emergency expenses for activities related to combating international terrorism, $200,516,000, to remain available until expended: 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.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for “Contributions to International Organizations” for emergency expenses for activities related to combating international terrorism, $7,000,000, to remain available 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.
CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities” to make United States peacekeeping payments to the United Nations at a time of multilateral cooperation in the war on terrorism, $43,000,000: 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.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations” for emergency expenses for activities related to combating international terrorism, $7,400,000, to remain available 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.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for “Broadcasting Capital Improvements” for emergency expenses for activities related to combating international terrorism, $7,700,000, to remain available until expended: 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 the entire amount shall be available only to the extent that an official budget request, 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.

**RELATED AGENCIES**

**SECURITIES AND EXCHANGE COMMISSION**

**SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses” for additional staffing to respond to increased needs for enforcement and oversight of corporate finance, $20,000,000 from fees collected in fiscal year 2002, to remain available until expended.

In addition, for an additional amount for “Salaries and Expenses” for emergency expenses resulting from the September 11, 2001, terrorist attacks, $9,300,000, to remain available until expended: *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 the entire amount shall be available only to the extent that an official budget request, 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.

GENERAL PROVISIONS

Sec. 201. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 15 of the State Department Basic Authorities Act of 1956, as amended, and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

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

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

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

Sec. 203. (a)(1) During fiscal year 2002 and each succeeding fiscal year, notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary,
in order to permit victims of crimes associated with the terrorist acts of September 11, 2001, to watch trial proceedings in the criminal case against Zacarias Moussaoui, the trial court in that case shall order, subject to paragraph (3) and subsection (b), closed circuit televising of the trial proceedings to convenient locations the trial court determines are reasonably necessary, for viewing by those victims.

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

(i) suffered direct physical harm as a result of the terrorist acts that occurred in New York, Pennsylvania and Virginia on September 11, 2001 (hereafter in this section “terrorist acts”) and were present at the scene of the terrorist acts when they occurred, or immediately thereafter; or

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

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

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

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

SEC. 204. For purposes of section 201(a) of the Fed-
eral Property and Administrative Services Act of 1949 (re-
lating to Federal sources of supply, including lodging pro-
viders, airlines and other transportation providers), the
Eisenhower Exchange Fellowship Program shall be
deemed an executive agency for the purposes of carrying
out the provisions of 20 U.S.C. 5201, and the employees
of and participants in the Eisenhower Exchange Fellow-
ship Program shall be eligible to have access to such
sources of supply on the same basis as employees of an
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 Bal-
anced Budget and Emergency Deficit Control Act of 1985,
as amended.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army
For an additional amount for “Operation and Main-
tenance, Army”, $226,000,000, to remain available for ob-
ligation until September 30, 2003: Provided, That the en-
tire amount is designated by the Congress as an emer-
gency 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.

OPERATION AND MAINTENANCE, NAVY

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

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Main-
tenance, Air Force”, $60,500,000, to remain available for
obligation until September 30, 2003: Provided, That the en-
tire amount is designated by the Congress as an emer-
gency requirement pursuant to section 251(b)(2)(A) of the
Balanced Budget and Emergency Deficit Control Act of
1985, as amended: Provided further, That $19,500,000
shall be available only to the extent that an official budget request for $19,500,000, 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.

**Operation and Maintenance, Defense-Wide**

For an additional amount for “Operation and Maintenance, Defense-Wide”, $751,975,000, to remain available for obligation until September 30, 2003, of which $420,000,000 may be used, notwithstanding any other provision of law, for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with the Global War on Terrorism: Provided, That such payments may be made in such amounts as the Secretary may determine, in accordance with standard accounting practices and procedures, in consultation with the Director of the Office of Management and Budget and 15 days following notification to the appropriate Congressional committees: Provided further, That amounts for such payments shall be in addition to any other funds that may be available for such purpose: Provided further, 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 $12,975,000 shall be available only to the extent that an official budget request for $12,975,000, 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.

**DEFENSE EMERGENCY RESPONSE FUND**

*(INCLUDING TRANSFER OF FUNDS)*

For an additional amount for the “Defense Emergency Response Fund”, $12,693,972,000, to remain available for obligation until September 30, 2003, of which $77,900,000 shall be available for enhancements to North American Air Defense Command capabilities: *Provided,* That the Secretary of Defense may transfer the funds provided in this paragraph only to appropriations for military personnel; operation and maintenance; procurement; the Defense Health Program; and working capital funds: *Provided further,* That notwithstanding the preceding proviso, $100,000,000 of the funds provided under this heading are available for transfer to any other appropriations accounts of the Department of Defense, for certain classified activities, and notwithstanding any other provision of law, such funds may be obligated to carry out projects not oth-
erwise authorized by law: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, 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 $1,393,972,000 shall be available only to the extent that an official budget request for $1,393,972,000 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.

**PROCUREMENT**

**OTHER PROCUREMENT, ARMY**

For an additional amount for “Other Procurement, Army”, $79,200,000, to remain available for obligation
until September 30, 2004: 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.

**AIRCRAFT PROCUREMENT, NAVY**

For an additional amount for “Aircraft Procurement, Navy”, $22,800,000, to remain available for obligation until September 30, 2004: 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.

**PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS**

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $262,000,000, to remain available for obligation until September 30, 2004: 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.

**OTHER PROCUREMENT, NAVY**

For an additional amount for “Other Procurement, Navy”, $2,500,000, to remain available for obligation
until September 30, 2004: *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.

**PROCUREMENT, MARINE CORPS**

For an additional amount for “Procurement, Marine Corps”, $3,500,000, to remain available for obligation until September 30, 2004: *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.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For an additional amount for “Aircraft Procurement, Air Force”, $129,500,000, to remain available for obligation until September 30, 2004: *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 $36,500,000 shall be available only to the extent that an official budget request for $36,500,000, 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.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, $115,000,000, to remain available for obligation until September 30, 2004: 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.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, $735,340,000, to remain available for obligation until September 30, 2004: 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.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $104,425,000, to remain available for obligation until September 30, 2004: Provided, That funds may be used to purchase vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed $175,000 per vehi-
Provided further, 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 $4,925,000 shall be available only to the extent that an official budget request for $4,925,000, 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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For an additional amount for “Research, Development, Test and Evaluation, Army”, $8,200,000, 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.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”, $9,000,000, 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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $99,800,000, 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 $39,000,000 shall be available only to the extent that an official budget request for $39,000,000, 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.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, $72,000,000, 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 $20,000,000 shall be available only to the extent that an official budget request for $20,000,000, 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.

