

107TH CONGRESS
1ST SESSION

H. R. 3393

Making additional emergency supplemental appropriations for fiscal year 2002
for urgent counter-terrorism activities.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2001

Mr. MURTHA introduced the following bill; which was referred to the
Committee on Appropriations

A BILL

Making additional emergency supplemental appropriations
for fiscal year 2002 for urgent counter-terrorism activities.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Urgent Counter-Ter-
5 rorism Supplemental Appropriations Act, 2002”.

6 **SEC. 2. STATEMENT OF APPROPRIATION.**

7 The following sums are appropriated, out of any
8 money in the Treasury not otherwise appropriated, for fis-
9 cal year 2002, and for other purposes.

1 **TITLE I—APPROPRIATION AND**
2 **TRANSFERS OF FUNDS**

3 **SEC. 101. APPROPRIATION.**

4 In addition to the amounts provided in any other Act,
5 there is hereby appropriated \$6,548,000,000 to the “De-
6 fense Emergency Response Fund” only for the purpose
7 of upgrading critical defense and intelligence capabilities
8 to fight the war on terrorism and to recover from the at-
9 tacks of September 11, 2001.

10 **SEC. 102. TRANSFERS OF FUNDS.**

11 Notwithstanding any other provision of law or this
12 Act, within 15 days after the President makes an emer-
13 gency designation under section 301 for any amount speci-
14 fied in any section of title II, the Secretary of Defense
15 shall transfer the requisite funds appropriated by section
16 101 to appropriate accounts in the Treasury in accordance
17 with the allocations specified in title II.

18 **TITLE II—ALLOCATION OF**
19 **FUNDS**

20 **SEC. 201. ANTI-TERRORISM INTELLIGENCE UPGRADES.**

21 To upgrade and improve the effectiveness of counter-
22 terrorism intelligence collection and analysis, to better
23 protect intelligence resources from terrorist attack, and to
24 accelerate the installation of real-time linkages between in-
25 telligence systems and military warfighting platforms,

1 \$2,001,000,000 of the funds appropriated in section 101
2 shall be allocated as follows:

3 (1) \$368,000,000 shall be available only to im-
4 prove Department of Defense and intelligence agen-
5 cy human intelligence collection capabilities against
6 terrorist organizations to include additional man-
7 power, additional analytical capability, and agent op-
8 eration expenses.

9 (2) \$245,000,000 shall be available only to the
10 Director of Central Intelligence to support critical
11 foreign counter-intelligence force protection require-
12 ments and to provide additional counter-terrorism
13 assistance to the Federal Bureau of Investigation in
14 accordance with law.

15 (3) \$80,000,000 shall be available only to the
16 Director of Central Intelligence to upgrade counter-
17 terrorism intelligence tasking, processing, exploi-
18 tation, and dissemination capabilities.

19 (4) \$55,000,000 shall be available only to the
20 Secretary of Defense to upgrade counter-terrorism
21 intelligence tasking, processing, exploitation, and
22 dissemination capabilities.

23 (5) \$497,000,000 shall be available only to pro-
24 cure and support the enhancement and deployment
25 of additional Intelligence, Surveillance, and Recon-

1 naissance assets in support of Operation Enduring
2 Freedom and follow-on anti-terrorist operations.

3 (6) \$159,000,000 shall be available only to en-
4 hance Navy and Air Force electronic networking of
5 assets and time critical targeting capabilities.

6 (7) \$182,000,000 shall be available only to pro-
7 cure Link 16 systems for tactical ISR platforms to
8 allow real time data exchange between combat and
9 command and control platforms.

10 (8) \$415,000,000 shall be available only to the
11 Director of Central Intelligence, in consultation with
12 the Secretary of Defense, for intelligence agency
13 physical security upgrades, data survivability/con-
14 tinuity enhancements, and satellite infrastructure
15 improvements.

16 **SEC. 202. CHEMICAL AND BIOLOGICAL WARFARE DEFENSE**
17 **CAPABILITIES.**

18 To upgrade and improve the ability of the United
19 States to detect, prevent and respond to chemical and bio-
20 logical warfare terrorist attacks at home and abroad,
21 \$817,000,000 of the funds appropriated in section 101
22 shall be allocated as follows:

23 (1) \$307,000,000 shall be available only for
24 rapid development and/or procurement and deploy-
25 ment of biological weapons detection systems and

1 chemical/biological decontamination equipment at
2 key military and civilian facilities.

