

# Union Calendar No. 289

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4775

[Report No. 107-480]

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

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## 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

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## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the

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

3 TITLE I—SUPPLEMENTAL APPROPRIATIONS

4 CHAPTER 1

5 DEPARTMENT OF AGRICULTURE

6 FOOD SAFETY AND INSPECTION SERVICE

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

18 FOOD AND NUTRITION SERVICE

19 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

20 WOMEN, INFANTS, AND CHILDREN (WIC)

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

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

3 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

4 SALARIES AND EXPENSES

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

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

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

17           GENERAL PROVISIONS—THIS CHAPTER

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

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

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

4 CHAPTER 2

5 DEPARTMENT OF JUSTICE

6 GENERAL ADMINISTRATION

7 SALARIES AND EXPENSES

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

15 LEGAL ACTIVITIES

16 SALARIES AND EXPENSES, UNITED STATES MARSHALS

17 SERVICE

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

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

7                   FEDERAL BUREAU OF INVESTIGATION

8                                 SALARIES AND EXPENSES

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

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

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

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

4 OFFICE OF JUSTICE PROGRAMS

5 JUSTICE ASSISTANCE

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



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

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

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

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

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

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

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

16 DEPARTMENTAL MANAGEMENT  
17 SALARIES AND EXPENSES

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

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

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

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

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

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

4 DEPARTMENT OF STATE AND RELATED  
5 AGENCY

6 DEPARTMENT OF STATE

7 ADMINISTRATION OF FOREIGN AFFAIRS

8 DIPLOMATIC AND CONSULAR PROGRAMS

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

17 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

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

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

7 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

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

16 INTERNATIONAL ORGANIZATIONS AND CONFERENCES

17 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

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

1     CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING  
2                             ACTIVITIES

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

11                             RELATED AGENCY

12                     BROADCASTING BOARD OF GOVERNORS

13             INTERNATIONAL BROADCASTING OPERATIONS

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

22                     BROADCASTING CAPITAL IMPROVEMENTS

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

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

## 11 RELATED AGENCIES

### 12 SECURITIES AND EXCHANGE COMMISSION

#### 13 SALARIES AND EXPENSES

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

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

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

8 GENERAL PROVISIONS

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

#### 4 CHAPTER 3

#### 5 DEPARTMENT OF DEFENSE—MILITARY

#### 6 MILITARY PERSONNEL

#### 7 MILITARY PERSONNEL, AIR FORCE

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

#### 14 OPERATION AND MAINTENANCE

#### 15 OPERATION AND MAINTENANCE, ARMY

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

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

4 OPERATION AND MAINTENANCE, NAVY

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

18 OPERATION AND MAINTENANCE, AIR FORCE

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

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

7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

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

9 DEFENSE EMERGENCY RESPONSE FUND

10 (INCLUDING TRANSFER OF FUNDS)

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

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

## 22 PROCUREMENT

### 23 OTHER PROCUREMENT, ARMY

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

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

6 AIRCRAFT PROCUREMENT, NAVY

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

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
15 CORPS

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

23 OTHER PROCUREMENT, NAVY

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



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

6                   PROCUREMENT, MARINE CORPS

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

14                   AIRCRAFT PROCUREMENT, AIR FORCE

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

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

3           PROCUREMENT OF AMMUNITION, AIR FORCE

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

11           OTHER PROCUREMENT, AIR FORCE

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

19           PROCUREMENT, DEFENSE-WIDE

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

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

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

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

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 NAVY

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

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

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

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

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

17 GENERAL PROVISIONS—THIS CHAPTER

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

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

4 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

15 (RESCISSIONS)

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

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

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

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

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

1                                   CHAPTER 4  
2                                   DISTRICT OF COLUMBIA  
3                                   DISTRICT OF COLUMBIA FUNDS  
4                                   OPERATING EXPENSES  
5                                   DIVISION OF EXPENSES  
6                                   GOVERNMENTAL DIRECTION AND SUPPORT

7           The paragraph under this heading in the District of  
8 Columbia Appropriations Act, 2002 (Public Law 107–96)  
9 is amended by striking: “*Provided further*, That not less  
10 than \$353,000 shall be available to the Office of the Cor-  
11 poration Counsel to support increases in the Attorney Re-  
12 tention Allowance:” and inserting: “*Provided further*, That  
13 not less than \$353,000 shall be available to the Office of  
14 the Corporation Counsel to support attorney compensation  
15 consistent with performance measures contained in a ne-  
16 gotiated collective bargaining agreement:”.