GENERAL PROVISIONS—THIS CHAPTER

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for transfer, obligation and expenditure, consistent with the purposes for which such amounts were contributed and accepted, by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be merged with and to be available for the same purposes and the same time period as the appropriation or fund to which transferred: Provided, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, 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 the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.
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SEC. 303. During fiscal year 2002, the President may continue to provide assistance to Russia under cooperative threat reduction programs and under title V of the Freedom Support Act (Public Law 102–511; 106 Stat. 3338) without regard to the certification requirements in section 1203(d) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952 (d)) and section 502 of the Freedom Support Act (22 U.S.C. 5852) if the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a certification that providing such assistance is vital to the national security interests of the United States.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414): Provided, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations or covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

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

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

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

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

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

(3) per diem, not to exceed United Nations
rates and in compliance with United Nations condi-
tions for per diem for that organization; and
(4) expenses for operation and maintenance of inspection and monitoring equipment.

SEC. 307. (a) In fiscal year 2002, funds available to the Department of Defense for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) The provision shall also apply to unexpired balances and assistance previously provided from prior years’ Acts available for purposes identified in subsection (a).

(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.

SEC. 308. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), $93,000,000, to
remain available until September 30, 2004, is hereby ap-
propriated to the Department of Defense for the procure-
ment of three MH–47 Chinook helicopters, as follows:
“Aircraft Procurement, Army”, $63,000,000; and “Pro-
curement, Defense-Wide”, $30,000,000: Provided, That
the entire amount made available in this section is des-
ignated 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 the entire amount shall be available
only to the extent that an official budget request for
$93,000,000, 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.

Sec. 309. In addition to amounts appropriated or
otherwise made available elsewhere in this Act for the De-
partment of Defense or in the Department of Defense and
Emergency Supplemental Appropriations for Recovery
from and Response to Terrorist Attacks on the United
States Act, 2002 (Public Law 107–117), $100,000,000,
to remain available until September 30, 2003, is hereby
appropriated to the Department of Defense under the
heading “Chemical Agents and Munitions Destruction,
Army” for Research, development, test and evaluation, for the purpose of chemical agent destruction at Department of Defense facilities in Aberdeen, Maryland, and Newport, Indiana: Provided, That the entire amount made available in this section 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 the entire amount shall be available only to the extent that an official budget request for $100,000,000, that includes designation of the entire amount 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.

(RESCISSIONS)

SEC. 310. Of the funds available in Department of Defense Appropriations Acts or otherwise available to the Department of Defense, the following funds are hereby rescinded, from the following accounts in the specified amounts:


SEC. 311. Section 2533a of title 10, United States Code, shall not apply to any transaction entered into to acquire or sustain aircraft under the authority of section...
Sec. 312. Notwithstanding any other provision of law, not to exceed $100,000,000, from appropriations available to the Department of Defense from the “Defense Emergency Response Fund”, may be made available only to reimburse foreign nations for the costs of goods, services, or use of facilities provided in direct support of operations by U.S. military forces in the global war on terrorism: Provided, That such reimbursements shall be determined and paid in accordance with standard accounting practices and procedures: Provided further, That the Secretaries of Defense and State shall jointly provide a written notification to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any proposed commitment and obligation of funds pursuant to this section, describing each proposed use of funds and the proposed sources of funds: Provided further, That funds proposed for obligation pursuant to the immediately preceding proviso shall not be made available for obligation without the prior approval of the Committees on Appropriations.
CHAPTER 4

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

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

PUBLIC EDUCATION SYSTEM

(RESCISSION)

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

For an additional amount for “human support services”, $37,000,000 from local funds: Provided, That $11,000,000 shall be for the Child and Family Services Agency and $26,000,000 shall be for the Department of Mental Health.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

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

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District’s Certificates of Participation, issued to finance the One Judiciary Square ground lease underlying the building located at One Judiciary Square, $7,950,000 from local funds.

ADMINISTRATIVE PROVISION

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

“(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—
“(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

“(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

“(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

“(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

“(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

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

GENERAL PROVISIONS—THIS CHAPTER

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

SEC. 402. Section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d)(2), D.C. Official Code), as amended by the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Public Law 107–96; 115 Stat. 928) is amended to read as follows: “(2) 50 percent of such balance shall be transferred from the Fund to the Mayor and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.”.

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

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

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

(2) if the Chief Financial Officer of the District
of Columbia certifies that the excess amount is avail-
able and is not required to address potential deficits
in the budget of the District government for fiscal
year 2002, for Pay-As-You-Go Capital Funds.
(c) To the extent that the excess amount described in subsection (b) is used to address potential deficits in the budget of the District government for fiscal year 2002, such amount shall remain available until expended.

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

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

CHAPTER 5
DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
Corps of Engineers—Civil
OPERATION AND MAINTENANCE, GENERAL
For an additional amount for “Operation and Maintenance, General” for emergency expenses related to security at Corps of Engineers facilities, $128,400,000, to remain available until September 30, 2003: Provided, That
the entire amount shall be available only to the extent an official budget request for $128,400,000, 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: Provided further, 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 funds made available under this heading in this Act and in Public Law 107–117 may be used to fund measures and activities undertaken by the Secretary of the Army, acting through the Chief of Engineers, to protect and secure any infrastructure owned or operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for “Science” for emergency expenses necessary to support safeguards and security activities, $29,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $29,000,000, that includes designation
of the entire amount of the request as an emergency re-
quirement as defined in the Balanced Budget and Emer-
gency Deficit Control Act of 1985, as amended, is trans-
mitted by the President to the Congress: Provided further,
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.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for “Weapons Activities”
for emergency expense resulting from the September 11,
2001, terrorist attacks, $125,400,000: Provided, That
$106,000,000 shall be available only to the extent that an
official budget request for a specific dollar amount, that
includes designation of the entire amount of the request
as an emergency requirement as defined in the Balanced
Budget and Emergency Deficit Control Act of 1985, as
amended, is transmitted by the President to the Congress:
Provided further, 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 Emer-
gency Deficit Control Act of 1985, as amended.
DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for “Defense Nuclear Nonproliferation” for international safeguards activities, $5,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $5,000,000, 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: Provided further, 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.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for “Defense Environmental Restoration and Waste Management” for emergency expenses necessary to support safeguards and security activities, $67,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $67,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emer-
gency Deficit Control Act of 1985, as amended, is trans-
mitted by the President to the Congress: Provided further,
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.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for “Defense Facilities Clo-
sure Projects” for emergency expense necessary to support
safeguards and security activities, $16,600,000: Provided,
That the entire amount shall be available only to the ex-
tent an official budget request for $16,600,000, that in-
cludes 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:
Provided further, 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 Emer-
gency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for “Other Defense Activi-
ties” for emergency expenses necessary to support energy
security and assurance activities, $7,000,000: 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.

