

107TH CONGRESS
2D SESSION

H. R. 5117

Making supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2002

Mr. YOUNG of Florida introduced the following bill; which was referred to the Committee on Appropriations

A BILL

Making supplemental appropriations for the Department of Defense 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
5 fiscal year ending September 30, 2002, and for other pur-
6 poses, namely:

1 DEPARTMENT OF DEFENSE—MILITARY

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, AIR FORCE

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

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

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

1 OPERATION AND MAINTENANCE, NAVY

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

15 OPERATION AND MAINTENANCE, AIR FORCE

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

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

4 OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

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

6 DEFENSE EMERGENCY RESPONSE FUND

7 (INCLUDING TRANSFER OF FUNDS)

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

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

19 PROCUREMENT

20 OTHER PROCUREMENT, ARMY

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

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

3 AIRCRAFT PROCUREMENT, NAVY

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

11 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
12 CORPS

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

20 OTHER PROCUREMENT, NAVY

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

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

3 PROCUREMENT, MARINE CORPS

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

11 AIRCRAFT PROCUREMENT, AIR FORCE

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

1 PROCUREMENT OF AMMUNITION, AIR FORCE

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

9 OTHER PROCUREMENT, AIR FORCE

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

17 PROCUREMENT, DEFENSE-WIDE

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

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

3 RESEARCH, DEVELOPMENT, TEST AND
4 EVALUATION

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
6 ARMY

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

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 NAVY

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

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

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

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

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

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

7 GENERAL PROVISIONS

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

16 (b) The amendment made by subsection (a) shall be
17 effective as if enacted as part of the Department of De-
18 fense Appropriations Act, 2002.

19 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (RESCISSIONS)

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

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

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

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

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

12 This Act may be cited as the “2002 Supplemental
13 Appropriations Act for the Department of Defense”.

○