17                                   PUBLIC EDUCATION SYSTEM  
18                                   (RESCISSION)

19           Notwithstanding any other provision of law, of the  
20 local funds appropriated under this heading for public  
21 charter schools for the fiscal year ending September 30,  
22 2002, in the District of Columbia Appropriations Act,  
23 2002, approved December 21, 2001 (Public Law 107–96;  
24 115 Stat. 935), \$37,000,000 are rescinded.

## 1 HUMAN SUPPORT SERVICES

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

## 7 REPAYMENT OF LOANS AND INTEREST

8 (RESCISSION)

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

## 12 CERTIFICATES OF PARTICIPATION

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

## 18 ADMINISTRATIVE PROVISION

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

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

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

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

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

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

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

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

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

3 GENERAL PROVISIONS—THIS CHAPTER

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

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

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



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

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

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

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

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

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

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

17 CHAPTER 5

18 DEPARTMENT OF DEFENSE—CIVIL

19 DEPARTMENT OF THE ARMY

20 CORPS OF ENGINEERS—CIVIL

21 OPERATION AND MAINTENANCE, GENERAL

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

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

18 DEPARTMENT OF ENERGY

19 ENERGY PROGRAMS

20 SCIENCE

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

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

9 NATIONAL NUCLEAR SECURITY ADMINISTRATION

10 WEAPONS ACTIVITIES

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

## 1 DEFENSE NUCLEAR NONPROLIFERATION

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

## 15 ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

16 DEFENSE ENVIRONMENTAL RESTORATION AND WASTE  
17 MANAGEMENT

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

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

#### 7 DEFENSE FACILITIES CLOSURE PROJECTS

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

#### 21 OTHER DEFENSE ACTIVITIES

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

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

#### 4 CHAPTER 6

#### 5 BILATERAL ECONOMIC ASSISTANCE

#### 6 FUNDS APPROPRIATED TO THE PRESIDENT

#### 7 UNITED STATES AGENCY FOR INTERNATIONAL

#### 8 DEVELOPMENT

#### 9 CHILD SURVIVAL AND HEALTH PROGRAMS FUND

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

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

5 INTERNATIONAL DISASTER ASSISTANCE

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

20 OPERATING EXPENSES OF THE UNITED STATES AGENCY

21 FOR INTERNATIONAL DEVELOPMENT

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



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

4 OTHER BILATERAL ECONOMIC ASSISTANCE

5 ECONOMIC SUPPORT FUND

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

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

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

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

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

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

3 DEPARTMENT OF STATE

4 INTERNATIONAL NARCOTICS CONTROL AND LAW

5 ENFORCEMENT

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

14 MIGRATION AND REFUGEE ASSISTANCE

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

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

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

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

14 MILITARY ASSISTANCE

15 FUNDS APPROPRIATED TO THE PRESIDENT

16 FOREIGN MILITARY FINANCING PROGRAM

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

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

10 PEACEKEEPING OPERATIONS

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

## 1           MULTILATERAL ECONOMIC ASSISTANCE

## 2                   FUNDS APPROPRIATED TO THE PRESIDENT

## 3   SPECIAL PAYMENTS TO THE INTERNATIONAL FINANCIAL

## 4                                   INSTITUTIONS

## 5                                   (RESCISSION)

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

## 10           GENERAL PROVISIONS—THIS CHAPTER

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

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

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

## (RESCISSION)

1  
2       SEC. 602. Of the funds appropriated under the head-  
3 ings “Development Assistance” and “Economic Support  
4 Fund” in title II of the Foreign Operations, Export Fi-  
5 nancing, and Related Programs Appropriations Act, 2000  
6 (as contained in Public Law 106–113) and in prior Acts  
7 making appropriations for foreign operations, export fi-  
8 nancing, and related programs, \$60,000,000 are re-  
9 scinded.