CHAPTER 6

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for “Child Survival and Health Programs Fund” for emergency expenses for activities related to combating AIDS, tuberculosis, and malaria, $200,000,000, to remain available until December 30, 2002: Provided, That funds appropriated in this Act and in prior Acts under this heading and under the heading “Child Survival and Disease Programs Fund” and made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall not exceed 40 percent of the total resources pledged by all donors to the Global Fund for calendar year 2002: Provided further, 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 the entire amount provided shall be available only to the extent an official budget request 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.

INTERNATIONAL DISASTER ASSISTANCE
For an additional amount for “International Disaster
Assistance” for emergency expenses for activities related
to combating international terrorism, $190,000,000, to re-
main available 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 the entire
amount provided shall be available only to the extent an
official budget request that includes designation of the en-
tire 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.

OPERATING EXPENSES OF THE UNITED STATES AGENCY
FOR INTERNATIONAL DEVELOPMENT
For an additional amount for “Operating Expenses
of the United States Agency for International Develop-
ment” for emergency expenses for activities related to
combating international terrorism, $7,000,000: 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.

**Other Bilateral Economic Assistance**

**Economic Support Fund**

For an additional amount for “Economic Support Fund” for emergency expenses for activities related to combating international terrorism, $460,000,000, to remain available 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 funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.

In addition, for an additional amount for “Economic Support Fund”, $250,000,000, to remain available until September 30, 2003: Provided, That $200,000,000 of the funds appropriated in this paragraph shall be made available for assistance for Israel for activities relating to combating international terrorism: Provided further, That
$50,000,000 of the funds appropriated in this paragraph shall be transferred to “International Disaster Assistance” to be made available for humanitarian and refugee assistance for the West Bank and Gaza: **Provided further,** That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: **Provided further,** 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 the entire amount provided shall be available only to the extent an official budget request 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.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for “Assistance for the Independent States of the Former Soviet Union” for emergency expenses for activities related to combating international terrorism, $110,000,000, to remain available 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 Bal-

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

3. DEPARTMENT OF STATE

4. INTERNATIONAL NARCOTICS CONTROL AND LAW

5. ENFORCEMENT

6. For an additional amount for “International Narcotics Control and Law Enforcement” for emergency expenses for activities related to combating international terrorism, $120,000,000, to remain available 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.

7. MIGRATION AND REFUGEE ASSISTANCE

8. For an additional amount for “Migration and Refugee Assistance” for emergency expenses for activities related to combating international terrorism, $10,000,000, to remain available 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 the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined of the Balanced Budget and
Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs” for emergency expenses for activities related to combating international terrorism, $83,000,000, to remain available 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.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program” for emergency expenses for activities related to combating international terrorism, $366,500,000: 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: Provided further, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this
paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law: Provided further, That not to exceed $2,000,000 of the funds appropriated in this paragraph may be obligated for necessary expenses, including the purchase of passenger motor vehicles for use outside of the United States, for the general cost of administering military assistance and sales.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations” for emergency expenses for activities related to combating international terrorism, $20,000,000, to remain available until September 30, 2003: Provided, That the entire amount of 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 funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.
The unobligated balances of funds provided in Public Law 92–301 and Public Law 93–142 for maintenance of value payments to international financial institutions are hereby rescinded.

**GENERAL PROVISIONS—THIS CHAPTER**

Sec. 601. (a) In fiscal year 2002, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

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

(c) The authority in this section is in addition to authorities currently available to provide assistance to Colombia.
Sec. 602. Of the funds appropriated under the headings “Development Assistance” and “Economic Support Fund” in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106–113) and in prior Acts making appropriations for foreign operations, export financing, and related programs, $60,000,000 are rescinded.

ANDEAN SECURITY STRATEGY

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

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

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

(2) The actions required of the United States to support and achieve those objectives, as well as a time schedule and cost estimates for implementing such actions.
(3) The role of the United States in the efforts of the Government of Colombia to provide security within the country.

(4) How the strategy regarding Colombia relates to and affects the strategy of the United States to achieve regional security between, and within, Andean countries, and how those Andean countries are working with Colombia to achieve regional security.

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

(6) A strategy to assist the Government of Colombia reach a negotiated political solution to the internal conflict as well as help it facilitate the design and implementation of a comprehensive strategy which addresses the underlying socio-political sources of the insurgencies and paramilitary counter-insurgency.

(c) In this section, the term “appropriate congressional committees means—
(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

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

UNITED NATIONS POPULATION FUND

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

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

(2) by adding the following new subsection:

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

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

“UNITED NATIONS POPULATION FUND

“Sec. 576. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under ‘International Organizations and Programs’, not more than $34,000,000 for fiscal year 2002 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the ‘UNFPA’).
“(b) Prohibition on Use of Funds in China.—None of the funds made available under ‘International Organizations and Programs’ may be made available for the UNFPA for a country program in the People’s Republic of China.

“(c) Conditions on Availability of Funds.—Amounts made available under ‘International Organizations and Programs’ for fiscal year 2002 for the UNFPA may not be made available to UNFPA unless—

“(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

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

“(3) the UNFPA does not fund abortions.

“(d) Determination by President.—Not later than July 31, 2002, the President shall transmit to the Committees on Appropriations his determination whether UNFPA supports or participates in the management of a program of coercive abortion or involuntary sterilization.”.
For an additional amount for “Management of Lands and Resources”, $658,000, for emergency security expenses, to remain available until expended: 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 these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

For an additional amount for “Resource Management”, $1,443,000, for emergency security expenses, to remain available until expended: 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 these funds shall be
available only to the extent that an official budget request
for a specific dollar amount, that includes designation of
the entire amount as an emergency requirement as defined
by such Act, is transmitted by the President to the Con-
gress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the Na-
tional Park System”, $1,173,000, for emergency security
expenses, to remain available until expended: 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 these funds shall be available only to the extent that
an official budget request for a specific dollar amount,
that includes designation of the entire amount as an emer-
gency requirement as defined by such Act, is transmitted
by the President to the Congress.

