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## Senate

The Senate was not in session today. Its next meeting will be held on Monday, June 3, 2002, at 1 p.m.

## House of Representatives

FRIDAY, MAY 24, 2002

The House met at 1 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 24, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:  
O God, You have kept Your covenant with every generation. In a world shadowed by the many infidelities and many inconsistencies of frail humanity, grant us faith in Your enduring love and patience with us.

Confirm the Members of the House of Representatives in Your power that they may accomplish the tasks You set before them.

Since You have called them to serve this great Nation, grant them the gifts they need to discern Your holy will and accomplish deeds of justice and integrity, today and every day of their lives. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. THORNBERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. THORNBERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### PERSONAL EXPLANATION

Mr. LANGEVIN. Mr. Speaker, on rollcall No. 200, Obey amendment No. 52, and on rollcall No. 201, Obey amendment No. 51, I was unavoidably detained. Had I been present, I would have voted "aye" on both amendments.

### 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

*Resolved*, That immediately upon the adoption of this resolution further consideration

of the bill (H.R. 4775) 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, shall proceed in the House. The bill shall be considered as read for amendment. In addition to the amendments considered as adopted pursuant to House Resolution 428, the further amendments adopted in the Committee of the Whole and the amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 431 would provide for the further consideration of H.R. 4775, the 2002 Supplemental Appropriations Act for Further Recovery and Response to Terrorist Attacks on the United States.

The rule provides that in addition to the amendments considered as adopted pursuant to House Resolution 428, the further amendments adopted in the Committee of the Whole and the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. That simply strikes four provisions in the bill that are in violation of House rule XXI.

The rule further provides that the previous question shall be considered as ordered on the bill as amended to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4775 is a bipartisan emergency wartime supplemental for the fiscal year 2002. We are here tonight under these extraordinary circumstances due to the urgent need to complete this legislation and ensure that our men and women in uniform have the necessary funding to continue to fight the war on terrorism.

Mr. Speaker, this is, again, an emergency supplemental. To ensure that all of my colleagues understand exactly why we are here tonight, I have brought a dictionary, "Webster's New Collegiate Dictionary," to make sure there is no confusion as to what we are talking about.

Let us look how this dictionary defines "emergency": (1) A serious situation or occurrence that happens unexpectedly and demands immediate attention; (2) A condition of urgent need for action or assistance.

What about "supplemental"? Let us see what the dictionary provides for that definition: (1) Something added to complete a thing, make up for a deficiency, or strengthen the whole.

Clearly all of my colleagues understand that this legislation meets the test on both counts. September 11, 2001, was surely an emergency, and this legislation is urgently needed to supplement the military and ensure that we are able to fight and win this war. And, Mr. Speaker, this is indeed a war.

This rule is necessary due to the extraordinary situation that the House was faced with. The Committee on Rules earlier granted an open rule, as we normally do on appropriations bills, with debate subject to the 5-minute rule. Any amendment that conformed with the regular rules of the House would have been in order.

Unfortunately, we have been debating H.R. 4775 since 6:23 p.m. Wednesday with over 16 hours spent on this debate, and we have disposed of a mere five amendments.

Regrettably, the other side of the aisle, perhaps not understanding the emergency and supplemental nature of this legislation, has slowed down this process. Therefore, we must come forward with a rule to ensure that this emergency legislation proceeds. To continue to delay will place in jeopardy the necessary funds to ensure that our men and women in uniform have the necessary resources to prosecute the war on terrorism, which we all support.

Accordingly, Mr. Speaker, I encourage my colleagues to support H. Res. 431 and the underlying bipartisan emergency wartime supplemental.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is very late, so I will not mince words. Democrats are as eager to vote for the bill that came out of the Committee on Appropriation as Republicans are. The underlying bill is still a good, bipartisan measure that supports the war on terrorism and homeland security. But by resorting to extraordinary, arrogant, and deceptive procedures tonight, the Republican leadership has sunk to a new low.

Mr. Speaker, the second rule is no better than the first rule the Committee on Rules reported out yesterday. Republicans are still using the war to hide from the American people their raid on Social Security. They are still trying to secretly turn your Social Security card into their credit card. They are still trying to charge billions of dollars more without even putting it through the credit card reader because they do not want a tell-tale receipt for their spending spree.

The only change, Mr. Speaker, is that Republicans have resorted to outrageous procedures to completely shut off debate tonight. Let me say that again: to completely shut off debate. Simply put, they do not like the fact that Democrats are exposing their attempt to politicize the war, drive the Nation into deeper debt, and keep raiding Social Security.

That is right, Mr. Speaker. As America prepares to celebrate Memorial Day, Republican leaders are shutting down democracy in the House of Representatives, and they are so ashamed that they waited until the cover of darkness to do it.

Well, they should be ashamed. Right now, the brave men and women of the U.S. military are halfway across the globe fighting for freedom and democracy in Afghanistan, and tonight the Republican leadership is here in Washington stomping out democracy in the House of Representatives.

But I suppose we should not be surprised, Mr. Speaker. After all, this has been a very bad 10 days for the Republican House. Republican leaders are scared to death by the vulnerability of their slim majority, so scared that they seem to be willing to do anything to cling to power. Last week, the press caught them using as a cheap fundraising prop an official photograph of the President taken on September 11. That, I think we would all agree, was a disgraceful display of political opportunism, one that does a tremendous disservice to the President and the country. But Republicans never apologized to the American people, so I assume they are still selling a piece of September 11 in order to pay for their congressional campaigns.

Then yesterday, Republican leaders brought their strategy of political war profiteering to the House floor. And they got caught once again. That was undoubtedly painful for the Republican

leadership, Mr. Speaker; but it was good for the House, because it has given us one more chance to stop them from politicizing the war.

Mr. Speaker, we all know it is wrong to use soldiers and seniors as political pawns. And we all know that that is precisely what this rule does.

So I urge my Republican friends to join me in opposing this rule, to join me in urging Republican leaders to stop holding this wartime spending bill hostage. Then we can all vote together, as a unified House of Representatives, to pass the original bipartisan bill that Democrats and Republicans both support.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, how unfortunate it is that our colleagues on the other side of the aisle are accusing us of, in the words of my friend, the gentleman from Texas (Mr. FROST), "stomping out democracy," by bringing forth a rule to try to get a vote on a wartime supplemental appropriations bill.

After 16 hours of dilatory tactics, after 16 hours of delaying motions, delaying motion after delaying motion, we are accused of stomping out democracy because we want this House before Memorial Day to vote on a wartime supplemental appropriations bill.

I think it is most unfair for our colleagues on the other side of the aisle to adopt the attitude that they have adopted. The underlying legislation is extraordinarily needed. If there has ever been a need for legislation, it is to provide our men and women with the resources to continue to fight successfully, as they have, in defending this Nation, and to see hour after hour of dilatory tactics with absurd arguments, absurd arguments, which do not meet any test of the ridiculous. And to then accuse us, because we wish to get a vote on this wartime supplemental appropriations bill, to accuse us of stomping out democracy, is not serious; and it is not fair.

I am reminded of the words of the Spanish philosopher Ortega y Gasset, who said that "man is man plus his circumstances." I know that it is the circumstances of our friends on the other side of the aisle to be protesting. Perhaps it is the circumstances. The reality of the matter is that I know that our colleagues that are listening on their TV screens know that what we are doing is not only appropriate, but it is fair and it is necessary.

So after 16 hours of dilatory tactics, after 16 hours of wasting the time of our colleagues, what we are telling our friends on the other side of the aisle is that it is time to vote to get the aid to our men and women in uniform.

□ 0115

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, if the country of Cuba had a parliament or a legislature, they would be attempting to do exactly what the Republicans are doing tonight. They would give the dictator of that country the right to prevent that parliament from voting on an issue of whether or not to raise the debt, whether or not to put the country in debt. All we are asking for is the right to vote squarely on whether to put this country deeper in debt.

The Dallas Morning Newspaper in my home city, a very conservative newspaper, editorialized today against what the Republicans are doing, saying, shame on them. The Congress should vote directly on the question of putting this country deeper in debt, something which this rule prohibits us and prevents us from doing, just as they would in the Cuban parliament if there happened to be one.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, since we are pretending that this is a new legislative day, I thought the least I could do is pretend that I had gone home and put on a different set of clothes and freshen up a bit, and I think we might as well continue the pretense for a while.

This bill started out as a bipartisan wartime supplemental supported by both parties. Then, as they had previously done on so many other occasions, on patients' protection, on the energy bill, on airline security, on the Patriots Act, on pension reform and the welfare bill, the majority leadership decided to obliterate the legislative process. They discarded a bipartisan committee product, and they threw in unrelated partisan political items that characterized a full partisan agenda. They imposed a partisan unrelated budget resolution which pretends that they will spend \$10 billion less next year than they are asking us to spend in this bill this year. They also slipped in without a vote a sleight-of-hand, hidden debt increase of \$750 billion, and then they threw in enough special goodies for a few friends to get the votes to pass this shameful smorgasbord. They did it all to preserve their tax cut promises to the most well-off 2 percent of the population, promises that have turned surpluses into deficits as far as the eye can see, and deprived us of the dollars we need to strengthen Social Security and to make other crucial investments.

Now, the debate the last two days has been to try to get them to make this a real legislative debate about real choices. Instead, they have taken abusive power to a new level. The new rule invents the fiction of a new legislative day to destroy the legislative process even further.

What we are left with is not even a real debate. It is not even a real legislative product. This House is not be-

having like a real legislative body. It has been turned into an ATM machine for the most privileged which stays in power by abusing the legislative process to avoid any real voting record.

What a shame, when the legislative process is corrupted to polarize a product that should have been used to forge national unity. It belies the false pieties that we will undoubtedly hear tonight.

Our friends on the other side may say they are doing the best they can. As my old friend, Archy the Cockroach would say, "Hell's bells, Mehitabel. That is only an explanation. It is not an excuse."

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, if I could engage in a brief colloquy here to make a point of information. I know somewhere in that rule, all five of my amendments are included. My question is, are my amendments deemed to be in order?

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will yield, I would say to the gentleman from Alabama, we took all amendments under consideration and we have come forward on this floor with what we think is a very fair rule for everybody that submitted an amendment to the Committee on Rules.

Mr. CALLAHAN. Mr. Speaker, a further inquiry here, since the gentleman has his Webster's dictionary here, would he look up and see if possibly I have been "reemed" instead of "deemed."

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. Before the gentleman from Alabama leaves the floor, I would point out to the gentleman that I know where his amendments are. They are in the wastebasket up there in the Committee on Rules. They did not give the gentleman from Alabama a vote on any of his five amendments.

Mr. Speaker, I yield one minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on the eve of Memorial Day when we honor the heroes who made the supreme sacrifice for democracy, the Republicans are taking extraordinary efforts to shut off debate and stifle the democratic process. The Republican majority has desecrated a bill designed to support the troops, honor their mission, and help those affected so sadly by September 11. The Republicans dishonored this bill by their stealth attack on the Social Security fund.

It is no wonder the Republicans are ashamed to vote in the light of day in public on their secret \$750 billion increase in the debt ceiling, which is nec-

essary, of course, to cover their tax break for the rich at the expense of America's seniors who depend on Social Security.