## ANDEAN SECURITY STRATEGY

10  
11       SEC. 603. (a) Not later than 30 days after the date  
12 of the enactment of this Act, the President shall transmit  
13 to the appropriate congressional committees a report on  
14 the United States policy and strategy to assist Colombia  
15 as well as to achieve a robust security environment in the  
16 Andean region.

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

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

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

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

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

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

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

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



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

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

6           UNITED NATIONS POPULATION FUND

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

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

11          (2) by adding the following new subsection:

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

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

19                 “UNITED NATIONS POPULATION FUND

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

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

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

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

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

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

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

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

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

17   UNITED STATES FISH AND WILDLIFE SERVICE  
18   RESOURCE MANAGEMENT

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

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

## 6 NATIONAL PARK SERVICE

### 7 OPERATION OF THE NATIONAL PARK SYSTEM

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

### 20 CONSTRUCTION

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

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

8 UNITED STATES GEOLOGICAL SURVEY

9 SURVEYS, INVESTIGATIONS, AND RESEARCH

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

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

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

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

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

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

6 DEPARTMENTAL OFFICES

7 DEPARTMENTAL MANAGEMENT

8 SALARIES AND EXPENSES

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

21 RELATED AGENCY

22 SMITHSONIAN INSTITUTION

23 SALARIES AND EXPENSES

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

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

11 CONSTRUCTION

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

23 GENERAL PROVISIONS—THIS CHAPTER

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



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

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

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

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

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

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

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

8 CHAPTER 8

9 DEPARTMENT OF LABOR

10 EMPLOYMENT AND TRAINING ADMINISTRATION

11 TRAINING AND EMPLOYMENT SERVICES

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

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

11 DEPARTMENT OF HEALTH AND HUMAN  
12 SERVICES

13 HEALTH RESOURCES AND SERVICES ADMINISTRATION  
14 HEALTH RESOURCES AND SERVICES

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

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

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

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

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

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

8 NATIONAL INSTITUTES OF HEALTH

9 BUILDINGS AND FACILITIES

10 (RESCISSION)

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

13 ADMINISTRATION FOR CHILDREN AND FAMILIES

14 CHILDREN AND FAMILIES SERVICES AND PROGRAMS

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

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

3 DEPARTMENT OF EDUCATION

4 SCHOOL IMPROVEMENT PROGRAMS

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## 1                   STUDENT FINANCIAL ASSISTANCE

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

## 5                   HIGHER EDUCATION

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

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

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

## 19                   CHAPTER 9

## 20                   LEGISLATIVE BRANCH

## 21                   HOUSE OF REPRESENTATIVES

## 22                   SALARIES AND EXPENSES

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

## 1 COMMITTEE EMPLOYEES

## 2 STANDING COMMITTEES, SPECIAL AND SELECT

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

## 8 LIBRARY OF CONGRESS

## 9 COPYRIGHT OFFICE

## 10 SALARIES AND EXPENSES

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

## 16 JOINT ITEMS

## 17 CAPITOL POLICE BOARD

## 18 CAPITOL POLICE

## 19 GENERAL EXPENSES

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

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

12 ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

## 16 CHAPTER 11

### 17 DEPARTMENT OF TRANSPORTATION

#### 18 OFFICE OF THE SECRETARY

##### 19 TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

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

##### 23 TRANSPORTATION SECURITY ADMINISTRATION

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

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

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

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

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

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

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

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

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

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

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

21                                   U.S. COAST GUARD

22                                   OPERATING EXPENSES

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

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

11 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

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

## 1 FEDERAL AVIATION ADMINISTRATION

## 2 OPERATIONS

## 3 (TRANSFER OF FUNDS)

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

## 9 GRANTS-IN-AID FOR AIRPORTS

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

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

3 FEDERAL HIGHWAY ADMINISTRATION

4 FEDERAL-AID HIGHWAYS

5 EMERGENCY RELIEF PROGRAM

6 (HIGHWAY TRUST FUND)