3 (2) \$82,000,000 shall be available only to accel-
4 erate production of anthrax vaccines and smallpox
5 vaccine samples, to develop next generation anthrax
6 vaccines, and to develop, test, evaluate and procure
7 new drug therapies to counter biological threat
8 agents.

9 (3) \$185,000,000 shall be available only to
10 equip existing Army National Guard Weapons of
11 Mass Destruction Civil Support teams (WMD–CST
12 teams) with mobile analytical laboratory capabilities
13 and to establish, train and equip additional WMD–
14 CST teams in the following States and territories in
15 order to complete the objective of establishing
16 WMD–CST teams in each State and territory:

17 (A) Alabama.

18 (B) Connecticut.

19 (C) Delaware.

20 (D) District of Columbia.

21 (E) Indiana.

22 (F) Kansas.

23 (G) Maryland.

24 (H) Michigan.

25 (I) Mississippi.

1 (J) Montana.

2 (K) Nebraska.

3 (L) New Hampshire.

4 (M) New Jersey.

5 (N) Nevada.

6 (O) North Carolina.

7 (P) North Dakota.

8 (Q) Oregon.

9 (R) Rhode Island.

10 (S) South Dakota.

11 (T) Tennessee.

12 (U) Utah.

13 (V) Vermont.

14 (W) West Virginia.

15 (X) Wisconsin.

16 (Y) Wyoming.

17 (Z) American Samoa.

18 (AA) Guam.

19 (BB) Puerto Rico and Virgin Islands.

20 (4) \$40,000,000 shall be available only for bio-

21 logical weapons proliferation prevention activities

22 under the Cooperative Threat Reduction Program.

23 Of such funds, \$30,000,000 shall be transferred to

24 “Department of State—Nonproliferation, Anti-Ter-

25 rorism, Demining, and Related Programs” only for

1 the purpose of supporting expansion of the Biologi-
2 cal Weapons Redirect and International Science and
3 Technology Centers programs to prevent former So-
4 viet weapons experts from emigrating to proliferant
5 States and to reconfigure former Soviet biological
6 weapons production facilities for peaceful uses.

7 (5) \$68,000,000 shall be available only to sup-
8 port and equip Marine Corps and Army chemical/bi-
9 ological warfare response teams, including the pro-
10 curement of additional mobile decontamination units
11 for these teams.

12 (6) \$25,000,000 shall be available only for the
13 Army Chemical Stockpile Emergency Preparedness
14 Program for State and Federal technical assistance
15 projects to ensure public safety at chemical weapons
16 storage facilities in the following States:

17 (A) Alabama.

18 (B) Arkansas.

19 (C) Colorado.

20 (D) Illinois.

21 (E) Indiana.

22 (F) Maryland.

23 (G) Kentucky.

24 (H) Oregon.

25 (I) Utah.

1 (J) Washington.

2 (7) \$60,000,000 shall be available only for the
3 procurement of interoperable communications equip-
4 ment to enable Army emergency response teams to
5 communicate with local emergency response per-
6 sonnel.

7 (8) \$50,000,000 shall be available only to im-
8 plement short-term facility repairs and improve-
9 ments at the biocontainment research laboratories of
10 the Army Medical Research Institute of Infectious
11 Disease at Fort Detrick, Maryland, and the facilities
12 of the Army Institute of Pathology (AFIP) at the
13 Walter Reed Medical Center for the purpose of im-
14 proving quick response to demands for confirmatory
15 and diagnostic testing of potential biological threats
16 and to accelerate the development of treatments and
17 vaccines against biological agents.

18 **SEC. 203. SPECIAL FORCES COUNTER-TERRORISM CAPA-**
19 **BILITY.**

20 To upgrade and improve the ability of Special Forces
21 to successfully operate in Operation Enduring Freedom
22 and future anti-terrorist operations, \$755,000,000 of the
23 funds appropriated in section 101 shall be allocated as fol-
24 lows:

1 (1) \$50,000,000 shall be available only for the
2 procurement of AN/PRC 112B survival radios for
3 SOF rescue/extraction teams to provide geo-location
4 and low probability of intercept/detection commu-
5 nications capability.

6 (2) \$90,000,000 shall be available only to pro-
7 cure common missile warning systems and improved
8 conventional munitions dispensers for the MH-47
9 and MH-60 aircraft to enhance rotary wing surviv-
10 ability.