Mr. Speaker, I urge my colleagues to vote against this closed rule, which is a sign of failure on the part of the Republicans to honor their commitment to the democratic process and to America's seniors.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield two minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, this is a very serious process, and this process did not start here. It started in the battlefield in Afghanistan and in the fleet and in the expeditionary marine units that are engaged in war in a remote part of the world right now on behalf of the United States. What happens is the battlefield commanders send to their headquarters the requirements for those things that they need. They let them know if they need ammunition. They let them know if they need battlefield wound dressings. They let them know if they need spare parts. They send those things up through their chain of command and it comes up through the services and it comes up through the Pentagon and it is worked over by the folks who head the services, and they send it to the Subcommittee on Defense of the Committee on Appropriations, and they review it, and then we produce for the people who wear the uniform of the United States the equipment that they need to win the war.

Now, that is what they have done, and that is what this bill gives them. It gives them bombs and ordnance. It gives them these JDAM munitions which are very accurate. It gives them the Predator attack vehicles which have proved so successful on the battlefields. It gives the infantry ammunition, and they are low on ammunition right now. It gives them M-60 helicopters. It gives them what they need right down to those battlefield wound dressings. That is what we give them.

Now, we have had a great discussion today and every Member has had an opportunity to get up, Democrat or Republican, and give us his general views on the war, on life, on Memorial Day, on how we best remember those people who have served our country. The best way we can celebrate this Memorial Day is very simple. Let us give to our military folks the wherewithal to win this war. That is what we are doing. It is apparent that in doing this, we are going to have to go through a blockade, and this blockade has been a legislative blockade that has been put out here today. Let us roll the blockade. Let us supply the troops. This bill supplies the troops. Let us vote it up.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds. If I understand the last speaker correctly and the other speakers before him, too much democracy in defense of democracy is a bad thing.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I would ask our friend from California what do 29 and one-tenth million dollars in Members' personal projects have to do with the war on terrorism? Like Americans all over this great Nation, I strongly support, as do all of my colleagues, Democrats and Republicans, the expenditure of supplemental funds that will help our military win the battle against terrorism. However, I cannot help but note that in our patriotic fervor, we are jeopardizing the future for our children and grandchildren by passing on an additional \$750 billion in debt. I can only hope that when history judges us and the decisions we make today are the bad ones we made yesterday, we are found wise and not ridiculous.

In the area of the ridiculous, I have noticed several items within this supplemental that for the life of me I cannot tie to the war on terrorism. For example, do all of our colleagues know that there are these 25 plus million dollars in Members' projects? Do our colleagues know that the supplemental money that is out here is for certain hospitals and schools, but not for all of them? To paraphrase my good friend from New York (Mr. RANGEL), are there any differences between a sick and uneducated child in Florida and one in Texas? What about the cuts in the bill? Do all of our colleagues realize that on page 99 of the bill, \$300 million is authorized for the revitalization of section 8 and section 202 senior housing are being rescinded? How about the cancellation of loan guarantees to our country's airlines? And do not tell me you did something. What you did was you protected grant money that is already gone, and you allowed loan guarantees for something that does not in the final analysis protect them.

What happens to USAir? What happens to Spirit Air and perhaps United? What happens when their employees tomorrow wake up and find that they do not have a job?

We did not get to do anything about election reform. I do not know whether my good friend and the dean of our delegation would have accepted my measure that I would have offered.

What we wound up doing here is adopting a bill that did not allow debate on debt relief, and then adopting a rule that did not allow what we did not adopt. How crazy can you be?

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. FROST. Mr. Speaker, I yield two minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise to oppose this undemocratic rule, and I stand here today to honor our troops who are putting their lives on the line to defend our freedom and our way of life. We Democrats support funding the war on terrorism and homeland secu-

rity, and if Republicans gave us a clean bill to fund just these efforts, we would have a unified House; a unified House.

But instead of supporting our troops, Republicans are playing politics, the very worst type of politics, with the futures of the very people who are protecting us. And yes, there is an emergency here, and that is the \$750 billion debt we are placing on America's children, seniors, families, and veterans.

Yes, I stand here today to honor our troops who are on the front line for freedom and those who have fought in the past to secure the freedoms we enjoy. But this House has a responsibility to protect these American heroes, and that is what we intend to do. That is why we Democrats are trying to do everything in our power to prevent Republicans from mortgaging the future of our fighting men and women by saddling them with a debt that will take generations to pay off, a debt that will raid Social Security and Medicare.

If my colleagues believe in this debt limit increase, if they believe in unbridled credit card spending, then vote for it and let those of us who oppose it vote against it and let the American people see who stands on what side.

Yes, our troops are defending our freedom, and freedom is about openness and democracy and responsibility, little of which we are seeing from the Republican side today. Democracy is not about martial law. If you want to honor our troops, then do not saddle them and their families with a mountain of debt. You want to honor our veterans, then do not threaten their Social Security and do not seek cover behind the bravery and valor of our troops to hide your own lack of conviction. Give us a vote up or down on how high America's debt will be and let us see where the people will stand.

Mr. Speaker, I yield back the \$750 billion you have saddled on America's future.

□ 0130

Mr. FROST. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, I have a problem here with the 16-hour delay. This supplemental has been sitting here for 2 months, and we got it up, and we complain about 16 hours' delay?

The thing that worries me as much as anything is we have a shortfall on the National Guard of \$1.8 billion. We have those National Guard deployed. We have 78,000 National Guard deployed throughout the country, National Guard and Reserve.

We have taken the money out of that. The committee put it back in. The chairman of the committee could only squeeze back in \$800 million. We are now short almost \$1 billion for the National Guard. I am talking about the bill actually says we have to cut people on active duty by 14,000 people in order to make up for the shortfall.

Now, we say, okay, we are only talking here, or we are finagling around

here in order to get through so we have enough money. But it sends a terrible signal to the troops that we do not have confidence and we are going to cut. In other words, when we vote for this rule, we have eliminated \$800 million. We have not funded, I should say, \$1.8 billion to take care of people who are on active duty.

The National Guard called and they were bananas about the fact that we were cutting the National Guard by \$1.8 billion. We did the best we could do, and we put half the money back in. I am sure between the chairman, the ranking member, the chairmen of both committees, the ranking members, we will get that money back.

But the difficulty is that here we are to get through this thing, to get it over to the Senate, and we are actually voting to cut back on troops that are on active duty right now. Then we get criticized for 16 hours' debate, as if we are unpatriotic.

I have been here 16 hours listening to all this rhetoric about how unpatriotic people are. This is not what this is all about. This is about money for the troops.

The second thing, we have almost 8,000 employees in western Pennsylvania for USAir. I talked to the chairman about it; I talked to the chairman of the Republican political campaign. He has as much interest as I do, and the gentleman from Virginia (Mr. MORAN) has as much interest as I do. We are talking about real people.

We met today with the chairman of USAir. He is going to go bankrupt if this is not settled. Again, what have we done? We have taken money, or we put a limitation on the money. We thought we solved the problem, so USAir went to the banks. The banks said, no, this does not solve the problem. We will not be able to lend them money. So here we are tonight passing legislation which will mean that USAir could go bankrupt tomorrow or the next day.

I am sure if the chairman calls them tomorrow and says, look, we are going to straighten this out in conference, the problem is the Senate has gone home and they have passed the same legislation. The exact same wording in the legislation says that there is a restriction, and the banks will not lend them the money.

So we have a real problem here, for those of us who represent USAir. They have lost tremendous amounts of money in this latest disaster that we had. They shut down National for a long period of time. We restricted the flights all through the United States. We passed originally, when the height of this disaster occurred, we passed all kinds of money and said, this money is going to be available. All at once we put a restriction on when they can apply for a loan. It is disconcerting.

The other thing we have done, when we talk about delaying a supplemental, the military has a difficult time. The chairman of the full committee can tell us this. Every time we delay a supplemental, it means they have to take

money out of the fourth quarter, the most inefficient way to operate when we do not get that money to the services on time.

So here we are, and they said they needed the money in April. They are already borrowing money from the last quarter in order to pay the operating expenses for the military, the most inefficient way. Sometimes we cannot help it.

I know there are problems with this bill, but we are sending a terrible signal to 14,000 National Guard people who have been on active duty for a period of time. We are sending a signal to USAir where we have 9,000 or 10,000 people in western Pennsylvania whose jobs may be in jeopardy. I hope we will be able to solve this thing.

Most of the time, we can solve it in conference. But I worry as we go through the process, through the full committee, through the House, and then meeting with the Senate, that we will not be able to solve this problem because of the budgetary problem we have been putting ourselves in. I would ask the Members to vote against this rule and try to solve this problem.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, if we all remember last year, the supplemental was delayed and delayed and delayed; and finally it got up here very, very late. In fact, I introduced a supplemental to try to encourage one to be set up by the administration.

It is my understanding that this supplemental this year was delayed for 2 weeks because of the battle between the Department of Defense and OMB over this funding for the Guard and Reserve. So I would just say that the delay has been more on the side of the administration, its inability to get the supplemental up here on time. I think Congress has a right to debate this issue fully, particularly because of the extraneous matters that were added into this bill which should not have been here and were not here when it left the Committee on Appropriations.

But to try and say that somehow we have delayed this unreasonably is just flat out wrong.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I hope that every Member of this body votes with his or her eyes open on this rule, because I was in discussions when USAirways was assured they would be taken care of. They are taken care of in this rule. This rule prevents our being able to take out language which terminates the loan guarantee program that USAirways has told us they need to prevent insolvency.

Maybe it will not happen; maybe we will luck out. But from any of those Members that represent any one of those more than 200 cities served by this airline, this airline, that could not operate for 1 month out of National

Airport, where its headquarters is located, that had only partial service for 8 months, that now has 40,000 employees, many of whom have called Members' offices, wants all Members to know exactly what they are doing if they vote "yes" on this rule. They are voting to put them into jeopardy that may cause the loss of those jobs and the bankruptcy of that airline.

It may not be the biggest issue, but certainly the underhanded way in which the debt ceiling is lifted and any number of the other issues that have been raised may be.

But make no mistake what this rule does: it deliberately protects that provision which terminates the loan guarantee program, knowing that this airline was going to come in to get that loan and needed it by August. Many Members have been in those conversations, and they know exactly what they said. After all those assurances, we have turned our backs on them, and the Senate has, as well. If we go into conference, neither the House nor the Senate has allowed this.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, let us be very clear about what the people on the other side are arguing in favor of. They are arguing in favor of a 3-day week. They are complaining, oh, gee, we have spent 16 hours on that. We just finished Thursday. Most people work on Fridays. These folks do not want to work on Friday. They want a 3-day week, because we came in at 6:30 on Monday evening.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, we find ourselves here in the middle of the night voting on an emergency supplemental to help our brave Armed Forces fight and win a war because we were attacked; and 2,800 people, Americans, were killed in New York and at the Pentagon and in Pennsylvania.

I have offered two amendments this evening on rules to try to get an amendment offered for an independent blue ribbon commission to look at what happened and why.

I know we are going to win the war on terrorism, and I am so proud of the troops overseas. I know our intelligence community is going to continue to help us win this war and put people in jail overseas and freeze assets of the terrorists.

But I think it is also so important for us to look back, figure out what went wrong, and move forward and fix the problems; not to create a political blame game, not to blame the Clinton administration or the Bush administration, but to fix what went wrong yesterday and make it right for tomorrow, so that we do not have 2,800 people lose their lives again.

Eleven days after Pearl Harbor, President Roosevelt appointed a blue

ribbon commission. The Senate is asking for an independent blue ribbon commission in a bipartisan way.

Conservative Republican columnists like William Safire say that we need an independent commission. Let us move on it tomorrow. The Weekly Standard, a conservative Republican publication, says that we need one. So does George Will.

As we fight this war in a bipartisan way together, let us fix the broken system, not to point at who dropped the ball, but to fix the system for America tomorrow. I hope we can work on this in a bipartisan way.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the only emergency addressed by this rule is the one created when they were caught in a sleight-of-hand to greatly accelerate the national debt. Having been caught, our Republican friends have put a new twist on an old maxim: if you cannot say anything good, just do not say anything. Their twist is, they do not have anything to say good in their defense for jeopardizing Social Security and Medicare, so they do not want anyone else to say anything, either.

They have used a harsh rule. They have used a rule and a tactic that is truly worthy of the parliament in some backwater dictatorship. This is really just the latest of outrages in this House, many of them that are best considered here late at night, best considered under the cover of darkness when the Republican leadership has something in which to hide its shame.

Their scheming is so very bad tonight they do not even know what day it is. Indeed, I can tell the Members one thing: for Democrats in this House, it is a new day. We have had enough shenanigans. We have had enough gimmicks. We have had enough antics here in this House, and we are going to be back. We are going to be back throughout this session again and again. We are going to be working together. We are going to stand up and speak out forcefully for America.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, try as I may to believe that this is another day, in fact, this is actually a day of crimes against democracy, a masquerade, with legislation before us that is filled with the privileges of Republicans who have amendments to take back home to shine.

We here today recognize that as we move towards Memorial Day, it will be a significant time for us. After September 11, we will honor both our dead as well as those who lost their lives on September 11. But what we will know most of all is that as we vote for this rule, for those who will, they will just

confirm that they will join the raiding of the Social Security surplus, \$1.8 trillion to be raided between the years of 2003 and 2012.

□ 0145

That is what this rule stands for, a complete ignoring of the responsibility, not only of Republicans and Democrats, but Members of this House, the responsibility to the people of United States of America to ensure that we save Social Security. And then, as I said, that is crime against democracy.

We had amendments, some two dozen of them. We did not do this bill. We only got up to part of title I to chapter 3, and there happens to be three titles. I had amendments. We seemed to be afraid to find out the facts.

Nobody is pointing the finger at what happened. We would like to know what happened so we can not repeat this in the future. Here we have an FBI memorandum that talks about individuals who are learning in our flight schools across America, but yet we had nothing to occur with that memorandum. I had an amendment that I had hoped would have focused us on getting a report to Congress to find out what happened. And yet even though we know there were FBI memoranda throughout the summer talking about the potential of this horrific and terrible act, no one seems to know what happened to those memoranda. I had amendments to address that question along with many others. And yet the shame and sham against democracy, we have shut it down, and here we are today acting like we are doing some work.

Mr. Speaker, I come before this honored House and the American people with a heavy heart. The questions surrounding what was known prior to September 11th continues to grow and multiply each day. It was discovered that in 1996 Philippine authorities notified the United States that Ramzi Yousef, the man behind the original 1993 World Trade Center bombing, was plotting to hijack an aircraft and crash it into CIA Headquarters in Langley, Virginia.

Consequently the analysis in a recent disclosure that an FBI agent in the Phoenix Office recommended last summer that his superiors look for al Qaeda members training at U.S. flight schools. The memo said bin Laden followers could be planning to use the training for some sort of terrorism. Additionally FBI agents in Minnesota were working on a tip from a Minnesota flight school, arrested Zacarias Moussaoui, a French citizen of Moroccan descent who wanted to learn to fly, but not land, a 747 airliner. The FBI's Minneapolis office was refused permission to search Moussaoui's laptop for clues. In a handwritten message, FBI Special Agent Kenneth Williams wrote that Moussaoui was the "type of person that could fly something into the World Trade Center." On August 16, 2001, the Federal Aviation Administration issued a message on "disguised weapons."

The combination of just these events shows the need for coordination and synchronization of efforts. We cannot leave an investigation of this matter to a behind-closed-doors review by

the intelligence community and Intelligence Committees. Our concerns are not ones of public relations or politics, but of substance and a commitment to ensuring that similar errors are prevented in the future.

This amendment will further the goal of requiring the DOJ to explain their procedures to Congress. The amendment does not require the FBI to disclose confidential sources or intelligence gathering techniques. Instead this amendment will provide Congress an opportunity to analyze coordination techniques.

Support this amendment and provide the security these two girls and the American people need.

Mr. FROST. Mr. Speaker, I yield two minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, a few moments ago the gentleman from Florida spoke with great flourish suggesting that the debate on the rules are manufactured and unimportant. Nothing could be further from the truth. In fact, rules are the way a civilized society governs its conduct. We teach our children to play by the rules. We teach them fairness.

Mr. Jefferson saw the rules as a way of protecting the views of the minority against the abuses which the wantonness of power is too often apt to suggest to large and successful majorities, protecting the views of the minority for the good of the democracy against the wantonness of power which suggests itself to the majority.

This may not be a sexy or glamorous topic for the American people, but it has to do with how your government functions. It has to do with the free exchange of ideas. Jefferson did not say the purpose of the rules is to allow the majority party to work its will without resistance. He said the purpose of the rules is to also protect the minority opinion against the wantonness of power of the majority.

For too long, for too long this body has witnessed the wantonness of power manifested in the rules exercised by the majority. You may have the right to do that, but is it right to do that? Is it good for the country?

Mr. Jefferson also asked the following: He asked if it makes sense for one generation to charge the next with a debt, because if it does charge the next generation with a debt larger than it can repay, than the Earth belongs to the dead, not the living.

The rule question today was are we charging the next generation with a debt and thereby giving the Earth to the dead, not the living? Your rule is designed to stop that debate.

Mr. HASTINGS of Washington. Mr. Speaker, how much is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington (Mr. HASTINGS) has 20½ minutes remaining. The gentleman from Texas (Mr. FROST) has 1½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been in this House for a while and I seem to remember a former Speaker of this House on the other side of the aisle standing up repeatedly when he was in the minority and talking about the corruption of the majority. Corruption. That was his word, not mine. And I think what we see here today is the exact same situation that Speaker Gingrich complained about repeatedly when talking about Democrats.

We were in power for 40 years. He complained about the way we used our power. The Republicans have only been in power since 1995, for seven years. The Republican leadership, the Republican majority in this House, as evidenced by this rule today, is a corrupt majority.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, to close.

Mr. DREIER. Mr. Speaker, that certainly was a charming assessment of the work product that we have here.

Let me say what we are going to be doing right after we pass this rule with enthusiastic support from our side of the aisle. We are going to have something that did not exist when the wonderful party of Thomas Jefferson controlled this institution for the four decades before we won the majority in 1994. What we are going to have is a motion to recommit that will be offered by the minority party. How can it be called corrupt to guarantee a right to the minority?

James Madison talked about that right as an extraordinarily important right. And I will tell you I was privileged to serve in this institution in the minority for 14 years before we won the majority; and I have been very proud to have fought for minority rights. And I am not going to accuse either side of being corrupt. And I will tell you that I am proud of what it is that we have done. What we did with this rule is we provided an open amendment process so that any germane amendment could be offered. We said that we could have a full and lively debate. Well, it ended up being nothing more lively, Mr. Speaker; and it was lively but not full; and it was not full because we had vote after vote after vote which clearly delayed the opportunities for us to, in fact, have the kind of opportunity to get the assistance to our men and women in uniform who desperately need it.

And, yes, we have addressed a few other issues that we needed to address in this bill. That is what happens. And I do not think that any Member of the now-minority could stand up and say that when they were in the majority they did not address any of the concerns that existed for their Members.

So, Mr. Speaker, I think it is very important for us to, on the eve of the

Memorial Day celebration, when most of us will be in our districts going to honor the men and women who have given their lives for the United States of America, to pass this rule and pass this very important wartime supplemental appropriations bill so that we can do what every single American and every freedom-loving human being on the face of the Earth wants to do, and that is to win this war.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 201, not voting 21, as follows:

[Roll No. 204]

#### YEAS—213

Aderholt	English	Kingston
Akin	Everett	Kirk
Armey	Ferguson	Knollenberg
Bachus	Flake	Kolbe
Baker	Fletcher	LaHood
Ballenger	Foley	Latham
Barr	Forbes	Leach
Bartlett	Fossella	Lewis (CA)
Barton	Frelinghuysen	Lewis (KY)
Bass	Galleghy	LoBiondo
Bereuter	Ganske	Lucas (OK)
Biggert	Gekas	Manzullo
Bilirakis	Gibbons	McCrery
Blunt	Gilchrest	McHugh
Boehler	Gillmor	McInnis
Boehner	Gilman	McKeon
Bonilla	Goode	Mica
Bono	Goodlatte	Miller, Dan
Boozman	Goss	Miller, Gary
Brady (TX)	Graham	Miller, Jeff
Brown (SC)	Granger	Moran (KS)
Bryant	Graves	Morella
Burr	Green (WI)	Myrick
Buyer	Greenwood	Nethercutt
Callahan	Grucci	Ney
Calvert	Gutknecht	Northup
Camp	Hansen	Norwood
Cannon	Hart	Nussle
Cantor	Hastert	Osborne
Capito	Hastings (WA)	Ose
Castle	Hayes	Otter
Chabot	Hayworth	Oxley
Chambliss	Herger	Paul
Coble	Hilleary	Pence
Collins	Hobson	Peterson (PA)
Cooksey	Hoekstra	Petri
Cox	Horn	Pickering
Crane	Hostettler	Pitts
Crenshaw	Houghton	Platts
Cubin	Hulshof	Pombo
Culberson	Hunter	Portman
Cunningham	Hyde	Pryce (OH)
Davis, Jo Ann	Isakson	Putnam
Davis, Tom	Issa	Quinn
Deal	Istook	Ramstad
DeLay	Jenkins	Regula
DeMint	Johnson (CT)	Rehberg
Diaz-Balart	Johnson (IL)	Reynolds
Doolittle	Johnson, Sam	Riley
Dreier	Jones (NC)	Rogers (KY)
Duncan	Keller	Rogers (MI)
Dunn	Kelly	Rohrabacher
Ehlers	Kennedy (MN)	Ros-Lehtinen
Ehrlich	Kerns	Royce
Emerson	King (NY)	Ryan (WI)

Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Smith (MI)

Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stump  
Sullivan  
Sununu  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt

Tiberi  
Toomey  
Upton  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weller  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

#### NAYS—201

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barcia  
Barrett  
Becerra  
Bentsen  
Berkley  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Clayton  
Clement  
Clyburn  
Conyers  
Costello  
Coyne  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Hall (OH)  
Hall (TX)  
Harman  
Hastings (FL)

Hefley  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Kleczka  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lucas (KY)  
Luther  
Lynch  
Maloney (CT)  
Maloney (NY)  
Markley  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender-  
McDonald  
Miller, George  
Mink  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler

Napolitano  
Neal  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Velazquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

#### NOT VOTING—21

Bonior  
Burton  
Clay  
Combest  
Condit  
Cramer  
Crowley  
Deutsch  
Gutierrez  
LaTourette  
Linder  
Lipinski  
McIntyre  
Radanovich

□ 0215

Mr. KIND changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 431, the House shall immediately proceed to further consideration of the bill (H.R. 4775) 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.

The Clerk read the title of the bill.

□ 0215

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 431, the bill is considered read for amendment. In addition to the amendments adopted pursuant to House Resolution 428, the amendments adopted in the Committee of the Whole and the amendments printed in House Report 107-486 are adopted.

The text of H.R. 4775, as amended pursuant to House Resolution 428 and House Resolution 431, is as follows:

H.R. 4775

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

#### TITLE I—SUPPLEMENTAL APPROPRIATIONS CHAPTER 1

##### DEPARTMENT OF AGRICULTURE

##### FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for “Food Safety and Inspection Service”, \$2,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

##### FOOD AND NUTRITION SERVICE

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

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

##### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

##### SALARIES AND EXPENSES

For an additional amount for “Animal and Plant Health Inspection Service, Salaries and Expenses”, \$10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes



designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For an additional amount for "Food and Drug Administration, Salaries and Expenses", \$18,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

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

#### CHAPTER 2 DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$5,750,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### LEGAL ACTIVITIES SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$112,000,000, to remain available until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$102,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request

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

##### IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$75,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act, or in Public Law 107-117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$40,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance" for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and section 1014 of the USA PATRIOT Act (Public Law 107-56) and for other counter-terrorism programs, including first responder training and equipment to respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, \$175,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### DEPARTMENT OF COMMERCE AND RELATED AGENCIES RELATED AGENCIES OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses for increased security requirements, \$1,100,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### DEPARTMENT OF COMMERCE

##### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and Technical Research and Services" for emergency expenses resulting from new homeland security activities and increased security requirements, \$4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### FISHERIES FINANCE PROGRAM ACCOUNT

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

##### DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from new homeland security activities, \$400,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES CARE OF THE BUILDING AND GROUNDS

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

##### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses to enhance security and to provide for extraordinary costs related to terrorist trials, \$6,258,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$3,115,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs" for emergency expenses for activities related to combating international terrorism, \$51,050,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated



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

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs" for emergency expenses for activities related to combating international terrorism, \$20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$10,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", for emergency expenses for activities related to combating international terrorism, \$200,516,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations" for emergency expenses for activities related to combating international terrorism, \$7,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

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

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for emergency expenses for activities related to combating international terrorism, \$7,400,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements" for emergency expenses for activities related to combating international terrorism, \$7,700,000, to remain available until expended: *Provided*, That the entire amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### RELATED AGENCIES

##### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

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

In addition, for an additional amount for "Salaries and Expenses" for emergency expenses resulting from the September 11, 2001, terrorist attacks, \$9,300,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### GENERAL PROVISIONS

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

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

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

(2) by striking "authorization" and inserting "requirement".

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

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

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

(ii) are the spouse, legal guardian, parent, child, brother, or sister of, or who as determined by the court have a relationship of similar significance to, an individual de-

scribed in subparagraph (A)(i), if the latter individual is under 18 years of age, incompetent, incapacitated, has a serious injury, or disability that requires assistance of another person for mobility, or is deceased.

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

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

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

SEC. 204. For purposes of section 201(a) of the Federal Property and Administrative Services Act of 1949 (relating to Federal sources of supply, including lodging providers, airlines and other transportation providers), the Eisenhower Exchange Fellowship Program shall be deemed an executive agency for the purposes of carrying out the provisions of 20 U.S.C. 5201, and the employees of and participants in the Eisenhower Exchange Fellowship Program shall be eligible to have access to such sources of supply on the same basis as employees of an executive agency have such access.

#### CHAPTER 3

#### DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$206,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$226,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$119,000,000 shall be available only to the extent that an official budget request for \$119,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$53,750,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$17,250,000 shall be available only to the extent that an official budget request for \$17,250,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$60,500,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$19,500,000 shall be available only to the extent that an official budget request for \$19,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$751,975,000, to remain available for obligation until September 30, 2003, of which \$420,000,000 may be used, notwithstanding any other provision of law, for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with the Global War on Terrorism: *Provided*, That such payments may be made in such amounts as the Secretary may determine, in accordance with standard accounting practices and procedures, in consultation with the Director of the Office of Management and Budget and 15 days following notification to the appropriate Congressional committees: *Provided further*, That amounts for such payments shall be in addition to any other funds that may be available for such purpose: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$12,975,000 shall be available only to the extent that an official budget request for \$12,975,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEFENSE EMERGENCY RESPONSE FUND  
(INCLUDING TRANSFER OF FUNDS)

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

essary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$1,393,972,000 shall be available only to the extent that an official budget request for \$1,393,972,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## PROCUREMENT

## OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$79,200,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$22,800,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$262,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$2,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$3,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$129,500,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$36,500,000 shall be available only to the extent that an official budget request for \$36,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force",

\$115,000,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$735,340,000, to remain available for obligation until September 30, 2004: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$104,425,000, to remain available for obligation until September 30, 2004: *Provided*, That funds may be used to purchase vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed \$175,000 per vehicle: *Provided further*, That \$99,500,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATIONRESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$8,200,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$9,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$99,800,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$39,000,000 shall be available only to the extent that an official budget request for \$39,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$72,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That

\$20,000,000 shall be available only to the extent that an official budget request for \$20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### GENERAL PROVISIONS—THIS CHAPTER

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

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for transfer, obligation and expenditure, consistent with the purposes for which such amounts were contributed and accepted, by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, to be merged with and to be available for the same purposes and the same time period as the appropriation or fund to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

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

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

SEC. 305. Section 8005 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107-117; 115 Stat. 2247), is amended by striking "May 1, 2002" before the period at the end and inserting "June 15, 2002".

SEC. 306. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the head-

ing "Chemical Agents and Munitions Destruction, Army", may be used to pay for additional costs of international inspectors from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, pursuant to Articles IV and V of the Chemical Weapons Convention, for inspections and monitoring of Department of Defense sites and commercial sites that perform services under contract to the Department of Defense, resulting from the Department of Defense's program to accelerate its chemical demilitarization schedule.

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

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

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

(3) per diem, not to exceed United Nations rates and in compliance with United Nations conditions for per diem for that organization; and

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

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

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

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

SEC. 308. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), \$93,000,000, to remain available until September 30, 2004, is hereby appropriated to the Department of Defense for the procurement of three MH-47 Chinook helicopters, as follows: "Aircraft Procurement, Army", \$63,000,000; and "Procurement, Defense-Wide", \$30,000,000: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$93,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 309. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), \$100,000,000, to remain available until September 30, 2003, is hereby appropriated to the Department of Defense under the heading "Chemical Agents and Munitions Destruction, Army" for Research, development, test and evaluation, for the pur-

pose of chemical agent destruction at Department of Defense facilities in Aberdeen, Maryland, and Newport, Indiana: *Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$100,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### (RESCISSIONS)

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

"Other Procurement, Air Force", 2001/2003, \$29,000,000; and "Procurement, Defense-Wide", 2002/2004, \$30,000,000.

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

SEC. 312. Notwithstanding any other provision of law, not to exceed \$100,000,000, from appropriations available to the Department of Defense from the "Defense Emergency Response Fund", may be made available only to reimburse foreign nations for the costs of goods, services, or use of facilities provided in direct support of operations by U.S. military forces in the global war on terrorism: *Provided*, That such reimbursements shall be determined and paid in accordance with standard accounting practices and procedures: *Provided further*, That the Secretaries of Defense and State shall jointly provide a written notification to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any proposed commitment and obligation of funds pursuant to this section, describing each proposed use of funds and the proposed sources of funds: *Provided further*, That funds proposed for obligation pursuant to the immediately preceding proviso shall not be made available for obligation without the prior approval of the Committees on Appropriations.

#### CHAPTER 4

##### DISTRICT OF COLUMBIA

##### DISTRICT OF COLUMBIA FUNDS

##### OPERATING EXPENSES

##### DIVISION OF EXPENSES

##### GOVERNMENTAL DIRECTION AND SUPPORT

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

##### PUBLIC EDUCATION SYSTEM

##### (RESCISSION)

Notwithstanding any other provision of law, of the local funds appropriated under this heading for public charter schools for the fiscal year ending September 30, 2002, in the District of Columbia Appropriations Act,

2002, approved December 21, 2001 (Public Law 107-96; 115 Stat. 935), \$37,000,000 are rescinded.

#### HUMAN SUPPORT SERVICES

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

#### REPAYMENT OF LOANS AND INTEREST (RESCISSION)

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

#### CERTIFICATES OF PARTICIPATION

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

#### ADMINISTRATIVE PROVISION

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

"(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—

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

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

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

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

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

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

#### GENERAL PROVISIONS—THIS CHAPTER

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

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

SEC. 403. (a) Notwithstanding any other provision of law, the positive fund balance of the general fund of the District government which remained at the end of fiscal year 2000 (as reflected in the complete financial statement and report on the activities of the District government for such fiscal year under section 448(a)(4) of the District of Columbia

Home Rule Act) shall be used during fiscal year 2002 to provide the minimum balances required for fiscal year 2002 for the emergency reserve fund under section 450A of the District of Columbia Home Rule Act and the contingency reserve fund under section 450B of such Act.

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

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

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

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

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

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

#### CHAPTER 5

#### DEPARTMENT OF DEFENSE—CIVIL

#### DEPARTMENT OF THE ARMY

#### CORPS OF ENGINEERS—CIVIL

#### OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses related to security at Corps of Engineers facilities, \$128,400,000, to remain available until September 30, 2003: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$128,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds made available under this heading in this Act and in Public Law 107-117 may be used to fund measures and activities undertaken by the Secretary of the Army, acting through the Chief of Engineers, to protect and secure any infrastructure owned or operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities.

#### DEPARTMENT OF ENERGY

#### ENERGY PROGRAMS

#### SCIENCE

For an additional amount for "Science" for emergency expenses necessary to support

safeguards and security activities, \$29,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$29,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### NATIONAL NUCLEAR SECURITY ADMINISTRATION

#### WEAPONS ACTIVITIES

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

#### DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation" for international safeguards activities, \$5,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

#### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management" for emergency expenses necessary to support safeguards and security activities, \$67,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$67,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for "Defense Facilities Closure Projects" for emergency expense necessary to support safeguards and security activities, \$16,600,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$16,600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities" for emergency expenses necessary to support energy security and assurance activities, \$7,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### CHAPTER 6

##### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund" for emergency expenses for activities related to combating AIDS, tuberculosis, and malaria, \$200,000,000, to remain available until December 30, 2002: *Provided*, That funds appropriated in this Act and in prior Acts under this heading and under the heading "Child Survival and Disease Programs Fund" and made available for the Global Fund to Fight AIDS, Tuberculosis, and Malaria shall not exceed 40 percent of the total resources pledged by all donors to the Global Fund for calendar year 2002: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance" for emergency expenses for activities related to combating international terrorism, \$190,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development" for emergency expenses for activities related to combating international terrorism, \$7,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund" for emergency expenses for

activities related to combating international terrorism, \$460,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.

In addition, for an additional amount for "Economic Support Fund", \$250,000,000, to remain available until September 30, 2003: *Provided*, That \$200,000,000 of the funds appropriated in this paragraph shall be made available for assistance for Israel for activities relating to combating international terrorism: *Provided further*, That \$50,000,000 of the funds appropriated in this paragraph shall be transferred to "International Disaster Assistance" to be made available for humanitarian and refugee assistance for the West Bank and Gaza: *Provided further*, That none of the funds provided in the preceding proviso shall be available for assistance for the Palestinian Authority: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for emergency expenses for activities related to combating international terrorism, \$110,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement" for emergency expenses for activities related to combating international terrorism, \$120,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" for emergency expenses for activities related to combating international terrorism, \$10,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of

the entire amount of the request as an emergency requirement as defined of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

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

##### MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for emergency expenses for activities related to combating international terrorism, \$366,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law: *Provided further*, That not to exceed \$2,000,000 of the funds appropriated in this paragraph may be obligated for necessary expenses, including the purchase of passenger motor vehicles for use outside of the United States, for the general cost of administering military assistance and sales.

##### PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations" for emergency expenses for activities related to combating international terrorism, \$20,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount of designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That funds appropriated under this heading, and funds appropriated under this heading in prior Acts that are made available for the purposes of this paragraph, may be made available notwithstanding section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 or any similar provision of law.

##### MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### SPECIAL PAYMENTS TO THE INTERNATIONAL FINANCIAL INSTITUTIONS

##### (RESCISSION)

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

##### GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. (a) In fiscal year 2002, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the

United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

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

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

#### (RESCISSION)

SEC. 602. Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as contained in Public Law 106-113) and in prior Acts making appropriations for foreign operations, export financing, and related programs, \$60,000,000 are rescinded.

#### ANDEAN SECURITY STRATEGY

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

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

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

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

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

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

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

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

(c) In this section, the term "appropriate congressional committees means—

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

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

#### CHAPTER 7

#### DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", \$658,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific

dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

For an additional amount for "Resource Management", \$1,443,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", \$1,173,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

##### CONSTRUCTION

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

#### UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", \$25,700,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

#### BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS (INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Operation of Indian Programs", \$134,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds

shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

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

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

#### DEPARTMENTAL OFFICES

##### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$905,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

##### RELATED AGENCY

##### SMITHSONIAN INSTITUTION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", of the Smithsonian Institution, \$11,000,000, for emergency security expenses, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

##### CONSTRUCTION

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

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 701. Within 10 days of enactment of this Act, funds appropriated to the Forest Service under the heading "Wildland Fire Management" in Public Law 107-63 for the following purposes: \$5,000,000 for research activities and \$10,000,000 for capital improvement and maintenance of fire facilities shall



be released and made available for immediate obligation. These funds are not available for transfer for purposes other than those described in this section.

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

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

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

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

#### CHAPTER 8

##### DEPARTMENT OF LABOR

###### EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", \$300,000,000, to remain available through September 30, 2003; of which not less than \$190,000,000 is available for carrying out sections 171(d) and 173 of the Workforce Investment Act of 1998, except that not more than \$20,000,000 may be used for carrying out section 171(d); and of which \$110,000,000, to remain available through June 30, 2002, is available for carrying out section 132(a)(2)(B) of such Act: *Provided*, That notwithstanding sections

132(b)(2)(B) and 133(b)(2)(B) of such Act, such funds for carrying out section 132(a)(2)(B) shall be allotted and allocated in a manner that restores to the affected States and local workforce investment areas the \$110,000,000 that was subject to rescission under Public Law 107-20: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### HEALTH RESOURCES AND SERVICES ADMINISTRATION

###### HEALTH RESOURCES AND SERVICES

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

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

(2) by striking "\$311,978,000" and inserting "\$315,333,000".

###### CENTERS FOR DISEASE CONTROL AND PREVENTION

###### DISEASE CONTROL, RESEARCH, AND TRAINING

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

##### NATIONAL INSTITUTES OF HEALTH

###### BUILDINGS AND FACILITIES

###### (RESCISSION)

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

###### ADMINISTRATION FOR CHILDREN AND FAMILIES

###### CHILDREN AND FAMILIES SERVICES AND PROGRAMS

For an additional amount for "Children and Families Services Programs" for carrying out section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416), \$500,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

##### DEPARTMENT OF EDUCATION

###### SCHOOL IMPROVEMENT PROGRAMS

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

In the statement of the managers of the committee of conference accompanying H.R. 3061 (Public Law 107-116; H. Rpt. 107-342), in the matter relating to the Fund for the Im-

provement of Education under the heading "School Improvement Programs"—

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

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

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

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

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

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

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

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

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

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

(11) the provision specifying \$150,000 for the American Theater Arts for Youth, Inc., Philadelphia, PA, for a Mississippi Arts in Education Program shall be deemed to read



as follows: "American Theater Arts for Youth, Inc., for a Mississippi Arts in Education program, \$150,000"; and

(12) the provision specifying \$25,000 for the American Theater Arts for Youth for an Arts in Education program shall be deemed to read as follows: "American Theater Arts for Youth, Inc., in Philadelphia, Pennsylvania for an Arts in Education Program, \$25,000".

#### STUDENT FINANCIAL ASSISTANCE

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

#### HIGHER EDUCATION

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

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

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

#### CHAPTER 9

##### LEGISLATIVE BRANCH

##### HOUSE OF REPRESENTATIVES

##### SALARIES AND EXPENSES

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

##### COMMITTEE EMPLOYEES

##### STANDING COMMITTEES, SPECIAL AND SELECT

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

##### LIBRARY OF CONGRESS

##### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

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

#### JOINT ITEMS

##### CAPITOL POLICE BOARD

##### CAPITOL POLICE

##### GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including computer equipment and services, training, communications, uniforms, weapons, and reimbursement to the Environmental Protection Agency, Hazardous Substance Superfund for additional expenses incurred for anthrax investigations and cleanup actions, \$16,100,000, to be disbursed by the Capitol Police Board or their delegate: *Provided*, That this amount shall be available only to the extent that an official budget request, that includes designation of the amount as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### ADMINISTRATIVE PROVISIONS

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

(b) Funds in the account shall be used by the Architect of the Capitol for all necessary expenses for the maintenance, care, and operation of buildings of the United States Capitol Police.

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

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

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

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

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

(1) in section 903 (a), by striking "buildings and facilities" and insert "buildings and facilities, subject to the availability of appropriations";

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

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

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

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

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

(2) by inserting after subsection (b) the following new subsection:

"(c) RUSSIAN EXCHANGE PROGRAM FOR AMERICAN LEADERSHIP.—

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

tions, business organizations, and non-governmental organizations of the Russian Federation.

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

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

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

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

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

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

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

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

(b) The acquisition of a building or facility under subsection (a) shall be subject to the approval of—

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

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

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

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

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

#### CHAPTER 10

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION

##### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$8,505,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated

by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

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

For an additional amount for "Military Construction, Defense-wide", \$21,500,000, to remain available until September 30, 2006: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

**CHAPTER 11  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
TRANSPORTATION ADMINISTRATIVE SERVICE  
CENTER**

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

**TRANSPORTATION SECURITY  
ADMINISTRATION**

For additional amounts for emergency expenses arising to implement the Federal takeover of airport security, \$3,850,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the total amount provided herein, the following amounts are available for obligation only for the specific purposes below:

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

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

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

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

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

(6) Procurement of air-ground communications systems and devices for the Federal air marshal program, \$20,000,000;

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

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

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

**U.S. COAST GUARD  
OPERATING EXPENSES**

For an additional amount for "Operating Expenses" for emergency expenses for homeland security and other purposes, \$210,000,000, to remain available until September 30, 2003: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, \$21,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**ACQUISITION, CONSTRUCTION, AND  
IMPROVEMENTS**

For an additional amount for "Acquisition, Construction, and Improvements" for emergency expenses for homeland security and other purposes, \$78,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, \$12,000,000 shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**FEDERAL AVIATION ADMINISTRATION  
OPERATIONS**

**(TRANSFER OF FUNDS)**

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

**GRANTS-IN-AID FOR AIRPORTS**

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, notwithstanding any other provision of law, for "Grants-in-aid for airports", to enable the Federal Aviation Administrator to compensate airports for a portion of the direct costs associated with new, additional or revised security requirements imposed on airport operators by the Administrator on or after September 11, 2001, \$200,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent an official budget request

for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

**FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL-AID HIGHWAYS  
EMERGENCY RELIEF PROGRAM  
(HIGHWAY TRUST FUND)**

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

**FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION**

**BORDER ENFORCEMENT PROGRAM  
(HIGHWAY TRUST FUND)**

For necessary expenses of the Border Enforcement Program to respond to the September 11, 2001, terrorist attacks on the United States, \$19,300,000, to be derived from the Highway Trust Fund, of which \$4,200,000 shall be to implement section 1012 of Public Law 107-56 (USA Patriot Act); \$10,000,000 shall be for drivers' license fraud detection and prevention, the northern border safety and security study, and hazardous material security education and outreach; and \$5,100,000 shall be for the purposes of coordinating drivers' license registration and social security number verification: *Provided*, That in connection with such commercial drivers' license fraud deterrence projects, the Secretary may enter into such contracts or grants with the American Association of Motor Vehicle Administrators, States, or other persons as the Secretary may so designate to carry out these purposes: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

**HAZARDOUS MATERIALS SECURITY  
(HIGHWAY TRUST FUND)**

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

**FEDERAL TRANSIT ADMINISTRATION  
CAPITAL INVESTMENT GRANTS**

For an additional amount for "Capital Investment Grants" for emergency expenses to

respond to the September 11, 2001, terrorist attacks in New York City, \$1,800,000,000, to remain available until expended to replace, rebuild, or enhance the public transportation systems serving the Borough of Manhattan, New York City, New York: *Provided*, That the Secretary may use up to one percent of this amount for oversight activities: *Provided further*, That these funds are subject to grant requirements as determined by the Secretary to ensure that eligible projects will improve substantially the mobility of commuters in Lower Manhattan: *Provided further*, That the Federal share for any project funded from this amount shall be 100 percent: *Provided further*, That these funds are in addition to any other appropriation available for these purposes: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### GENERAL PROVISIONS—THIS CHAPTER

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

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

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

#### CHAPTER 12

##### DEPARTMENT OF THE TREASURY FEDERAL LAW ENFORCEMENT TRAINING CENTER

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for expenses of expanded law enforcement training workload resulting from the September 11, 2001 terrorist attacks against the United States, \$15,870,000, to remain available until September 30, 2003: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

##### UNITED STATES SECRET SERVICE

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for expenses of expanded protective and investigative workload following the September 11, 2001 terrorist attacks against the United States, \$46,750,000, to remain available until September 30, 2003, *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

##### POSTAL SERVICE

###### PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for “Payment to the Postal Service” for emergency expenses to enable the Postal Service to protect postal employees and postal customers from exposure to biohazardous material and to sanitize and screen the mail, \$87,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

###### OFFICE OF MANAGEMENT AND BUDGET

###### SALARIES AND EXPENSES

###### (RESCISSION)

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

##### ELECTION ADMINISTRATION REFORM AND RELATED EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

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

##### INDEPENDENT AGENCIES

##### FEDERAL ELECTION COMMISSION

###### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses,” \$750,000 for unanticipated costs associated with implementing the Bipartisan Campaign Reform Act.

##### GENERAL SERVICES ADMINISTRATION

##### REAL PROPERTY ACTIVITIES

###### FEDERAL BUILDINGS FUND

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

#### GENERAL PROVISIONS—THIS CHAPTER

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

(b) EFFECTIVE DATE.—Subsection (a) shall be effective June 30, 2002.

(c) SUPPLEMENTAL APPROPRIATION.—For an additional amount for “Internal Revenue

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

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

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

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

(c) For purposes of this section—

(1) the term “Federal annuitant” means an employee who has retired under the Civil Service Retirement System, the Federal Employees’ Retirement System, or any other retirement system for employees;

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

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

#### CHAPTER 13

##### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS HEALTH ADMINISTRATION

###### MEDICAL CARE

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

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT  
PUBLIC AND INDIAN HOUSING  
HOUSING CERTIFICATE FUND  
(RESCISSION)

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

COMMUNITY PLANNING AND DEVELOPMENT  
COMMUNITY DEVELOPMENT FUND

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

The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 106-377 is deemed to be amended by striking "\$2,000,000 is for the Louisville Community Development Bank for the Louisville Neighborhood Initiative" and inserting "\$2,000,000 for neighborhood revitalization activities in

Louisville, Kentucky, as follows: \$170,000 to the Christian Church Homes of Kentucky for facility upgrades at Chapel House, \$500,000 to the Louisville Medical Center Development Corporation for expansion of a research park, \$400,000 to the Louisville Science Center for construction of a permanent exhibition, \$150,000 to the New Zion Community Development Foundation for renovation of a facility, \$400,000 to the Presbyterian Community Center for construction of a facility, \$180,000 to the St. Stephen Family Life Center for renovation of a facility, and \$200,000 to the United Crescent Hill Ministries for renovation of a facility".

The referenced statement of the managers under the heading "Community development fund" in title II of Public Law 107-73 is deemed to be amended by striking "\$3,000,000 for the Louisville Community Development Bank for continuation of the Louisville Neighborhood Initiative" and inserting "\$3,000,000 for neighborhood revitalization activities in Louisville, Kentucky, as follows: \$250,000 to the Bridgehaven Mental Health Agency for planning and development of a facility, \$600,000 to the Cable Life Community Enrichment Corporation for construction of a facility, \$350,000 to Catholic Charities for renovation of a facility, \$500,000 to the Center for Women and Families for an affordable housing program, \$100,000 to the Clifton Cultural Center for renovation of a historic building, \$200,000 to Harrods Creek Community Development for construction of a facility, \$200,000 to the James Taylor Memorial Home for facility improvements, \$600,000 to the Kentucky Art and Craft Foundation for renovation of a facility, and \$200,000 to the Shelby Park Neighborhood Association for facility construction".

HOUSING PROGRAMS  
RENTAL HOUSING ASSISTANCE  
(RESCISSION)

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

INDEPENDENT AGENCIES  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

NATIONAL INSTITUTES OF HEALTH  
NATIONAL INSTITUTE OF ENVIRONMENTAL  
HEALTH SCIENCES

For an additional amount for "National Institute of Environmental Health Sciences," \$8,000,000, to carry out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 in response to the September 11, 2001, terrorist attacks on the United States: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE  
REGISTRY  
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$11,300,000, of which \$1,800,000 is for additional expenses incurred in re-

sponse to the September 11, 2001, terrorist attacks on the United States, and of which \$9,500,000 is to enhance the States' capacity to respond to chemical terrorism events: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ENVIRONMENTAL PROTECTION AGENCY  
STATE AND TRIBAL ASSISTANCE GRANTS

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

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

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

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

The referenced statement of managers under this heading in Public Law 107-73 is deemed to be amended in item 19 by inserting the words "water and" after the word "for".

FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF

For an additional amount for "Disaster relief" for necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), \$2,750,000,000 to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, the Texas Medical Center may be provided FEMA Public Assistance and Hazard Mitigation grants as an agent for eligible applicants.

DISASTER ASSISTANCE FOR UNMET NEEDS

For an additional amount for "Disaster assistance for unmet needs", \$23,320,000, to remain available until September 30, 2004, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal year 2002, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its "Disaster relief" program) or the Small Business Administration; *Provided*, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: *Provided further*, That each State shall

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

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

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

#### GENERAL PROVISIONS—THIS CHAPTER

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

SEC. 1302. Notwithstanding the first paragraph of the item in title II of Public Law 107-73 related to "Federal housing administration, General and special risk program ac-

count", any amounts made available for fiscal year 2002 for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974), shall be available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$23,000,000,000.

#### CHAPTER 14

#### GENERAL PROVISIONS

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

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

SEC. 1403. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The United States Government shall take all steps necessary to guarantee the full faith and credit of the Government."

#### SEC. 1404. TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA COUNTIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2003, for purposes of making payments under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j))—

(A) in Lackawanna, Luzerne, Wyoming, Lyncoming, and Columbia Counties, Pennsylvania, such counties are deemed to be located in the Newburgh, New York-PA Metropolitan Statistical Area; and

(B) in Mercer County, Pennsylvania, such county is deemed to be located in Youngstown-Warren, Ohio Metropolitan Statistical Area.

(2) RULES.—The reclassifications made under paragraph (1) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(b) LARGE URBAN AREA OF NEW YORK.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) the large urban area of New York, New York is deemed to include Orange County, New York, and Dutchess County, New York.

#### SEC. 1405. AMENDMENTS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (title II of Public Law 98-67; 19 U.S.C. 2703(b)(2)(A)) is amended—

(1) in clause (i), by adding at the end the following: "Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the

fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States."; and

(2) in clause (ii), by adding at the end the following: "Apparel articles shall qualify under the preceding sentence only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are knit fabrics, is carried out in the United States. Apparel articles shall qualify under the first sentence of this clause only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States."

(b) ANDEAN TRADE PREFERENCE ACT.—Any duty-free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled if the fabrics are knit fabrics, is carried out in the United States. Any duty-free or other preferential treatment provided under the Andean Trade Preference Act to apparel articles assembled from fabric formed in the United States shall apply to such articles only if all dyeing, printing, and finishing of the fabrics from which the articles are assembled, if the fabrics are woven fabrics, is carried out in the United States.

(c) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (a) shall take effect—

(1) 90 days after the date of the enactment of this Act, or

(2) September 1, 2002, whichever occurs first.

#### SEC. 1406

Congress shall take all steps necessary to ensure that section 5402 of Title 39, United States Code is amended to allow the United States Postal Service to tender non-priority bypass mail to mainline carriers who carry mainline non-priority bypass mail.

Congress shall take all steps necessary to ensure that section 5402 of Title 39, United States Code is further amended to allow the United States Postal Service to tender non-priority bypass mail to bush carriers, on a route not served by a mainline carriers or between two bush points. Carriers are encouraged to upgrade their operating certificates and increase passenger service. Carriers who make these changes may be tendered a greater percentage of non-priority bypass mail.

Congress shall take all steps necessary to ensure that The Secretary of the Department of Transportation sets non-priority bypass mail rate as is deemed necessary to continue the bypass mail service.

The requirements of these provisions will only be in effect in the State of Alaska.

#### TITLE II—AMERICAN SERVICE- MEMBERS' PROTECTION ACT

##### SEC. 2001. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2002".

##### SEC. 2002. FINDINGS.

Congress makes the following findings:

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

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified

it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

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

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

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed."

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

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

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials

of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (I) covered United States persons;
- (II) covered allied persons; and
- (III) individuals who were covered United States persons or covered allied persons; and

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

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

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

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

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

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

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

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

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

- (i) Covered United States persons.
- (ii) Covered allied persons.
- (iii) Individuals who were covered United States persons or covered allied persons.

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

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

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

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

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

(2) shall not prohibit—

(A) any action permitted under section 2008; or

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

(b) **PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.**—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International



Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

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

(d) **PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) **PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) **PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) **RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.**—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) **PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.**—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

**SEC. 2005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.**

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

(b) **RESTRICTION.**—Members of the Armed Forces of the United States may not partici-

pate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

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

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

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

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

**SEC. 2006. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.**

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

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

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

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

(a) **PROHIBITION OF MILITARY ASSISTANCE.**—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

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

(c) **ARTICLE 98 WAIVER.**—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

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

- (1) a NATO member country;
- (2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or
- (3) Taiwan.

**SEC. 2008. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.**

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

(b) **PERSONS AUTHORIZED TO BE FREED.**—The authority of subsection (a) shall extend to the following persons:

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

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

- (1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);
- (2) exculpatory evidence on behalf of that person; and
- (3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) **BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.**—This section does not authorize the payment of bribes or the provision of



other such incentives to induce the release of a person described in subsection (b).

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

(a) **REPORT ON ALLIANCE COMMAND ARRANGEMENTS.**—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

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

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

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

**SEC. 2010. WITHHOLDINGS.**

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

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

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

(b) **NOTIFICATION TO CONGRESS.**—

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

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

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

**SEC. 2012. NONDELEGATION.**

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

**SEC. 2013. DEFINITIONS.**

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

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **CLASSIFIED NATIONAL SECURITY INFORMATION.**—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

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

(4) **COVERED UNITED STATES PERSONS.**—The term “covered United States persons” means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

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

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

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

(8) **PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF**

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

(9) **PARTY TO THE INTERNATIONAL CRIMINAL COURT.**—The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) **PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.**—The term “peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—

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

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

(11) **ROME STATUTE.**—The term “Rome Statute” means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

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

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

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

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

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

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

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

The **SPEAKER** pro tempore. Pursuant to House Resolution 431, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 4775, to the Committee on Appropriations with instructions to report the bill forthwith with the following amendment: strike Section 1403.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, a lot of people in this Chamber have spent their entire career talking about their opposition to raising the national debt. In fact, the majority of the Members of the Republican Party in this House have sponsored with much fanfare a constitutional amendment requiring an explicit vote by two-thirds of the House in order to raise the debt limit.

This motion simply strikes the provision in the bill that paves the way to raise that debt limit by \$750 billion. For my colleagues to vote against this motion to prevent turning the Social Security card into the Nation's credit card would give hypocrisy a bad name.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, finally, after 16 hours of debate, we get an opportunity for a clean up-and-down vote on whether we should increase our national debt ceiling by \$750 billion.

This motion to recommit reaffirms our support for the President and our men and women in uniform and the war on terrorism. Every one of us supports providing whatever funding is necessary to fund the war on terrorism. This motion is about the financial condition of our Nation and whether we will continue piling on more and more debt on our children and grandchildren. We should not be delaying action on funding the war on terrorism by trying to use it to hide the second largest increase in the statutory debt limit in the history of our country. The war on terrorism should be too important for political games.

My colleagues on the other side of the aisle were very willing to stand up and take credit for the tax and spending legislation they passed last year that has put us back into debt. They should be willing to stand up and be counted now that the time has come to pay the bills by raising the national debt limit.

We are not threatening to default on the good faith and credit of the U.S. Government. We have repeatedly extended the hand of bipartisan cooperation by offering to support a temporary increase in the debt limit to meet the expenses of the war and allow government to meet its obligations while Congress and the President work together on a plan to again balance our budget. All we are saying with this motion is hold off on the administration's request for a \$750 billion increase in the debt until we have a plan in place to return the budget to balance without borrowing from Social Security.

It is fiscally irresponsible, I repeat, it is fiscally irresponsible to provide a blank check for increasing borrowing authority without requiring Congress and the President to come up with a plan to get us out of red ink and return to saving the Social Security surplus. Vote for the motion to recommit by striking the effort to hide the increase in the debt ceiling in this motion.

Mr. OBEY. Mr. Speaker, I yield the final 2 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, which ducked its responsibility to bring a free-standing debt ceiling to the floor of the House.

Mr. RANGEL. Mr. Speaker, this motion to recommit gives us the final opportunity to bring some thread of responsibility to what we are doing this evening, and that is to make certain that we do not jeopardize Social Security; that we do not really make the people pay for the tax cut by taking it out of the Social Security trust fund.

They have hidden in this bill the ability to borrow an additional \$750 billion, and shame on them for doing it in the middle of the night. We could have felt so proud, our colleagues could have made us proud. On this Memorial Day they could have made us feel like we were somebody; that we were in the House of Representatives, not Republicans and Democrats, but those who wanted to support our troops overseas, those who wanted to support the President, those who wanted to fight against terrorism. That flag would have flown in every parade in every county, in every city for all of us as Members of the House of Representatives.

Instead of that, our colleagues wanted to save a couple of Republican seats. They determined that there were people more sick in a Republican district than in a Democratic district. They determined they had to pay off for votes that they picked to unravel international trade agreements. They missed one heck of an opportunity to make us all feel proud on this Memorial Day.

The motion to recommit merely says we want fiscal integrity to go with our responsibility in being patriots. And patriots are the people who do not run away from their responsibility. If we yield to this, we yield to the terrorists.

So our colleagues had a chance for bipartisanship. We had that, and we gave it to the President after 9-11. But in the middle of the night my colleagues had to find some way to get some political advantages. Well, my colleagues, we are mad as hell and we are not taking it any more. The American people demand more of us than that.

And no matter where my colleagues go, whatever they have got to do, we are going to protect that Social Security System. When the flag is up, we are going to salute it; but we are going to take care of the people.

The SPEAKER pro tempore. Is the gentleman from Florida opposed to the motion to recommit?

Mr. YOUNG of Florida. Very definitely, Mr. Speaker.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, first I want to thank all of the Members for their very spirited and enthusiastic participation in this great exercise in democracy, where the majority rules.

My only request of the Members is to remember that before they vote, this is a wartime emergency supplemental appropriations bill. My colleagues may not like some of the feathers, but the main body of the product is exactly what I said, a wartime emergency supplemental to support our troops in the field and to make sure that they have whatever they need and that we do not stand down any of our military preparedness.

So what I would ask is that Members will vote for final passage for this bill. On this vote, let us vote "no" and then let us go to the final passage vote.

## PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is all a little fuzzy, probably by intention.

The SPEAKER pro tempore. Does the gentleman have an inquiry?

Mr. TAYLOR of Mississippi. Yes, sir.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, is it my understanding that by the passage of this bill the rule allows the debt limit to be increased by \$750 billion?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote followed by a 5-minute vote on final passage.

The vote was taken by electronic device, and there were—ayes 201, noes 215, not voting 19, as follows:

[Roll No. 205]

#### AYES—201

Abercrombie	Hastings (FL)	Napolitano
Ackerman	Hill	Neal
Allen	Hilliard	Oberstar
Andrews	Hinchee	Obey
Baca	Hinojosa	Oliver
Baird	Hoeffel	Ortiz
Baldacci	Holden	Owens
Baldwin	Holt	Pallone
Barcia	Honda	Pascarell
Barrett	Hookey	Pastor
Becerra	Hoyer	Payne
Bentsen	Inslee	Pelosi
Berkley	Israel	Peterson (MN)
Berman	Jackson (IL)	Phelps
Berry	Jackson-Lee	Pomeroy
Bishop	(TX)	Price (NC)
Blagojevich	Jefferson	Rahall
Blumenauer	John	Rangel
Borski	Johnson, E. B.	Reyes
Boswell	Jones (OH)	Rivers
Boucher	Kanjorski	Rodriguez
Boyd	Kaptur	Roemer
Brady (PA)	Kennedy (RI)	Ross
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Roybal-Allard
Capps	Kind (WI)	Rush
Capuano	Kleczka	Sabo
Cardin	Kucinich	Sanchez
Carson (IN)	LaFalce	Houghton
Carson (OK)	Lampson	Hulshof
Clay	Langevin	Hunter
Clayton	Lantos	Sawyer
Clement	Larsen (WA)	Schakowsky
Clyburn	Larson (CT)	Schiff
Conyers	Lee	Scott
Costello	Levin	Serrano
Coyne	Lewis (GA)	Sherman
Cummings	Lofgren	Shows
Davis (CA)	Lowey	Skelton
Davis (FL)	Lucas (KY)	Slaughter
Davis (IL)	Luther	Smith (WA)
DeFazio	Lynch	Snyder
DeGette	Maloney (CT)	Solis
Delahunt	Maloney (NY)	Spratt
DeLauro	Markey	Stark
Dicks	Mascara	Stenholm
Dingell	Matheson	Strickland
Doggett	Matsui	Stupak
Dooley	McCarthy (MO)	Tanner
Doyle	McCarthy (NY)	Tauscher
Edwards	McCollum	Taylor (MS)
Engel	McDermott	Thurman
Eshoo	McGovern	Tierney
Etheridge	McKinney	Towns
Evans	McNulty	Turner
Farr	Meehan	Udall (CO)
Fattah	Meek (FL)	Udall (NM)
Filner	Meeks (NY)	Velazquez
Ford	Menendez	Visclosky
Frank	Millender	Waters
Frost	McDonald	Watson (CA)
Gephardt	Miller, George	Watt (NC)
Gonzalez	Mink	Waxman
Gordon	Mollohan	Weiner
Green (TX)	Moore	Wexler
Hall (OH)	Moran (VA)	Woolsey
Hall (TX)	Murtha	Wu
Harman	Nadler	Wynn

#### NOES—215

Aderholt	Boozman	Crane
Akin	Brady (TX)	Crenshaw
Armey	Brown (SC)	Cubin
Bachus	Bryant	Culberson
Baker	Burr	Cunningham
Ballenger	Buyer	Davis, Jo Ann
Barr	Callahan	Davis, Tom
Bartlett	Calvert	Deal
Barton	Camp	DeLay
Bass	Cantor	DeMint
Bereuter	Capito	Diaz-Balart
Biggert	Castle	Doolittle
Bilirakis	Chabot	Dreier
Blunt	Chambliss	Duncan
Boehlert	Coble	Dunn
Boehner	Collins	Ehlers
Bonilla	Cooksey	Ehrlich
Bono	Cox	Emerson

English	Kerns	Ros-Lehtinen
Everett	King (NY)	Royce
Ferguson	Kingston	Ryan (WI)
Flake	Kirk	Ryun (KS)
Fletcher	Knollenberg	Saxton
Foley	Kolbe	Schaffer
Forbes	LaHood	Schrock
Fossella	Latham	Sensenbrenner
Frelinghuysen	LaTourette	Sessions
Gallely	Leach	Shadegg
Ganske	Lewis (CA)	Shaw
Gekas	Lewis (KY)	Shays
Gibbons	LoBiondo	Sherwood
Gilchrest	Lucas (OK)	Shimkus
Gillmor	Manzullo	Shuster
Gilman	McCrery	Simmons
Goode	McHugh	Simpson
Goodlatte	McInnis	Skeen
Goss	McKeon	Smith (MI)
Graham	Mica	Smith (NJ)
Granger	Miller, Dan	Smith (TX)
Graves	Miller, Gary	Souder
Green (WI)	Miller, Jeff	Stearns
Greenwood	Moran (KS)	Stump
Grucci	Morella	Sullivan
Gutknecht	Myrick	Sununu
Hansen	Nethercutt	Sweeney
Hart	Ney	Tancred
Hastert	Northup	Tauzin
Hastings (WA)	Norwood	Taylor (NC)
Hayes	Osborne	Terry
Hayworth	Ose	Thomas
Hefley	Otter	Thornberry
Herger	Oxley	Thune
Hilleary	Paul	Tiahrt
Hobson	Pence	Tiberi
Hoekstra	Peterson (PA)	Toomey
Horn	Petri	Upton
Hostettler	Pickering	Walden
Houghton	Pitts	Walsh
Hulshof	Platts	Engel
Hunter	Pombo	English
Hyde	Portman	Etheridge
Isakson	Pryce (OH)	Evans
Issa	Putnam	Everett
Istook	Quinn	Fattah
Jenkins	Ramstad	Ferguson
Johnson (CT)	Regula	Fletcher
Johnson (IL)	Rehberg	Foley
Johnson, Sam	Reynolds	Forbes
Jones (NC)	Riley	Fossella
Keller	Rogers (KY)	Frelinghuysen
Kelly	Rogers (MI)	Frost
Kennedy (MN)	Rohrabacher	Gallegly

#### NOT VOTING—19

Bonior	Deutsch	Roukema
Burton	Gutierrez	Thompson (CA)
Cannon	Linder	Thompson (MS)
Combest	Lipinski	Trafficant
Condit	McIntyre	Vitter
Cramer	Nussle	
Crowley	Radanovich	

□ 0242

Mr. FILNER changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 138, not voting 17, as follows:

[Roll No. 206]

#### YEAS—280

Abercrombie	Ballenger	Bilirakis
Ackerman	Barcia	Bishop
Aderholt	Barr	Blagojevich
Akin	Bartlett	Blunt
Allen	Barton	Boehlert
Andrews	Bass	Boehner
Armey	Bonilla	Bono
Baca	Bereuter	Boozman
Bachus	Berkley	Borski
Baker	Berman	Boucher
Baldacci	Biggert	

Brady (PA)	Hoekstra	Pomeroy
Brady (TX)	Holden	Portman
Brown (SC)	Holt	Price (NC)
Bryant	Hookey	Pryce (OH)
Burr	Horn	Putnam
Buyer	Hostettler	Quinn
Callahan	Houghton	Ramstad
Calvert	Hoyer	Regula
Camp	Hulshof	Rehberg
Cannon	Hunter	Reyes
Cantor	Hyde	Reynolds
Capito	Isakson	Riley
Capps	Israel	Rodriguez
Cardin	Istook	Roemer
Carson (OK)	Jenkins	Rogers (KY)
Castle	John	Rogers (MI)
Chambliss	Johnson (CT)	Ros-Lehtinen
Clement	Johnson (IL)	Ross
Coble	Johnson, Sam	Rothman
Cooksey	Kanjorski	Ryun (KS)
Crane	Keller	Sabo
Crenshaw	Kelly	Sandlin
Cubin	Kennedy (MN)	Saxton
Culberson	Kennedy (RI)	Schaffer
Cunningham	Kildee	Schiff
Davis (CA)	King (NY)	Schrock
Davis, Jo Ann	Kingston	Scott
Davis, Tom	Kirk	Sessions
DeLay	Knollenberg	Shadegg
DeMint	Kolbe	Shaw
Diaz-Balart	LaHood	Shays
Dicks	Lampson	Sherman
Doolittle	Larsen (WA)	Sherwood
Doyle	Latham	Shimkus
Dreier	LaTourette	Shows
Dunn	Leach	Shuster
Edwards	Levin	Simmons
Ehlers	Lewis (CA)	Simpson
Ehrlich	Lewis (KY)	Skeen
Emerson	LoBiondo	Skelton
Engel	Lowey	Smith (NJ)
English	Lucas (KY)	Smith (TX)
Etheridge	Lucas (OK)	Souder
Evans	Luther	Stearns
Everett	Maloney (CT)	Strickland
Fattah	Maloney (NY)	Stump
Ferguson	Mascara	Sullivan
Fletcher	Matheson	Sununu
Foley	McCarthy (NY)	Sweeney
Forbes	McCrery	Tancred
Fossella	McHugh	Tauzin
Frelinghuysen	McInnis	Taylor (NC)
Frost	McKeon	Terry
Gallegly	McNulty	Thomas
Ganske	Mica	Thornberry
Gekas	Miller, Dan	Thune
Gibbons	Miller, Gary	Thurman
Gilchrest	Miller, Jeff	Tiahrt
Gillmor	Mollohan	Tiberi
Gilman	Moore	Toomey
Gonzalez	Morella	Turner
Goodlatte	Murtha	Upton
Goss	Myrick	Walden
Graham	Nadler	Walsh
Granger	Nethercutt	Wamp
Graves	Ney	Watkins (OK)
Green (TX)	Northup	Watts (OK)
Greenwood	Nussle	Waxman
Grucci	Ortiz	Weiner
Hall (OH)	Osborne	Weldon (FL)
Hall (TX)	Ose	Weldon (PA)
Hansen	Otter	Weller
Hart	Oxley	Whitfield
Hastert	Pascarell	Wicker
Hastings (WA)	Pastor	Wilson (NM)
Hayes	Pence	Wilson (SC)
Hayworth	Peterson (PA)	Wolf
Hefley	Petri	Wu
Herger	Phelps	Wynn
Hilleary	Pickering	Young (AK)
Hinojosa	Pitts	Young (FL)
Hobson	Platts	
Hoeffel	Pombo	

#### NAYS—138

Baird	Clayton	DeLauro
Baldwin	Clyburn	Dingell
Barrett	Collins	Doggett
Becerra	Conyers	Dooley
Berry	Costello	Duncan
Blumenauer	Cox	Eshoo
Boswell	Coyne	Farr
Boyd	Cummings	Filner
Brown (FL)	Davis (FL)	Flake
Brown (OH)	Davis (IL)	Ford
Capuano	Deal	Frank
Carson (IN)	DeFazio	Gephardt
Chabot	DeGette	Goode
Clay	Delahunt	Gordon

Green (WI)	Matsui	Royce
Gutknecht	McCarthy (MO)	Rush
Harman	McCollum	Ryan (WI)
Hastings (FL)	McDermott	Sanchez
Hill	McGovern	Sanders
Hilliard	McKinney	Sawyer
Hinchey	Meehan	Schakowsky
Honda	Meek (FL)	Sensenbrenner
Inslee	Meeks (NY)	Serrano
Issa	Menendez	Slaughter
Jackson (IL)	Millender-	Smith (MI)
Jackson-Lee	McDonald	Smith (WA)
(TX)	Miller, George	Snyder
Jefferson	Mink	Solis
Johnson, E. B.	Moran (KS)	Spratt
Jones (NC)	Moran (VA)	Stark
Jones (OH)	Napolitano	Stenholm
Kaptur	Neal	Stupak
Kerns	Norwood	Tanner
Kilpatrick	Oberstar	Tauscher
Kind (WI)	Obey	Taylor (MS)
Kleczka	Olver	Tierney
Kucinich	Owens	Towns
LaFalce	Pallone	Udall (CO)
Langevin	Paul	Udall (NM)
Lantos	Payne	Velazquez
Larson (CT)	Pelosi	Visclosky
Lee	Peterson (MN)	Waters
Lewis (GA)	Rahall	Watson (CA)
Lofgren	Rangel	Watt (NC)
Lynch	Rivers	Wexler
Manzullo	Rohrabacher	Woolsey
Markey	Roybal-Allard	

## NOT VOTING—17

Bonior	Deutsch	Roukema
Burton	Gutierrez	Thompson (CA)
Combest	Linder	Thompson (MS)
Condit	Lipinski	Trafficant
Cramer	McIntyre	Vitter
Crowley	Radanovich	

□ 0250

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# CONFERENCE REPORT ON S. 1372, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

Mr. OXLEY submitted the following conference report and statement on the Senate bill (S. 1372) to reauthorize the Export-Import Bank of the United States:

## CONFERENCE REPORT (H. REPT. 107-487)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1372), to reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Export-Import Bank Reauthorization Act of 2002”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Clarification that purposes include United States employment.

Sec. 3. Extension of authority.

Sec. 4. Administrative expenses.

Sec. 5. Increase in aggregate loan, guarantee, and insurance authority.

Sec. 6. Activities relating to Africa.

Sec. 7. Small business.

Sec. 8. Technology.

Sec. 9. Tied Aid Credit Fund.

Sec. 10. Expansion of authority to use Tied Aid Credit Fund.

Sec. 11. Annual competitiveness report.

Sec. 12. Annual report.

Sec. 13. Renewable energy sources.

Sec. 14. GAO report on comparative reserve practices of export credit agencies and private banks.

Sec. 15. Human rights.

Sec. 16. Authority to deny application for assistance based on fraud or corruption by any party involved in the transaction.

Sec. 17. Consideration of foreign country helpfulness in efforts to eradicate terrorism.

Sec. 18. Outstanding orders and preliminary injury determinations.

Sec. 19. Requirement that applicants for assistance disclose whether they have violated certain Acts; maintenance of list of violators.

Sec. 20. Sense of the Congress.

Sec. 21. Consideration of enforcement of certain laws.

Sec. 22. Inspector General of the Export-Import Bank.

Sec. 23. Sense of the Congress in tribute to John E. Robson.

Sec. 24. Correction of references and other technical corrections.

## SEC. 2. CLARIFICATION THAT PURPOSES INCLUDE UNITED STATES EMPLOYMENT.

Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(1)) is amended by striking the 2nd sentence and inserting the following: “The objects and purposes of the Bank shall be to aid in financing and to facilitate exports of goods and services, imports, and the exchange of commodities and services between the United States or any of its territories or insular possessions and any foreign country or the agencies or nationals of any such country, and in so doing to contribute to the employment of United States workers. The Bank’s objective in authorizing loans, guarantees, insurance, and credits shall be to contribute to maintaining or increasing employment of United States workers.”

## SEC. 3. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “2001” and inserting “2006”.

## SEC. 4. ADMINISTRATIVE EXPENSES.

(a) **REQUIRED BUDGET SUBCATEGORIES.**—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

“(34) with respect to the amount of appropriations requested for use by the Export-Import Bank of the United States, a separate statement of the amount requested for its program budget, the amount requested for its administrative expenses, and of the amount requested for its administrative expenses, the amount requested for technology expenses.”

(b) **SENSE OF THE CONGRESS ON THE IMPORTANCE OF TECHNOLOGY IMPROVEMENTS.**—

(1) **FINDINGS.**—The Congress finds that—

(A) the Export-Import Bank of the United States is in great need of technology improvements;

(B) part of the amount budgeted for administrative expenses of the Bank is used for technology initiatives and systems upgrades for computer hardware and software purchases;

(C) the Bank is falling behind its foreign competitor export credit agencies’ proactive technology improvements;

(D) small businesses disproportionately benefit from improvements in technology;

(E) small businesses need improvements in Bank technology in order to export transactions quickly, with as little paperwork as possible, and with a quick Bank turn-around time that does not over strain the tight resources of such businesses;

(F) the Bank intends to develop a number of e-commerce initiatives aimed at improving customer service, including web-based application and claim filing procedures which would reduce processing time, speed payment of claims, and increase staff efficiency;

(G) the Bank is beginning the process of moving insurance applications from an outdated mainframe system to a modern, web-enabled database, with new functionality including credit scoring, portfolio management, work flow, and e-commerce features to be added; and

(H) the Bank wants to continue its e-commerce strategy, including developing a website, expanding online applications, and establishing a technology partnership between the public and private sectors.

(2) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that emphasis should be placed on the importance of technology improvements for the Export-Import Bank of the United States, which are of particular importance for small businesses.

## SEC. 5. INCREASE IN AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended to read as follows:

“(a) **LIMITATION ON OUTSTANDING AMOUNTS.**—

“(1) **IN GENERAL.**—The Export-Import Bank of the United States shall not have outstanding at any one time loans, guarantees, and insurance in an aggregate amount in excess of the applicable amount.

“(2) **APPLICABLE AMOUNT.**—In paragraph (1), the term ‘applicable amount’ means—

“(A) during fiscal year 2002, \$80,000,000,000;

“(B) during fiscal year 2003, \$85,000,000,000;

“(C) during fiscal year 2004, \$90,000,000,000;

“(D) during fiscal year 2005, \$95,000,000,000;

and

“(E) during fiscal year 2006, \$100,000,000,000.

“(3) **SUBJECT TO APPROPRIATIONS.**—All spending and credit authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”

## SEC. 6. ACTIVITIES RELATING TO AFRICA.

(a) **EXTENSION OF ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.**—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended to read as follows:

“(iii) The advisory committee shall terminate on September 30, 2006.”

(b) **COORDINATION OF AFRICA ACTIVITIES.**—Section 2(b)(9)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)) is amended by inserting “, in consultation with the Secretary of Commerce and the Trade Promotion Coordinating Committee,” after “shall”.

(c) **CONTINUED REPORTS TO THE CONGRESS.**—Section 7(b) of the Export-Import Bank Reauthorization Act of 1997 (12 U.S.C. 635 note) is amended by striking “4” and inserting “8”.

## SEC. 7. SMALL BUSINESS.

(a) **IN GENERAL.**—Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking “10” and inserting “20”.

(b) **OUTREACH TO CERTAIN SMALL BUSINESSES.**—Section 2(b)(1)(E)(iii)(II) of such Act (12 U.S.C. 635(b)(1)(E)(iii)(II)) is amended by inserting after “Bank” the following: “, with particular emphasis on conducting outreach and increasing loans to socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act), small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, and small business concerns (as defined in section 3(a) of the Small Business Act) employing fewer than 100 employees.”

## SEC. 8. TECHNOLOGY.

(a) **SMALL BUSINESS.**—Section 2(b)(1)(E) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)) is amended by adding at the end the following: