

# Union Calendar No. 365

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

# H. R. 4547

[Report No. 107-603]

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2002

Mr. STUMP (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

JULY 23, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on April 23, 2002]

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## A BILL

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2       (a) *SHORT TITLE.*—*This Act may be cited as the “Cost*  
 3 *of War Against Terrorism Authorization Act of 2002”.*

4       (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 5 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Amounts authorized for the War on Terrorism.*

*Sec. 3. Additional authorizations.*

**TITLE I—AUTHORIZATION OF APPROPRIATIONS**

*Subtitle A—Authorizations to Transfer Accounts*

*Sec. 101. War on Terrorism Operations Fund.*

*Sec. 102. War on Terrorism Equipment Replacement and Enhancement Fund.*

*Sec. 103. General provisions applicable to transfers.*

*Subtitle B—Authorizations to Specified Accounts*

*Sec. 111. Army procurement.*

*Sec. 112. Navy and Marine Corps procurement.*

*Sec. 113. Air Force procurement.*

*Sec. 114. Defense-wide activities procurement.*

*Sec. 115. Research, development, test, and evaluation, defense-wide.*

*Sec. 116. Classified activities.*

*Sec. 117. Global Information Grid system.*

*Sec. 118. Operation and maintenance.*

*Sec. 119. Military personnel.*

*Subtitle C—Military Construction Authorizations*

*Sec. 131. Authorized military construction and land acquisition projects.*

**TITLE II—WARTIME PAY AND ALLOWANCE INCREASES**

*Sec. 201. Increase in rate for family separation allowance.*

*Sec. 202. Increase in rates for various hazardous duty incentive pays.*

*Sec. 203. Increase in rate for diving duty special pay.*

*Sec. 204. Increase in rate for imminent danger pay.*

*Sec. 205. Increase in rate for career enlisted flyer incentive pay.*

*Sec. 206. Increase in amount of death gratuity.*

*Sec. 207. Effective date.*

**TITLE III—ADDITIONAL PROVISIONS**

*Sec. 301. Establishment of at least one Weapons of Mass Destruction Civil Support Team in each State.*

*Sec. 302. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.*

*Sec. 303. Sense of Congress on assistance to first responders.*

1 **SEC. 2. AMOUNTS AUTHORIZED FOR THE WAR ON TER-**  
 2 **RORISM.**

3 *The amounts authorized to be appropriated in this*  
 4 *Act, totalling \$10,000,000,000, are authorized for the con-*  
 5 *duct of operations in continuation of the war on terrorism*  
 6 *in accordance with the Authorization for Use of Military*  
 7 *Force (Public Law 107–40; 50 U.S.C. 1541 note) and, to*  
 8 *the extent appropriations are made pursuant to such au-*  
 9 *thorizations, shall only be expended in a manner consistent*  
 10 *with the purposes stated in section 2(a) thereof.*

11 **SEC. 3. ADDITIONAL AUTHORIZATIONS**

12 *The amounts authorized to be appropriated by this Act*  
 13 *are in addition to amounts authorized to be appropriated*  
 14 *for military functions of the Department of Defense for fis-*  
 15 *cal year 2003 in the National Defense Authorization Act*  
 16 *for Fiscal Year 2003 or any other Act.*

17 **TITLE I—AUTHORIZATION OF**  
 18 **APPROPRIATIONS**

19 **Subtitle A—Authorizations to**  
 20 **Transfer Accounts**

21 **SEC. 101. WAR ON TERRORISM OPERATIONS FUND.**

22 *(a) AUTHORIZATION OF APPROPRIATIONS.—There is*  
 23 *hereby authorized to be appropriated to the Department of*  
 24 *Defense for fiscal year 2003 the amount of \$3,544,682,000,*  
 25 *to be available only for operations in accordance with the*  
 26 *purposes stated in section 2 for Operation Noble Eagle and*

1 *Operation Enduring Freedom. Funds authorized in the pre-*  
2 *ceding sentence may only be used as provided in subsection*  
3 *(b).*

4 *(b) TRANSFER AUTHORITY.—Subject to section 103,*  
5 *the Secretary of Defense may, in the Secretary’s discretion,*  
6 *transfer amounts authorized in subsection (a) to any fiscal*  
7 *year 2003 military personnel or operation and mainte-*  
8 *nance account of the Department of Defense for the purposes*  
9 *stated in that subsection.*