11 (3) \$125,000,000 shall be available only to sup-
12 port counter-terrorism full mission profile training to
13 increase the probability of mission success and de-
14 crease the possibility of fratricide and to provide for
15 shortfalls in flying hours necessary to conduct such
16 training and operations.

17 (4) \$125,000,000 shall be available only to sup-
18 port survivability and mission enhancement upgrades
19 for C-130, MH-53, and other SOF aircraft.

20 (5) \$165,000,000 shall be available only to pro-
21 cure nonstandard weapons and ammunition, uncon-
22 ventional equipment and supplies, and other SOF
23 unique counter-terrorism enhancements to current
24 capabilities.

1 (6) \$200,000,000 shall be available only for
2 SOCOM equipment sustainment and refurbishment,
3 and for procurement of additional equipment.

4 **SEC. 204. MUNITIONS AND ESSENTIAL EQUIPMENT RE-**
5 **PLENISHMENT AND UPGRADES.**

6 To ensure an adequate supply of precision guided
7 weapons and other weapons and munitions to fully pros-
8 ecute Operation Enduring Freedom and future potential
9 anti-terrorist operations, and to provide for the rapid de-
10 velopment and deployment of promising anti-terrorist
11 weapons, WMD defense capabilities, and added support
12 to key tactical warfare systems, \$912,000,000 of the funds
13 appropriated in section 101 shall be allocated as follows:

14 (1) \$250,000,000 shall be available only to ac-
15 celerate the development and procurement of the
16 tactical tomahawk cruise missile.

17 (2) \$180,000,000 shall be available only for the
18 procurement of laser-guided bomb kits.

19 (3) \$125,000,000 shall be available only for
20 procurement of Army and Marine Corps small arms,
21 small arms ammunition, and night vision equipment.

22 (4)(A) \$250,000,000 shall be available only to
23 “Operational Rapid Response Transfer Fund”, to
24 remain available for obligation until September 30,
25 2002, only for the accelerated research, development,

1 test, evaluation, procurement, or deployment of mili-
2 tary technologies, systems, or other equipment nec-
3 essary for improving the capability to fight ter-
4 rorism, protect the force, prepare for and respond to
5 terrorist attacks, or improve the capabilities of key
6 tactical systems.

7 (B) The Secretary of Defense may transfer
8 funds under this paragraph only to operation and
9 maintenance accounts, procurement accounts, or re-
10 search, development, test and evaluation accounts.

11 (C) Of the funds under this paragraph,
12 \$75,000,000 shall be available only to support quick
13 reaction activities to develop and deploy promising
14 new weapons and other WMD defense capabilities
15 that are recommended by the Department of De-
16 fense Combating Terrorism Technology Task Force.

17 (D) The Secretary of Defense shall provide
18 written notification to the congressional defense
19 committees prior to the transfer of any amount
20 under this paragraph in excess of \$5,000,000 to a
21 specific program, project, or activity.

22 (E) None of the funds under this paragraph
23 may be obligated for new start projects without prior
24 notification to the congressional defense committees

1 in conformance with normal reprogramming proce-
2 dures and guidelines.

3 (5) \$107,000,000 shall be available only to im-
4 prove secure communications capabilities of the
5 Army Reserve components by providing hardening,
6 redundancy, storage, and information assurance for
7 network infrastructure.

8 **SEC. 205. FORCE PROTECTION AND RECOVERY ACTIVITIES.**

9 To upgrade physical security at Department of De-
10 fense and intelligence agency installations, and to accel-
11 erate efforts to repair, reconstruct, and renovate the Pen-
12 tagon Reservation, \$966,000,000 of the funds appro-
13 priated in section 101 shall be allocated as follows:

14 (1)(A) \$800,000,000 shall be available only to
15 finance accelerated building renovation activities for
16 military command centers and related activities at
17 the Pentagon Reservation in order to accelerate
18 completion of the Pentagon renovation project by at
19 least 4 years from the current estimated completion
20 date of 2014.

21 (B) None of the funds under this paragraph
22 shall be obligated until 15 days after the Secretary
23 of Defense has submitted to the Congress a revised
24 Pentagon renovation plan to include estimated total
25 costs by year and by function, a comprehensive con-

1 construction schedule, an assessment of the security
2 and operational benefits derived from an accelerated
3 schedule, and a certification that it is the Sec-
4 retary's best estimate that expenditure of such funds
5 will accelerate the final completion of the Pentagon
6 renovation by at least 4 years.

7 (2) \$45,000,000 shall be available only to pro-
8 cure patrol boat equipment in support of enhanced
9 Navy capabilities to maintain threat standoff dis-
10 tances in foreign ports.

11 (3) \$30,000,000 shall be available only to pro-
12 cure security equipment identified by the Navy to be
13 necessary to increase the security of military sealift
14 ships.

15 (4) \$25,000,000 shall be available only to up-
16 grade firefighting self contained breathing equip-
17 ment on Navy surface ships.

18 (5) \$31,000,000 shall be available only for
19 Navy and Air Force anti-access equipment.

20 (6) \$25,000,000 shall be available only for
21 Army anti-access equipment.

22 (7) \$10,000,000 shall be available only to mod-
23 ernize the USS Comfort and USS Mercy hospital
24 ships.

1 **SEC. 206. ESSENTIAL AIRCRAFT UPGRADES.**

2 To make essential upgrades and improvements in air-
3 craft capabilities for operating in the Central Asia region,
4 \$602,000,000 of the funds appropriated in section 101
5 shall be allocated as follows:

6 (1) \$88,000,000 shall be available only for the
7 procurement of additional decoys, armor, and other
8 self-protection upgrades for Air Force aircraft.

9 (2) \$55,000,000 shall be available only for the
10 procurement of additional laser detecting sets and
11 other self protection and engine upgrades for Army
12 (including SOCOM) helicopters.

13 (3) \$48,000,000 shall be available only for the
14 procurement of crashworthy UH-60 helicopter ex-
15 tended range fuel tanks.

16 (4) \$129,000,000 shall be available only to ac-
17 celerate planned electronic self protection, commu-
18 nications, navigation, and engine upgrade modifica-
19 tions to combat search and rescue helicopters.

20 (5) \$67,000,000 shall be available only to pro-
21 cure additional Litening targeting pods for AV-8B
22 Harrier aircraft.

23 (6) \$70,000,000 shall be available only to up-
24 grade strategic communications systems for the na-
25 tional airborne command post.

1 (7) \$145,000,000 shall be available only to im-
2 prove the reliability of B-52 electronics and the
3 maintainability of B-2 surfaces.

4 **SEC. 207. OPERATION ENDURING FREEDOM OPERATIONAL**
5 **COSTS.**

6 To ensure that the military services are not required
7 to make reductions in essential training, readiness, equip-
8 ment maintenance, quality of life, or research and develop-
9 ment programs in order to pay for the unbudgeted and
10 unpredictable operational costs of Operation Enduring
11 Freedom, and to ensure that the aging equipment being
12 used in Operation Enduring Freedom is properly main-
13 tained, \$495,000,000 of the funds appropriated in section
14 101 shall be allocated as follows:

15 (1) \$220,000,000 shall be available only to sup-
16 plement the defense working capital funds for in-
17 creased fuel, base operations, and training costs.

18 (2) \$200,000,000 shall be available only for ad-
19 ditional spare parts to support Operation Enduring
20 Freedom.

21 (3) \$75,000,000 shall be available only for in-
22 creased depot maintenance requirements resulting
23 from Operations Noble Eagle and Enduring Free-
24 dom.

TITLE III—GENERAL PROVISIONS

SEC. 301. EMERGENCY DESIGNATION.

The entire amount specified in any section of title II—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be available only if an official budget request for the entire amount contained in such section, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

SEC. 302. REPORTING REQUIREMENT.

Within 15 days after the President makes an emergency designation under section 301 for the amount specified in any section of title II, the Secretary of Defense shall provide to the Congress a report specifying the accounts to which the funds involved are to be transferred and project level budget justifications for each transfer.

1 **SEC. 303. MERGER OF AMOUNTS.**

2 Funds transferred under this Act shall be merged
3 with, and shall be available for the same time period as,
4 the appropriations to which the funds are transferred.

5 **SEC. 304. AUTHORIZATION OF FUNDS FOR INTELLIGENCE**
6 **ACTIVITIES.**

7 Funds transferred under this Act to accounts for in-
8 telligence activities are deemed to be specifically author-
9 ized by the Congress for purposes of section 504 of the
10 National Security Act of 1947 (50 U.S.C. 414).