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



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

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

## HAZARDOUS MATERIALS SECURITY

## (HIGHWAY TRUST FUND)

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

## FEDERAL TRANSIT ADMINISTRATION

## CAPITAL INVESTMENT GRANTS

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

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

13       GENERAL PROVISIONS—THIS CHAPTER

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

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

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

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

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

6 CHAPTER 12

7 DEPARTMENT OF THE TREASURY

8 FEDERAL LAW ENFORCEMENT TRAINING CENTER

9 SALARIES AND EXPENSES

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

## 1 UNITED STATES SECRET SERVICE

## 2 SALARIES AND EXPENSES

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

## 17 POSTAL SERVICE

## 18 PAYMENT TO THE POSTAL SERVICE FUND

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

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

3 EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS

4 APPROPRIATED TO THE PRESIDENT

5 OFFICE OF MANAGEMENT AND BUDGET

6 SALARIES AND EXPENSES

7 (RESCISSION)

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

10 ELECTION ADMINISTRATION REFORM AND RELATED

11 EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

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

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

9 INDEPENDENT AGENCIES

10 FEDERAL ELECTION COMMISSION

11 SALARIES AND EXPENSES

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

15 GENERAL SERVICES ADMINISTRATION

16 REAL PROPERTY ACTIVITIES

17 FEDERAL BUILDINGS FUND

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

## 1           GENERAL PROVISIONS—THIS CHAPTER

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

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

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

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

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



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

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

19 (c) For purposes of this section—

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

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

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

5                           CHAPTER 13

6           DEPARTMENT OF VETERANS AFFAIRS

7                           VETERANS HEALTH ADMINISTRATION

8                           MEDICAL CARE

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

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

3 DEPARTMENT OF HOUSING AND URBAN  
4 DEVELOPMENT  
5 PUBLIC AND INDIAN HOUSING  
6 HOUSING CERTIFICATE FUND  
7 (RESCISSION)

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

17 COMMUNITY PLANNING AND DEVELOPMENT  
18 COMMUNITY DEVELOPMENT FUND

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

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

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

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

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

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

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

3 HOUSING PROGRAMS

4 RENTAL HOUSING ASSISTANCE

5 (RESCISSION)

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

17 INDEPENDENT AGENCIES

18 DEPARTMENT OF HEALTH AND HUMAN

19 SERVICES

20 NATIONAL INSTITUTES OF HEALTH

21 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

22 SCIENCES

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

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

8 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

9 REGISTRY

10 SALARIES AND EXPENSES

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

21 ENVIRONMENTAL PROTECTION AGENCY

22 STATE AND TRIBAL ASSISTANCE GRANTS

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



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

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

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

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

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

1           FEDERAL EMERGENCY MANAGEMENT AGENCY  
2                                   DISASTER RELIEF

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

17                                   DISASTER ASSISTANCE FOR UNMET NEEDS

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

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

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

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

3 EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

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

12 GENERAL PROVISIONS—THIS CHAPTER

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

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

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

## 5 CHAPTER 14

### 6 GENERAL PROVISIONS

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

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

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

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

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

1 **SEC. 2002. FINDINGS.**

2 Congress makes the following findings:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

7 (i) covered United States persons;

8 (ii) covered allied persons; and

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

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

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

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

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

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

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

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

16           (II) covered allied persons; and

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

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

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

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

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

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

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

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

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

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

12 (i) Covered United States persons.

13 (ii) Covered allied persons.

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

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

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

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

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

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

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

17 (2) shall not prohibit—

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) a NATO member country;

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

1 (3) Taiwan.

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

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

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

15 (1) Covered United States persons.

16 (2) Covered allied persons.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

7 **SEC. 2010. WITHHOLDINGS.**

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

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

19 **ERCISE OF CONSTITUTIONAL AUTHORITIES.**

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

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

4 (b) NOTIFICATION TO CONGRESS.—

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

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

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

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

7 **SEC. 2012. NONDELEGATION.**

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

17 **SEC. 2013. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

**Union Calendar No. 289**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4775**

**[Report No. 107-480]**

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**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.

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MAY 20, 2002

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