10 **SEC. 102. WAR ON TERRORISM EQUIPMENT REPLACEMENT**  
11 **AND ENHANCEMENT FUND.**

12 *(a) AUTHORIZATION OF APPROPRIATIONS.—There is*  
13 *hereby authorized to be appropriated to the Department of*  
14 *Defense for fiscal year 2003 the amount of \$1,000,000,000,*  
15 *to be available only in accordance with the purposes stated*  
16 *in section 2 and to be used only as provided in subsection*  
17 *(b).*

18 *(b) TRANSFER AUTHORITY.—Subject to section 103,*  
19 *the Secretary of Defense may, in the Secretary’s discretion,*  
20 *transfer amounts authorized in subsection (a) to any fiscal*  
21 *year 2003 procurement or research, development, test, and*  
22 *evaluation account of the Department of Defense for the*  
23 *purpose of—*

24 *(1) emergency replacement of equipment and*  
25 *munitions lost or expended in operations conducted*

1       *as part of Operation Noble Eagle or Operation En-*  
2       *during Freedom; or*

3               *(2) enhancement of critical military capabilities*  
4       *necessary to carry out operations pursuant to Public*  
5       *Law 107-40.*

6   **SEC. 103. GENERAL PROVISIONS APPLICABLE TO TRANS-**  
7               **FERS.**

8       *(a) IN GENERAL.—Amounts transferred pursuant to*  
9       *section 101(b) or 102(b) shall be merged with, and available*  
10      *for the same purposes and the same time period as, the ac-*  
11      *count to which transferred.*

12      *(b) CONGRESSIONAL NOTICE-AND-WAIT REQUIRE-*  
13      *MENT.—A transfer may not be made under section 101(b)*  
14      *or 102(b) until the Secretary of Defense has submitted a*  
15      *notice in writing to the Committees on Armed Services and*  
16      *the Committees on Appropriations of the Senate and House*  
17      *of Representatives of the proposed transfer and a period of*  
18      *15 days has elapsed after the date such notice is received.*  
19      *Any such notice shall include specification of the amount*  
20      *of the proposed transfer, the account to which the transfer*  
21      *is to be made, and the purpose of the transfer.*

22      *(c) TRANSFER AUTHORITY CUMULATIVE.—The trans-*  
23      *fer authority provided by this subtitle is in addition to any*  
24      *other transfer authority available to the Secretary of De-*  
25      *fense under this Act or any other Act.*

1       ***Subtitle B—Authorizations to***  
2                   ***Specified Accounts***

3   ***SEC. 111. ARMY PROCUREMENT.***

4       *Funds are hereby authorized to be appropriated for fis-*  
5 *cal year 2003 for procurement accounts of the Army in*  
6 *amounts as follows:*

7           (1) *For ammunition, \$94,000,000.*

8           (2) *For other procurement, \$10,700,000.*

9   ***SEC. 112. NAVY AND MARINE CORPS PROCUREMENT.***

10       (a) *NAVY.—Funds are hereby authorized to be appro-*  
11 *priated for fiscal year 2003 for procurement accounts for*  
12 *the Navy in amounts as follows:*

13           (1) *For aircraft, \$106,000,000.*

14           (2) *For weapons, including missiles and tor-*  
15 *pedoes, \$633,000,000.*

16       (b) *MARINE CORPS.—Funds are hereby authorized to*  
17 *be appropriated for fiscal year 2003 for the procurement*  
18 *account for the Marine Corps in the amount of \$25,200,000.*

19       (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*  
20 *are hereby authorized to be appropriated for fiscal year*  
21 *2003 for the procurement account for ammunition for the*  
22 *Navy and the Marine Corps in the amount of \$120,600,000.*

1 **SEC. 113. AIR FORCE PROCUREMENT.**

2 *Funds are hereby authorized to be appropriated for fis-*  
 3 *cal year 2003 for procurement accounts for the Air Force*  
 4 *in amounts as follows:*

5 (1) *For aircraft, \$214,550,000.*

6 (2) *For ammunition, \$157,900,000.*

7 (3) *For other procurement, \$10,800,000.*

8 **SEC. 114. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

9 *Funds are hereby authorized to be appropriated for fis-*  
 10 *cal year 2003 for the procurement account for Defense-wide*  
 11 *procurement in the amount of \$620,414,000.*

12 **SEC. 115. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
 13 **TION, DEFENSE-WIDE.**

14 *Funds are hereby authorized to be appropriated for fis-*  
 15 *cal year 2003 for the research, development, test, and eval-*  
 16 *uation account for Defense-wide activities in the amount*  
 17 *of \$390,100,000.*

18 **SEC. 116. CLASSIFIED ACTIVITIES.**

19 *Funds are hereby authorized to be appropriated for the*  
 20 *Department of Defense for fiscal year 2003 for unspecified*  
 21 *intelligence and classified activities in the amount of*  
 22 *\$1,980,674,000, of which—*

23 (1) *\$1,618,874,000 is authorized to be appro-*  
 24 *priated to procurement accounts;*

25 (2) *\$301,600,000 is authorized to be appro-*  
 26 *priated to operation and maintenance accounts; and*

1           (3) \$60,200,000 is authorized to be appropriated  
2       to research, development, test, and evaluation ac-  
3       counts.