CONSTRUCTION

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

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for \textit{“Surveys, Investigations, and Research”}, $25,700,000, for emergency security expenses, to remain available until expended: \textit{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: \textit{Provided further}, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.
For an additional amount for “Operation of Indian Programs”, $134,000, for emergency security expenses, to remain available until expended: 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 these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

Of the funds provided under this heading in Public Law 107–20 for electric power operations and related activities at the San Carlos Irrigation Project, $5,000,000 is rescinded.

Funds provided under this heading in Public Law 107–20, for electric power operations and related activities at the San Carlos Irrigation Project, and remaining within the account may be used for unanticipated trust reform projects and costs related to the ongoing Cobell litigation or other litigation concerning the management of Indian
trust funds: Provided, That funds made available herein may, as needed, be transferred to or merged with any account funded in the Interior and Related Agencies Appropriations Act to reimburse costs incurred for these litigation activities.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $905,000, for emergency security expenses, to remain available until expended: 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 these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RELATED AGENCY

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, of the Smithsonian Institution, $11,000,000, for
emergency security expenses, to remain available until expended: 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 these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for “Construction”, for emergency security expenses, $2,000,000, to remain available until expended: 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 these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 701. Within 10 days of enactment of this Act, funds appropriated to the Forest Service under the head-
ing “Wildland Fire Management” in Public Law 107–63 for the following purposes: $5,000,000 for research activities and $10,000,000 for capital improvement and maintenance of fire facilities shall be released and made available for immediate obligation. These funds are not available for transfer for purposes other than those described in this section.

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

Sec. 703. In fiscal year 2002 and thereafter, the Secretary of the Interior may charge reasonable fees for services provided at Midway Atoll National Wildlife Refuge, including fuel sales, and retain those fees, to be credited to the United States Fish and Wildlife Service, “Resource Management” account and remain available until expended for operation and maintenance of infrastructure and staffing required for non-refuge specific needs, including the purchase of fuel supplies.

Sec. 704. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into
reciprocal agreements where the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be that provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the firefighter, the sending country or any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

Sec. 705. Hereafter, for purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), the Secretary of Defense may be held responsible for water consumption that occurs on a military installation (or outside of military installation but under the direct authority and control of the Secretary). The Secretary of Defense
is not responsible for water consumption that occurs outside of a military installation and is beyond the direct authority and control of the Secretary of Defense even though the water is derived from a watershed basin shared by the military installation and the water consumption outside of the installation may impact a critical habitat or endangered species outside the installation.

CHAPTER 8

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for “Training and Employment Services”, $300,000,000, to remain available through September 30, 2003; of which not less than $190,000,000 is available for carrying out sections 171(d) and 173 of the Workforce Investment Act of 1998, except that not more than $20,000,000 may be used for carrying out section 171(d); and of which $110,000,000, to remain available through June 30, 2002, is available for carrying out section 132(a)(2)(B) of such Act: Provided, That notwithstanding sections 132(b)(2)(B) and 133(b)(2)(B) of such Act, such funds for carrying out section 132(a)(2)(B) shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the $110,000,000 that was subject to rescission
under Public Law 107–20: Provided further, 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 the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

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

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

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

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

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

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RECISISON)

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

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES AND PROGRAMS

For an additional amount for “Children and Families
Services Programs” for carrying out section 316 of the
Family Violence Prevention and Services Act (42 U.S.C.
10416), $500,000: Provided, That such amount is des-
ignated 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: Provided fur-
ther, That such amount shall be available only to the ex-
tent that an official budget request, that includes designa-
tion of the entire amount of the request as an emergency
requirement as defined in the Balanced Budget and Emer-
gency Deficit Control Act of 1985, is transmitted by the President to the Congress.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

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

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

(1) the provision specifying $200,000 for Fresno At-Risk Youth Services and the provision specifying $225,000 for the Fresno Unified School District shall be applied by substituting the following for the two provisions: “Fresno Unified School District, Fresno, California, in partnership with the City of Fresno, California, for activities to address the problems of at-risk youth, including afterschool activities and a mobile science unit, $425,000”;

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

(3) the provision specifying $250,000 for the Wellington Public School District, Wellington, KS, shall be deemed to read as follows: “Wellington Public School District, Wellington, KS, for after school activities, $250,000”;

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

(5) the provision specifying $250,000 for Education Service District 117 in Wenatchee, WA, shall be deemed to read as follows: “Education Service District 171 in Wenatchee, WA to equip a community technology center to expand technology-based training, $250,000”;

(6) the provision specifying $1,000,000 for the Electronic Data Systems Project shall be deemed to
read as follows: “Washington State Department of Education for an electronic data systems project to create a database that would improve the acquisition, analysis and sharing of student information, $1,000,000”; 

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

(8) the provision specifying $50,000 for Drug Free Pennsylvania shall be deemed to read as follows: “Drug Free Pennsylvania to implement a demonstration project, $50,000”; 

(9) the provision specifying $20,000,000 for the Commonwealth of Pennsylvania Department of Education shall be deemed to read as follows: “$20,000,000 is included for a grant to the Commonwealth of Pennsylvania Department of Education to provide assistance, through subgrants, to low-performing school districts that are slated for potential takeover and/or on the Education Empowerment List as prescribed by Pennsylvania State Law. The initiative is intended to improve the man-
agement and operations of the school districts; assist
with curriculum development; provide after-school,
summer, and weekend programs; offer teacher and
principal professional development; and promote the
acquisition and effective use of instructional tech-
nology and equipment.”;

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

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

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

For an additional amount for “Student Financial Assistance” for Pell Grants, $1,000,000,000, to remain available through September 30, 2003.

HIGHER EDUCATION

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

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

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

CHAPTER 9

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

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

STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, $1,600,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

LIBRARY OF CONGRESS

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Copyright Office, $7,500,000: Provided, That such 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.

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including computer equipment and services, training, communications, uniforms, weapons, and reimbursement to the Environmental Protection Agency, Hazardous Substance Superfund for additional expenses incurred for anthrax in-
vestigations and cleanup actions, $16,100,000, to be dis-
bursed by the Capitol Police Board or their delegee: Pro-
vided, That this amount shall be available only to the ex-
tent that an official budget request, that includes designa-
tion of the amount as an emergency requirement, as de-
finite in the Balanced Budget and Emergency Deficit Con-
trol Act of 1985, is transmitted by the President to Con-
gress: Provided further, That such amount is designated
by the Congress as an emergency requirement pursuant
to section 251(b)(2)(A) of the Balanced Budget and

ADMINISTRATIVE PROVISIONS

SEC. 901. (a) There is hereby established in the
Treasury of the United States an account for the Architect
of the Capitol to be known as “capitol police buildings”
(hereinafter in this section referred to as the “account”).
(b) Funds in the account shall be used by the Archi-
tect of the Capitol for all necessary expenses for the main-
tenance, care, and operation of buildings of the United
States Capitol Police.

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

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

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

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

Sec. 903. (a) Chapter 9 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2315), is amended—

(1) in section 903 (a), by striking “buildings and facilities” and insert “buildings and facilities, subject to the availability of appropriations,”.
(b) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a), is amended by redesignating the subsection (b) added by section 903(c)(2) of the Emergency Supplemental Act, 2002, as subsection (c).

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

SEC. 904. Nothing in section 1535 of title 31, United States Code (commonly referred to as the “Economy Act”), or any other provision of such title may be construed to prevent or restrict the Chief Administrative Officer of the House of Representatives from placing orders under such section during any fiscal year in the same manner and to the same extent as the head of any other major organizational unit with an agency may place orders under such section during a fiscal year.

SEC. 905. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), as enacted by reference in section 1(a)(2) of the Consolidated Appropriations Act, 2001, is amended—

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

(2) by inserting after subsection (b) the following new subsection:
“(c) RUSSIAN EXCHANGE PROGRAM FOR AMERICAN LEADERSHIP.—

“(1) IN GENERAL.—In addition to the program established under subsection (b), the Center shall establish a program to carry out activities (including the awarding of grants) to enable emerging political leaders of the Federal Government and State and local governments to visit the Russian Federation to study the operation of political institutions, business organizations, and nongovernmental organizations of the Russian Federation.

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

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

(1) in subsection (b)(1), by striking the period at the end and inserting the following: “, and to establish and administer the program described in subsection (c).”; and

(2) in subsection (i)(2) (as redesignated by subsection (a)(1)), by striking “Subsection (g)” and inserting “Subsection (h)”.

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(c) **Effective Date.**—The amendments made by this section shall take effect October 1, 2001.

**Sec. 906.** (a) The Librarian of Congress and the Director of the Congressional Research Service shall take such steps as may be necessary to ensure that all materials of the Congressional Research Service which are provided and available to Members of Congress and officers and employees of the House of Representatives and Senate at the United States Capitol and Congressional office buildings (including materials provided through electronic means) may be provided and available to such individuals in the same manner and to the same extent at all other locations where such individuals carry out their official duties.

(b) This section shall apply to materials of the Congressional Research Service which are provided and available at any time after the date of the enactment of this Act.

**Sec. 907.** (a) The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.

(b) The acquisition of a building or facility under subsection (a) shall be subject to the approval of—
(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;

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

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

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

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

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, $8,505,000, to remain available until September 30, 2006: 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 the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Military Construction, Defense-wide”, $21,500,000, to remain available until
September 30, 2006: 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 the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Under this heading in Public Law 107–87, as amended by section 1106 of Public Law 107–117, delete “$116,023,000” and insert “$128,123,000”.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for emergency expenses arising to implement the Federal takeover of airport security,
$3,850,000,000, to remain available 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 of the total amount provided herein, the following amounts are available for obligation only for the specific purposes below:

(1) Physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, including explosive trace detection systems, $850,000,000;

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

(3) Reimbursement of air carriers for installation of intrusion-resistant cockpit doors, $25,000,000;

(4) Competitive grants to critical national seaports to finance the costs of enhancing facility and operational security, $75,000,000;

(5) Reimbursement to airports for State and local law enforcement officers, $75,000,000;
(6) Procurement of air-ground communications systems and devices for the Federal air marshal program, $20,000,000;

(7) Additional funding for the Department of Transportation Crisis Management Center, to improve transportation emergency response coordination, $2,100,000; and

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

Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time permanent positions; Provided further, That of such amount, $1,545,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

U.S. COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses” for emergency expenses for homeland security and other purposes, $210,000,000, to remain available until Sep-
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 of such amount, $21,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements” for emergency expenses for homeland security and other purposes, $78,000,000: 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: Provided further, That of such amount, $12,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.
FEDERAL AVIATION ADMINISTRATION

Operations

(TRANSFER OF FUNDS)

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

Grants-in-Aid for Airports

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for “Grants-in-aid for airports”, to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, $200,000,000, to remain available until expended: 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 such amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement
as defined in such Act is transmitted by the President to
the Congress.

FEDERAL HIGHWAY ADMINISTRATION

Federal-Aid Highways

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the “Emergency Relief
Program”, as authorized by 23 U.S.C. 125, for emergency
expenses to respond to natural disasters or catastrophic
failures from external causes, $167,000,000, to be derived
from the Highway Trust Fund and to remain available
until expended, for the State of New York to respond to
the September 11, 2001, terrorist attacks on New York
City: 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 Emer-
gency Deficit Control Act of 1985, as amended: Provided
further, That notwithstanding 23 U.S.C. 120(e), the Fed-
eral share for any project on a Federal-aid highway re-
lated to the New York City terrorist attacks shall be 100
percent: Provided further, That notwithstanding 23 U.S.C.
125(d)(1), the Secretary of Transportation may obligate
more than $100,000,000 for those projects.
For necessary expenses of the Border Enforcement Program to respond to the September 11, 2001, terrorist attacks on the United States, $19,300,000, to be derived from the Highway Trust Fund, of which $4,200,000 shall be to implement section 1012 of Public Law 107–56 (USA Patriot Act); $10,000,000 shall be for drivers’ license fraud detection and prevention, the northern border safety and security study, and hazardous material security education and outreach; and $5,100,000 shall be for the purposes of coordinating drivers’ license registration and social security number verification: Provided, That in connection with such commercial drivers’ license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary may so designate to carry out these purposes: Provided further, 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.
HAZARDOUS MATERIALS SECURITY

(highway trust fund)

For necessary expenses to implement the hazardous materials safety permit program pursuant to 49 U.S.C. 5109, $5,000,000, to be derived from the Highway Trust Fund and to remain available until expended: 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 such amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL TRANSIT ADMINISTRATION

CAPITAL INVESTMENT GRANTS

For an additional amount for “Capital Investment Grants” for emergency expenses to respond to the September 11, 2001, terrorist attacks in New York City, $1,800,000,000, to remain available until expended to replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York: Provided, That the Secretary may use up to one percent of this amount for oversight activities: Pro-
Provided further, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: Provided further, That the Federal share for any project funded from this amount shall be 100 percent: Provided further, That these funds are in addition to any other appropriation available for these purposes: Provided further, 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.

GENERAL PROVISIONS—THIS CHAPTER

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

Sec. 1102. Section 335 of Public Law 107–87 is hereby amended by inserting “or the Transportation Security Administration” after “the Federal Aviation Administration” and by inserting “, aviation security” after “air navigation”.

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

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

CHAPTER 12

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for expenses of expanded law enforcement training workload resulting from the September 11, 2001 terrorist attacks against the United States, $15,870,000, to remain available until September 30, 2003: Provided, That such 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: Provided further, That such amount shall be available only to the extent that an official budget request, 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, is transmitted by the President to the Congress.
UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for expenses of expanded protective and investigative workload following the September 11, 2001 terrorist attacks against the United States, $46,750,000, to remain available until September 30, 2003, Provided, That such 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: Provided further, That such amount shall be available only to the extent that an official budget request, 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, is transmitted by the President to the Congress.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for “Payment to the Postal Service” for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail, $87,000,000, to remain available until expended: 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.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS

APPROPRIATED TO THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

(RESCISSION)

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

ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the implementation of election administration reform, and related expenses, $450,000,000, to remain available until expended: Provided, That such amount shall not be available for obligation until the enactment of legislation that establishes programs for improving the administration of elections: Provided further, That, upon the enactment of such legislation, the Director of the Office of Management and Budget shall transfer the specific amounts authorized, for the purposes designated, to the Federal entities specified by such legislation, and according to the provisions established in H.R. 3295, as passed by the House of Representatives on December 12, 2001: Provided further, That, within 15 days of such transfers, the Director of the Office
of Management and Budget shall notify the Congress of
the amounts transferred to each authorized Federal entity:

Provided further, That the entities to which the amounts
are transferred shall use the amounts to carry out the ap-
pllicable provisions of such legislation: Provided further,
That the transfer authority provided in this paragraph
shall be in addition to any other transfer authority pro-
vided in this or any other Act.

INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Ex-
penses," $750,000 for unanticipated costs associated with
implementing the Bipartisan Campaign Reform Act.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings
Fund" for building security emergency expenses resulting
from the September 11, 2001 terrorist attacks on the
United States, $51,800,000: Provided, That such amount
is designated by the Congress as an emergency require-
ment pursuant to section 251(b)(2)(A) of the Balanced
GENERAL PROVISIONS—THIS CHAPTER

Sec. 1201. (a) Rescission.—Of the unobligated balance as of June 30, 2002, of the funds made available for “Financial Management Service, Salaries and Expenses” in chapter 10 of title II of Public Law 107–20, $14,000,000 is rescinded.

(b) Effective Date.—Subsection (a) shall be effective June 30, 2002.

(c) Supplemental Appropriation.—For an additional amount for “Internal Revenue Service, Business Systems Modernization”, there is appropriated the amount rescinded pursuant to subsection (a), to remain available until September 30, 2003. Such additional amount may not be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for the expenditure of such additional amount that complies with the requirements as specified in clauses (1) through (6) under such heading in Public Law 107–67.

Sec. 1202. None of the funds appropriated in this or any other Act may be used to transfer the functions, missions, or activities of the United States Customs Service to the Department of Justice.

Sec. 1203. (a) The Federal Law Enforcement Training Center may, for a period ending not later than 5 years
after the date of the enactment of this Act, appoint and maintain a cadre of up to 250 Federal annuitants—(1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

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

(c) For purposes of this section—

(1) the term “Federal annuitant” means an employee who has retired under the Civil Service Retirement System, the Federal Employees’ Retirement System, or any other retirement system for employees;
(2) the term "employee" has the meaning given such term by section 2105 of such title 5; and

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

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

Medical Care

For an additional amount for "Medical care", $417,000,000: Provided, That the funds provided herein be allocated using the VERA methodology: Provided further, That for the purposes of enabling the collection from third-party insurance carriers for non-service related medical care of veterans, all Department of Veterans Affairs healthcare facilities are hereby certified as Medicare and Medicaid providers and the Centers for Medicare and Medicaid Services within the Department of Health and Human Services shall issue each Department of Veterans Affairs healthcare facility a provider number as soon as practicable after the date of enactment of this Act: Provided further, That nothing in the preceding proviso shall be construed to enable the Department of Veterans Affairs to bill Medicare or Medicaid for any medical services provided by the Veterans Health Administration or to require the Centers for Medicare and Medicaid Services to pay
for any medical services provided by the Department of Veterans Affairs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual contributions for assisted housing” or any other heading for fiscal year 2002 and prior years, $300,000,000 is hereby rescinded: Provided, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund” for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $750,000,000, to remain available until expended: Provided, That the State of New York, in cooperation with the City of New York, shall, through the Lower Manhattan Development Corporation, distribute these funds: Provided further, That such funds may be used for assistance
for properties and businesses (including the restoration of
utility infrastructure) damaged by, and for economic revi-
talization directly related to, the terrorist attacks on the
United States that occurred on September 11, 2001, in
New York City and for reimbursement to the State and
City of New York for expenditures incurred from the reg-
ular Community Development Block Grant formula alloca-
tion used to achieve these same purposes: Provided further,
That the State of New York is authorized to provide such
assistance to the City of New York: Provided further, That
in administering these funds and funds under section 108
of such Act used for economic revitalization activities in
New York City, the Secretary may waive, or specify alter-
native requirements for, any provision of any statute or
regulation that the Secretary administers in connection
with the obligation by the Secretary or the use by the re-
cipient of these funds or guarantees (except for require-
ments related to fair housing, nondiscrimination, labor
standards, and the environment), upon a finding that such
waiver is required to facilitate the use of such funds or
guarantees: Provided further, That such funds shall not
adversely affect the amount of any formula assistance re-
ceived by the State of New York, New York City, or any
categorical application for other Federal assistance: Pro-
vided further, That the Secretary shall publish in the Fed-
eral Register any waiver of any statute or regulation that
the Secretary administers pursuant to title I of the Hous-
ing and Community Development Act of 1974, as amend-
ed, no later than five days before the effective date of such
waiver: Provided further, That the Secretary shall notify
the Committees on Appropriations on the proposed alloca-
tion of any funds and any related waivers pursuant to this
section no later than five days before such allocation: Pro-
vided further, That the entire amount is designated by the
Congress as an emergency requirement pursuant to sec-
tion 251(b)(2)(A) of the Balanced Budget and Emergency
Deficit Control Act of 1985, as amended.

The referenced statement of the managers under the
heading “Community development fund” in title II of
Public Law 106–377 is deemed to be amended by striking
“$2,000,000 is for the Louisville Community Development
Bank for the Louisville Neighborhood Initiative” and in-
serting “$2,000,000 for neighborhood revitalization activi-
ties in Louisville, Kentucky, as follows: $170,000 to the
Christian Church Homes of Kentucky for facility upgrades
at Chapel House, $500,000 to the Louisville Medical Cen-
ter Development Corporation for expansion of a research
park, $400,000 to the Louisville Science Center for con-
struction of a permanent exhibition, $150,000 to the New
Zion Community Development Foundation for renovation
of a facility, $400,000 to the Presbyterian Community
Center for construction of a facility, $180,000 to the St.
Stephen Family Life Center for renovation of a facility,
and $200,000 to the United Crescent Hill Ministries for
renovation of a facility”.

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

HOUSING PROGRAMS
RENTAL HOUSING ASSISTANCE
(RESCISSION)

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

INDEPENDENT AGENCIES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
SCIENCES

For an additional amount for “National Institute of
Environmental Health Sciences,” $8,000,000, to carry out
activities set forth in section 311(a) of the Comprehensive
Environmental Response, Compensation, and Liability Act
of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 in response to the September 11, 2001, terrorist attacks on the United States: *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.

**Agency for Toxic Substances and Disease Registry**

**Salaries and Expenses**

For an additional amount for “Salaries and Expenses”, $11,300,000, of which $1,800,000 is for additional expenses incurred in response to the September 11, 2001, terrorist attacks on the United States, and of which $9,500,000 is to enhance the States’ capacity to respond to chemical terrorism events: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended.

**Environmental Protection Agency**

**State and Tribal Assistance Grants**

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

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

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

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking everything after “$2,000,000” in reference to item number 168 and inserting “for the Town of Wallace, North Carolina for a regional wastewater infrastructure improvement project ($1,000,000), and for the Town of Cary, North Carolina for wastewater infrastructure improvements including the treatment of biosolids ($1,000,000).”.

The referenced statement of managers under this heading in Public Law 107–73 is deemed to be amended in item 19 by inserting the words “water and” after the word “for”. 
For an additional amount for “Disaster relief” for necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), $2,750,000,000 to remain available until expended: 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 notwithstanding any other provision of law, the Texas Medical Center may be provided FEMA Public Assistance and Hazard Mitigation grants as an agent for eligible applicants.

For an additional amount for “Disaster assistance for unmet needs”, $23,320,000, to remain available until September 30, 2004, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal year 2002, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its “Dis-
aster relief” program) or the Small Business Administra-

tion; Provided, That in administering these funds the Di-
rector shall allocate these funds to States to be adminis-
tered by each State in conjunction with its Federal Emer-
gency Management Agency Disaster Relief program: Pro-
vided further, That each State shall provide not less than
25 percent in non-Federal public matching funds or its
equivalent value (other than administrative costs) for any
funds allocated to the State under this heading: Provided
further, That the Director shall allocate these funds based
on the unmet needs arising from a Presidentially-declared
disaster as identified by the Director as those which have
not or will not be addressed by other Federal disaster as-
sistance programs and for which it is deemed appropriate
to supplement the efforts and available resources of
States, local governments and disaster relief organiza-
tions: Provided further, That the Director shall establish
review groups within the Federal Emergency Management
Agency to review each request by a State of its unmet
needs and certify as to the actual costs associated with
the unmet needs as well as the commitment and ability
of each State to provide its match requirement: Provided
further, That the Director shall publish a notice in the
Federal Register governing the allocation and use of the
funds under this heading, including provisions for ensur-
ing the compliance of the States with the requirements
of this program: Provided further, That 10 days prior to
distribution of funds, the Director shall submit a list to
the House and Senate Committees on Appropriations set-
ting forth the proposed uses of funds and the most recent
estimates of unmet needs: Provided further, That the Di-
rector shall submit quarterly reports to said Committees
regarding the actual projects and needs for which funds
have been provided under this heading: Provided further,
That to the extent any funds under this heading are used
in a manner inconsistent with the requirements of the pro-
gram established under this heading and rules issued pur-
suant thereto, the Director shall recapture an equivalent
amount of funds from the State from any existing funds
or future funds awarded to the State under this heading
or any other program administered by the Federal Emer-
gency Management Agency: Provided further, That the en-
tire amount shall be available only to the extent an official
budget request, that includes designation of the entire
amount of the request as an emergency requirement as
defined by the Balanced Budget and Emergency Deficit
Control Act of 1985, as amended, is transmitted by the
President to the Congress: Provided further, That the en-
tire amount is designated by the Congress as an emer-
gency requirement pursuant to section 251(b)(2)(A) of the
Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for “Emergency management planning and assistance” for emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, $151,700,000 to remain available until September 30, 2002: 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.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 1301. Notwithstanding the first paragraph of the item in title II of Public Law 107–73 relating to “Federal housing administration, Mutual mortgage insurance program account”, during fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act shall not exceed a loan principal of $165,000,000,000.

Sec. 1302. Notwithstanding the first paragraph of the item in title II of Public Law 107–73 related to “Federal housing administration, General and special risk program account”, any amounts made available for fiscal year 2002 for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan
guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974), shall be available to subsidize total loan principal, any part of which is to be guaranteed, of up to $23,000,000,000.

CHAPTER 14
GENERAL PROVISIONS
Sec. 1401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.
Sec. 1402. Notwithstanding any other provision of law, all adjustments made pursuant to section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit and Control Act of 1985 to the highway category and to section 8103(a)(5) of the Transportation Equity Act for the 21st Century for fiscal year 2003 shall be deemed to be zero. This section shall apply immediately to all reports issued pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2003, including the discretionary sequester preview report.

TITLE II—AMERICAN SERVICE-MEMBERS’ PROTECTION ACT
Sec. 2001. SHORT TITLE.
This title may be cited as the “American Servicemembers’ Protection Act of 2002”.

HR 4775 RH
SEC. 2002. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the “Rome Statute of the International Criminal Court”. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead
United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: “We are left with consequences that do not serve the cause of international justice.”

(5) Ambassador Scheffer went on to tell the Congress that: “Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court’s jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.”
(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, “I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied”.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.
(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to “determine the exist-
ence of any .... act of aggression” would contravene the charter of the United Nations and undermine deterrence.

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

SEC. 2003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

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

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

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

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

(i) covered United States persons;

(ii) covered allied persons; and

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

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

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS
5 AND 7.—The President is authorized to waive the prohi-
bitions and requirements of sections 2005 and 2007 for
successive periods of one year each upon the expiration
of a previous waiver pursuant to subsection (a) or this
subsection. A waiver under this subsection may be issued
only if the President at least fifteen days in advance of
exercising such authority—
(1) notifies the appropriate congressional com-
mittees of the intention to exercise such authority;
and
(2) determines and reports to the appropriate
congressional committees that the International
Criminal Court—

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

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

(I) covered United States per-
sons;

(II) covered allied persons; and

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

(ii) ensures that no person described
in clause (i) will be arrested, detained,
prosecuted, or imprisoned by or on behalf
of the International Criminal Court; and
(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) Authority To Waive Sections 4 and 6 With Respect to an Investigation or Prosecution of a Named Individual.—The President is authorized to waive the prohibitions and requirements of sections 2004 and 2006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

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

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court’s investigation or prosecution;
(C) it is in the national interest of the United States for the International Criminal Court’s investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

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

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 2004 and 2006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 2005 and 2007 expires and is not extended pursuant to subsection (b).

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

SEC. 2004. PROHIBITION ON COOPERATION WITH THE
INTERNATIONAL CRIMINAL COURT.

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

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

(2) shall not prohibit—

(A) any action permitted under section
2008; or

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

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

(c) Prohibition on Transmittal of Letters Rogatory from the International Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) Prohibition on Extradition to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Prohibition on Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may co-operate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.
government, including any court, may provide support to
the International Criminal Court.

(f) Prohibition on Use of Appropriated Funds
To Assist the International Criminal Court.—
Notwithstanding any other provision of law, no funds ap-
propriated under any provision of law may be used for
the purpose of assisting the investigation, arrest, deten-
tion, extradition, or prosecution of any United States cit-
izen or permanent resident alien by the International
Criminal Court.

(g) Restriction on Assistance Pursuant to
Mutual Legal Assistance Treaties.—The United
States shall exercise its rights to limit the use of assist-
ance provided under all treaties and executive agreements
for mutual legal assistance in criminal matters, multilat-
eral conventions with legal assistance provisions, and ex-
tradition treaties, to which the United States is a party,
and in connection with the execution or issuance of any
letter rogatory, to prevent the transfer to, or other use
by, the International Criminal Court of any assistance
provided by the United States under such treaties and let-
ters rogatory.

(h) Prohibition on Investigative Activities of
Agents.—No agent of the International Criminal Court
may conduct, in the United States or any territory subject
to the jurisdiction of the United States, any investigative
activity relating to a preliminary inquiry, investigation,
prosecution, or other proceeding at the International
Criminal Court.

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

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

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

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

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

(2) members of the Armed Forces of the United
States are able to participate in the peacekeeping or
peace enforcement operation without risk of criminal
prosecution or other assertion of jurisdiction by the
International Criminal Court because each country
in which members of the Armed Forces of the
United States participating in the operation will be
present either is not a party to the International
Criminal Court and has not invoked the jurisdiction
of the International Criminal Court pursuant to Ar-
ticle 12 of the Rome Statute, or has entered into an
agreement in accordance with Article 98 of the
Rome Statute preventing the International Criminal
Court from proceeding against members of the
Armed Forces of the United States present in that
country; or

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

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

(a) In General.—Not later than the date on which
the Rome Statute enters into force, the President shall
ensure that appropriate procedures are in place to prevent
the transfer of classified national security information and
law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

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

SEC. 2007. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pur-
suant to Article 126 of the Rome Statute, no United
States military assistance may be provided to the govern-
ment of a country that is a party to the International
Criminal Court.

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

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

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

(1) a NATO member country;

(2) a major non-NATO ally (including Aus-
tralia, Egypt, Israel, Japan, Jordan, Argentina, the
Republic of Korea, and New Zealand); or
SEC. 2008. AUTHORITY TO FREE MEMBERS OF THE ARMED
FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

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

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal
Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribes and Other Inducements Not Authorized.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 2009. ALLIANCE COMMAND ARRANGEMENTS.

(a) Report on Alliance Command Arrangements.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—
(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

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

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed
Forces of the United States identified pursuant to subsection (a)(2).

(c) Submission in Classified Form.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 2010. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 2011. APPLICATION OF SECTIONS 2004 AND 2006 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

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

(b) Notification to Congress.—

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

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

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

SEC. 2012. NONDELEGATION.

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

SEC. 2013. DEFINITIONS.

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

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term “appropriate congressional com-
mittees” means the Committee on International Re-
lations of the House of Representatives and the
Committee on Foreign Relations of the Senate.
(2) **Classified national security information.**—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) **Covered allied persons.**—The term “covered allied persons” means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) **Covered United States persons.**—The term “covered United States persons” means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.
(5) EXTRADITION.—The terms “extradition” and “extradite” mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

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

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

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peace-
keeping operation under chapter VI of the charter of
the United Nations or peace enforcement operation
under chapter VII of the charter of the United Na-
tions in which those members of the Armed Forces
of the United States are subject to the command or
operational control of one or more foreign military
officers not appointed in conformity with article II,
section 2, clause 2 of the Constitution of the United
States.

(9) Party to the International Criminal
Court.—The term “party to the International
Criminal Court” means a government that has de-
posited an instrument of ratification, acceptance, ap-
proval, or accession to the Rome Statute, and has
not withdrawn from the Rome Statute pursuant to
Article 127 thereof.

(10) Peacekeeping Operation under Chap-
ter VI of the Charter of the United Nations
or Peace Enforcement Operation under Chap-
ter VII of the Charter of the United Na-
tions.—The term “peacekeeping operation under
chapter VI of the charter of the United Nations or
peace enforcement operation under chapter VII of
the charter of the United Nations” means any mili-
military operation to maintain or restore international peace and security that—

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

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


(12) **SUPPORT.**—The term “support” means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) **UNITED STATES MILITARY ASSISTANCE.**—The term “United States military assistance” means—
(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

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

SEC. 2014. REPEAL OF LIMITATION.

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

This Act may be cited as the “2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States”.

H.R. 4775

[Report No. 107-480]

A BILL

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

May 20, 2002

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