4 **SEC. 117. GLOBAL INFORMATION GRID SYSTEM.**

5       None of the funds authorized to be appropriated by this  
6 Act for the Department of Defense system known as the  
7 Global Information Grid may be obligated until the Sec-  
8 retary of Defense submits to the Committees on Armed Serv-  
9 ices and the Committees on Appropriations of the Senate  
10 and House of Representatives the Secretary's certification  
11 that the end-to-end system is secure and protected from un-  
12 authorized access to the information transmitted through  
13 the system.

14 **SEC. 118. OPERATION AND MAINTENANCE.**

15       Funds are hereby authorized to be appropriated for fis-  
16 cal year 2003 for the use of the Armed Forces for expenses,  
17 not otherwise provided for, for operation and maintenance,  
18 in amounts as follows:

19           (1) For the Army, \$14,270,000.

20           (2) For the Navy, \$5,252,500.

21           (3) For the Marine Corps, \$11,396,000.

22           (4) For the Air Force, \$517,285,000.



1 **SEC. 119. MILITARY PERSONNEL.**

2 *There is hereby authorized to be appropriated to the*  
 3 *Department of Defense for military personnel accounts for*  
 4 *fiscal year 2003 a total of \$503,100,000.*

5 **Subtitle C—Military Construction**  
 6 **Authorizations**

7 **SEC. 131. AUTHORIZED MILITARY CONSTRUCTION AND**  
 8 **LAND ACQUISITION PROJECTS.**

9 *(a) PROJECTS AUTHORIZED.—Using amounts appro-*  
 10 *priated pursuant to the authorization of appropriations in*  
 11 *subsection (b), the Secretary of the military department*  
 12 *concerned may acquire real property and carry out mili-*  
 13 *tary construction projects for the installations and loca-*  
 14 *tions, and in the amounts, set forth in the following table:*

**Projects Authorized**

| <b>Military Department</b>             | <b>Installation or location</b>                                     | <b>Amount</b>       |
|----------------------------------------|---------------------------------------------------------------------|---------------------|
| <i>Department of the Army .....</i>    | <i>Qatar .....</i>                                                  | <i>\$8,600,000</i>  |
| <i>Department of the Navy .....</i>    | <i>Naval Station, Guantanamo Bay,</i><br><i>Cuba .....</i>          | <i>\$4,280,000</i>  |
|                                        | <i>Naval Station, Rota, Spain .....</i>                             | <i>\$18,700,000</i> |
| <i>Department of the Air Force ...</i> | <i>Bolling Air Force Base, District of</i><br><i>Columbia .....</i> | <i>\$3,500,000</i>  |
|                                        | <i>Total .....</i>                                                  | <i>\$35,080,000</i> |

15 *(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
 16 *hereby authorized to be appropriated for fiscal year 2003*  
 17 *for the military construction projects authorized by sub-*  
 18 *section (a) in the total amount of \$35,080,000.*

1       ***TITLE II—WARTIME PAY AND***  
2       ***ALLOWANCE INCREASES***

3       ***SEC. 201. INCREASE IN RATE FOR FAMILY SEPARATION AL-***  
4       ***LOWANCE.***

5       *Section 427(a)(1) of title 37, United States Code, is*  
6       *amended by striking “\$100” and inserting “\$125”.*

7       ***SEC. 202. INCREASE IN RATES FOR VARIOUS HAZARDOUS***  
8       ***DUTY INCENTIVE PAYS.***

9       *(a) FLIGHT PAY FOR CREW MEMBERS.—Subsection*  
10      *(b) of section 301 of title 37, United States Code, is amend-*  
11      *ed by striking the table and inserting the following new*  
12      *table:*

| <b><i>“Pay grade:</i></b> | <b><i>Monthly Rate</i></b> |
|---------------------------|----------------------------|
| <i>O–10 .....</i>         | <i>\$200</i>               |
| <i>O–9 .....</i>          | <i>\$200</i>               |
| <i>O–8 .....</i>          | <i>\$200</i>               |
| <i>O–7 .....</i>          | <i>\$200</i>               |
| <i>O–6 .....</i>          | <i>\$300</i>               |
| <i>O–5 .....</i>          | <i>\$300</i>               |
| <i>O–4 .....</i>          | <i>\$275</i>               |
| <i>O–3 .....</i>          | <i>\$225</i>               |
| <i>O–2 .....</i>          | <i>\$200</i>               |
| <i>O–1 .....</i>          | <i>\$200</i>               |
| <i>W–5 .....</i>          | <i>\$300</i>               |
| <i>W–4 .....</i>          | <i>\$300</i>               |
| <i>W–3 .....</i>          | <i>\$225</i>               |
| <i>W–2 .....</i>          | <i>\$200</i>               |
| <i>W–1 .....</i>          | <i>\$200</i>               |
| <i>E–9 .....</i>          | <i>\$290</i>               |
| <i>E–8 .....</i>          | <i>\$290</i>               |
| <i>E–7 .....</i>          | <i>\$290</i>               |
| <i>E–6 .....</i>          | <i>\$265</i>               |
| <i>E–5 .....</i>          | <i>\$240</i>               |
| <i>E–4 .....</i>          | <i>\$215</i>               |
| <i>E–3 .....</i>          | <i>\$200</i>               |
| <i>E–2 .....</i>          | <i>\$200</i>               |
| <i>E–1 .....</i>          | <i>\$200”.</i>             |

1       (b) *INCENTIVE PAY FOR PARACHUTE JUMPING WITH-*  
 2 *OUT STATIC LINE.*—Subsection (c)(1) of such section is  
 3 amended by striking “\$225” and inserting “\$275”.

4       (c) *OTHER HAZARDOUS DUTIES.*—Subsection (c)(1) of  
 5 such section is amended by striking “\$150” and inserting  
 6 “\$200”.

7       (d) *REMOVAL OF AIR WEAPONS CONTROLLER CREW*  
 8 *MEMBERS FROM LIST OF HAZARDOUS DUTIES.*—Such sec-  
 9 tion is further amended—

10           (1) in subsection (a)—

11                   (A) by striking paragraph (12);

12                   (B) in paragraph (11), by striking “; or”  
 13 and inserting a period; and

14                   (C) in paragraph (10), by inserting “or”  
 15 after the semicolon; and

16           (2) in subsection (c), as amended by subsections  
 17 (b) and (c) of this section—

18                   (A) by striking “(1)”; and

19                   (B) by striking paragraph (2).

20 **SEC. 203. INCREASE IN RATE FOR DIVING DUTY SPECIAL**  
 21 **PAY.**

22       Section 304(b) of title 37, United States Code, is  
 23 amended—

24           (1) by striking “\$240” and inserting “\$290”;  
 25 and

1           (2) *by striking “\$340” and inserting “\$390”.*

2   **SEC. 204. INCREASE IN RATE FOR IMMINENT DANGER PAY.**

3           *Section 310(a) of title 37, United States Code, is*  
 4   *amended by striking “\$150” and inserting “\$250”.*

5   **SEC. 205. INCREASE IN RATE FOR CAREER ENLISTED FLYER**  
 6           **INCENTIVE PAY.**

7           *The table in section 320(d) of title 37, United States*  
 8   *Code, is amended to read as follows:*

| <b>“Years of aviation service</b> | <b>Monthly rate</b> |
|-----------------------------------|---------------------|
| <i>4 or less .....</i>            | <i>\$200</i>        |
| <i>Over 4 .....</i>               | <i>\$275</i>        |
| <i>Over 8 .....</i>               | <i>\$400</i>        |
| <i>Over 14 .....</i>              | <i>\$450.”.</i>     |

9   **SEC. 206. INCREASE IN AMOUNT OF DEATH GRATUITY.**

10          *Section 1478(a) of title 10, United States Code, is*  
 11   *amended by striking “\$6,000” and inserting “\$12,000”.*

12   **SEC. 207. EFFECTIVE DATE.**

13          *(a) IN GENERAL.—Except as provided in subsection*  
 14   *(b), the amendments made by this title shall take effect on*  
 15   *the later of the following:*

16           (1) *The first day of the first month beginning on*  
 17   *or after the date of the enactment of this Act.*

18           (2) *October 1, 2002.*

19          *(b) DEATH GRATUITY.—The amendment made by sec-*  
 20   *tion 206 shall apply with respect to a person covered by*  
 21   *section 1475 or 1476 of title 10, United States Code, whose*  
 22   *date of death occurs on or after the later of the following:*

23           (1) *The date of the enactment of this Act.*

(2) *October 1, 2002.*

## ***TITLE III—ADDITIONAL PROVISIONS***

### ***SEC. 301. ESTABLISHMENT OF AT LEAST ONE WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM IN EACH STATE.***

*(a) FINDINGS.—Congress makes the following findings:*

*(1) Weapons of Mass Destruction Civil Support Teams are strategic assets, stationed at the operational level, as an immediate response capability to assist local responders in the event of an emergency within the United States involving use or potential use of weapons of mass destruction.*

*(2) Since September 11 2001, Civil Support Teams have responded to more than 200 requests for support from civil authorities for actual or potential weapons of mass destruction incidents and have supported various national events, including the World Series, the Super Bowl, and the 2002 Winter Olympics.*

*(3) To enhance homeland security as the Nation fights the war against terrorism, each State and territory must have a Weapons of Mass Destruction Civil Support Team to respond to potential weapons of mass destruction incidents.*

1           (4) *In section 1026 of the Bob Stump National*  
2           *Defense Authorization Act for Fiscal Year 2003 as*  
3           *passed the House of Representatives on May 10, 2002*  
4           *(H.R. 4546 of the 107th Congress), the House of Rep-*  
5           *resentatives has already taken action to that end by*  
6           *expressing the sense of Congress that the Secretary of*  
7           *Defense should establish 23 additional Weapons of*  
8           *Mass Destruction Civil Support Teams in order to*  
9           *provide at least one such team in each State and ter-*  
10          *ritory.*

11          (5) *According to a September 2001 report of the*  
12          *Comptroller General entitled “Combating Terrorism”,*  
13          *the Department of Defense plans that there eventually*  
14          *should be a Weapons of Mass Destruction Civil Sup-*  
15          *port Teams in each State, territory, and the District*  
16          *of Columbia.*

17          (b) *REQUIREMENT.—From funds authorized to be ap-*  
18          *propriated in section 101, the Secretary of Defense shall en-*  
19          *sure that there is established at least one Weapons of Mass*  
20          *Destruction Civil Support Team in each State.*

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

22                 (1) *The term “Weapons of Mass Destruction*  
23                 *Civil Support Team” means a team of members of the*  
24                 *reserve components of the armed forces that is estab-*  
25                 *lished under section 12310(c) of title 10, United*

1       *States Code, in support of emergency preparedness*  
 2       *programs to prepare for or to respond to any emer-*  
 3       *gency involving the use of a weapon of mass destruc-*  
 4       *tion.*

5               (2) *The term “State” includes the District of Co-*  
 6       *lumbia, Puerto Rico, the Virgin Islands, and Guam.*

7       (d) *DEADLINE FOR IMPLEMENTATION.—The Secretary*  
 8       *of Defense shall ensure that subsection (b) is fully imple-*  
 9       *mented not later than September 30, 2003.*

10   **SEC. 302. AUTHORITY FOR JOINT TASK FORCES TO**  
 11                       **PROVIDE SUPPORT TO LAW ENFORCEMENT**  
 12                       **AGENCIES CONDUCTING COUNTER-TER-**  
 13                       **RORISM ACTIVITIES.**

14       (a) *AUTHORITY.—A joint task force of the Department*  
 15       *of Defense that provides support to law enforcement agen-*  
 16       *cies conducting counter-drug activities may also provide,*  
 17       *consistent with all applicable laws and regulations, support*  
 18       *to law enforcement agencies conducting counter-terrorism*  
 19       *activities.*

20       (b) *CONDITIONS.—Any support provided under sub-*  
 21       *section (a) may only be provided in the geographic area*  
 22       *of responsibility of the joint task force.*

23       (c) *FUNDS.—Funds are hereby authorized to be appro-*  
 24       *priated for fiscal year 2003 in the amount of \$5,000,000*

1 *to provide support for counter-terrorism activities in ac-*  
2 *cordance with subsections (a) and (b).*

3 **SEC. 303. SENSE OF CONGRESS ON ASSISTANCE TO FIRST**  
4 **RESPONDERS.**

5 *It is the sense of Congress that the Secretary of Defense*  
6 *should, to the extent the Secretary determines appropriate,*  
7 *use funds provided in this Act to assist, train, and equip*  
8 *local fire and police departments that would be a first re-*  
9 *sponder to a domestic terrorist incident that may come*  
10 *about in connection with the continued fight to prosecute*  
11 *the war on terrorism.*





**Union Calendar No. 365**

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

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**A BILL**

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003.

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JULY 23, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed