

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS

Sec. ____ . (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.

This proposal would restore language to the “Research, Development, Test and Evaluation, Navy” appropriation in order to permit these funds to be used for the unique Special Operations Forces requirements related to the V-22.

(Including Transfer of Funds)

Sec. ____ . 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 obligation and expenditure consistent with the purposes for which such amounts were contributed and accepted: 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 amounts shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, and be available for the same period as the appropriation to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority.

Pursuant to the statute establishing the Defense Cooperation Account (10 U.S.C. 2608), funds in the Defense Cooperation Account may be obligated or expended only to the extent and in the manner provided in subsequent appropriations Acts. This proposal would provide the necessary appropriation for the remainder of this fiscal year.

Sec. ____ . Funds available to the Department of Defense may be used for the payment of rewards in accordance with procedures and regulations established or issued by the Secretary of Defense for information or assistance to the Department of Defense to combat terrorism: Provided, That no reward in excess of \$250,000 may be offered or made without the approval of the Secretary: Provided further, That the Secretary shall notify the congressional defense committees of any rewards in excess of \$250,000 made under this section: Provided further, That neither the failure of the Secretary to authorize a payment nor the amount authorized shall be subject to judicial review.

This proposal would provide that funds available to the Department of Defense may be used to make rewards for information or assistance to the Department to combat

terrorism. This authority parallels authority available to the Justice Department and will enhance the ability of the Department of Defense to obtain information and other assistance needed to effectively prosecute the war on terrorism. (This provision is also included in the FY 2003 President's Budget and is included here to accelerate its availability.)

Sec. ____ . 22 USC 5952 is amended by adding a new subsection (e), as follows:

“(e) Waiver. The restrictions contained in subsection (d) of this section and section 502 of the Freedom Support Act (P.L. 102-511) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such restrictions is important to the national security interests of the United States”.

The Cooperative Threat Reduction Act (22 USC 5952) requires the President to certify that any country receiving assistance under this act is committed to six standards, including compliance with relevant arms control agreements and observing internationally recognized human rights. Title V of the Freedom Support Act (ESA) (22 USC 5852) requires the President to certify that any country receiving assistance under this title is committed to four standards; those are identical to the Cooperative Threat Reduction (CTR) criteria, except that they do not include arms control compliance and human rights. Current law does not provide a waiver from these requirements. An essential Administration priority is to reduce and prevent the proliferation of weapons of mass destruction, materials, and expertise. The certification requirements for CTR and FSA Title hinder that effort in the former Soviet states. To expedite expenditure of CTR/FSA funds, this provision would allow the President to waive the certification requirement for national security purposes.

Sec. ____ . Notwithstanding any other provision of law, not to exceed \$30,000,000, to remain available until September 30, 2002, from funds appropriated in this Act under title II of Public Law 107-117 may be used to support indigenous forces engaged in activities in furtherance of United States national security aims, including Operation Enduring Freedom and related activities in combating terrorism, on such terms and conditions as the Secretary of Defense may determine: Provided, That such support may include defense articles, services, training, and funding.

This proposal would make up to \$30 million of funds appropriated to the Department of Defense available for support to indigenous forces engaged in activities in furtherance of United States national security aims.

Sec. _____. (a) AVAILABILITY OF AMOUNTS FOR MILITARY CONSTRUCTION RELATING TO TERRORISM.--Amounts made available to the Department of Defense from funds appropriated in this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism.

(b) NOTICE TO CONGRESS.—Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection, the Secretary shall notify the appropriate committees of Congress of the following:

- (1) the determination to use such amounts for the project; and
- (2) the estimated cost of the project and the accompanying Form 1391.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section the term “appropriate committees of Congress” has the meaning given that term in section 2801(4) of title 10, United States Code.

This proposal would make the funds appropriated in this Act available for military construction projects with a requirement to provide Congress with information describing the project and its costs 15 days before obligating the amounts.

Sec. _____. Section 8052(b) of the Department of Defense Appropriations Act, 2002 (Public Law 107-117) is amended by striking out “will reduce the personnel requirements or financial requirements of the department”, and inserting the following in lieu thereof, “either (1) will reduce the personnel requirements or the financial requirements of the department, or (2) is necessary in response to an emergency, including responding to direct threats or incidents of terrorism”.

This proposal would expand the ability of the Secretary of Defense to waive the prohibition on use of appropriations for establishment of a field operating agency when he determines that such action is necessary in response to an emergency or to protect life and property.

Sec. _____. 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.

This section provides that funds appropriated by this Act, or made available by 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).

Sec. ____. Section 8005 of the Department of Defense Appropriations Act, 2002 (Public Law 107-117) is amended by striking “\$2,000,000,000”, and inserting “\$3,000,000,000”, and by striking “May 1, 2002 ” and inserting “June 15, 2002”.

This section would provide the Secretary of Defense with additional general transfer authority, critical flexibility necessary to respond to emerging requirements in the war on terrorism, and would move the deadline for submitting a request for multiple reprogrammings to the Congress, giving the Department more time to assess mid-year changes in priorities.

Sec. ____. (a) Funds appropriated to the Department of Defense for fiscal year 2002 for operation and maintenance under the heading “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.

This proposal would make funds appropriated in “Chemical Agents and Munitions Destruction, Army” available for the payment for certain additional costs of international inspectors under Articles IV and V of the Chemical Weapons Convention resulting from the Department of Defense’s program to accelerate its chemical demilitarization schedule.

Sec. ____. Notwithstanding any other provision of law, not to exceed \$100,000,000 from appropriations available to the Department of Defense may be used to support foreign nations in furtherance of the global war on terrorism, on such terms and conditions as the Secretary of Defense may determine: Provided, That such support may include defense articles, services, and training.

This provision would give the Department of Defense the ability to use a certain amount of its resources to support foreign nations in furtherance of the global war on terrorism. This would allow the Department to provide, among other things, training and equipment to enhance the military operational readiness of foreign military forces, so that these forces will have the capability to engage effectively in military operations that further the United States objectives in the global war on terrorism.

Sec. ____. a) During fiscal years 2002 and 2003, the term “counter-drug activities” as used in 10 U.S.C. 124, section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (P.L. 101-510), as amended, section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105-85), and section 3101 of the Emergency Supplemental Act, 2000 (P.L. 106-246), shall be deemed to include activities in support of the government of Colombia’s unified campaign against narcotics trafficking, terrorist activities, and other threats to its national security.

b) This provision shall also apply to unexpired balances from prior years’ Acts available for activities identified in subsection (a).

This provision would allow broader authority to provide assistance to Colombia to counter the unified “cross-cutting” threat posed by groups that use narcotics trafficking to fund their terrorist and other activities that threaten the national security of Colombia. Section 8093 of the Department of Defense Appropriations Act, 2002, and section 3204(b)(1) of P.L. 106-246, as amended, shall continue to apply.

Sec. ____. CONTRACTING FOR SECURITY GUARDS.—Section 2465 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by inserting at the end the following new subsection (c):

"(c) Funds appropriated to the Department of Defense may be obligated and expended for the purpose of entering into a contract for the performance of security guard functions provided that the Secretary of Defense determines that such contract is necessary because the provision of such services by government personnel is not cost effective or practical."

Section 2465 of title 10, United States Code, effectively prohibits any new contracts for security guard service at military installations in the continental United States. This limits flexibility for small DoD installations, such as agencies, field operating agencies, and direct reporting units with security requirements. When a heightened security posture is needed based on terrorist threat or similar exigencies, current Federal employee staffing for security guards are inadequate to meet and sustain the standards and protection measures required by DoD and the Military Departments on a site-specific basis.

Although Section 1010 of the Patriot Act allows for entering into contracts or other agreements with local or State governments for security, it does not offer flexibility for meeting the long-term security needs of small DoD installations during peace or increased threats. The proposed revision will permit the hiring of security personnel to augment or replace existing Federal employee security guards by utilizing contracts to meet and sustain to a level of applicable Force Protection Condition requirements expeditiously, commensurate with compliance with the Directives.

As part of the overall management for DoD force protection, it may be prudent and cost effective to provide contracted security at smaller installations like recruiting

DEPARTMENT OF STATE

OTHER

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, \$114,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That funds for activities in Afghanistan shall remain available until September 30, 2003: 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.

Of these funds, \$60 million is requested to address Afghanistan’s urgent counter-narcotics and law enforcement needs through the provision of counter-narcotics assistance, police training and administration of justice, and project development and support. The request also includes assistance for Pakistan (\$20 million) for law enforcement support, border control, judicial and legal reform, and project development and support. In addition, the request includes funding for high priority security improvements in the implementation of a U.S.-Mexico smart border (\$25 million), for Western Hemisphere Regional border control improvement projects (\$5 million) and for Colombia police post support (\$4 million) to assist in establishing civilian authority in areas not previously under government control.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

GENERAL PROVISIONS

Sec. ____ (a) In fiscal year 2002 and 2003, funds available to the Department of State for assistance to the government of Colombia shall be available, notwithstanding any other provision of law, to support a unified campaign against narcotics trafficking, terrorist activities, and other threats to its national security.

(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) Section 556 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2002, and section 3204(b)(1) of P.L. 106-246, as amended, shall continue to apply.

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

This provision would allow broader authority to provide assistance to Colombia to counter the unified "cross-cutting" threat posed by groups that use narcotics trafficking to fund their terrorist and other activities that threaten the national security of Colombia. Such authority would not prejudice the Department of State's ability to rely on existing authorities to provide assistance to Colombia but would explicitly recognize the link between narcotics trafficking and terrorist assistance (whether appropriated in FY 2002, FY 2003, or in past years).

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

Economic Support Fund

For an additional amount for “Economic Support Fund” for emergency expenses activities related to combating international terrorism, \$525,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: 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 for activities in Afghanistan shall remain available until September 30, 2003: 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 any other provision of law.

This request for \$525 million for the Economic Support Fund would provide for economic and development assistance to countries that are on the front-lines in the war on terrorism.

In South Asia, \$80 million would be provided for Afghanistan to help the Afghan Interim Administration (AIA), which is in dire need of financial and political assistance to operate, and \$40 million would be provided for Pakistan for infrastructure and employment projects in the tribal and border districts of North West Frontier and Baluchistan.

In the Middle East, \$25 million would be provided as budget support to Jordan, a country committed to economic and political reform, but whose budget deficit has been exacerbated by the uncertainty in the region; \$5 million would also be provided for Yemen to expand basic education and health activities in key rural areas; and \$50 million would be provided for the Middle East Economic Initiative, a new initiative that seeks to promote private sector-led economic growth and provide employment opportunities for people throughout the region.

In East Asia and the Pacific, \$15 million would be provided to Philippines for micro-credit and agricultural development in Mindanao. These activities will assist in the demobilization and re-integration of rebels in Mindanao.

In Europe, \$200 million would be provided as support for Turkey, which is taking the lead of the International Security Force in Afghanistan.

The additional \$35 million for Africa would fund programs in Southern Sudan, Kenya, Ethiopia, and Djibouti and other countries supporting the United States war against terrorism to enhance border security and economic stability.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balances Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

Foreign Military Financing Program

For an additional amount for “Foreign Military Financing Program” for activities related to combating international terrorism, \$372,500,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: 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 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 any other provision of law.

This request would provide resources that are urgently needed for Afghanistan, Pakistan, Nepal, Jordan, Bahrain, Oman, Yemen, Uzbekistan, the Kyrgyz Republic, Tajikistan, Kazakhstan, Turkey, Georgia, the Philippines, Ethiopia, Kenya, Djibouti, Colombia, and Ecuador. These funds would be used immediately to strengthen the forces of our friends and allies in the fight against terrorism, by providing vitally needed equipment and training. Much of this will be basic equipment such as radios for communication, night vision goggles, vehicles for mobility, spare parts and maintenance for vehicles and aircraft, radar for air traffic control, and small unit basic and operational training. In addition, the request includes \$2 million to support necessary administrative actions.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balances Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

Peacekeeping Operations

For an additional amount for "Peacekeeping Operations" for emergency expenses for activities related to combating international terrorism, \$28,000,000, to remain available until September 30, 2003: Provided, That funds appropriated by this paragraph shall be made available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: 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 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 any other provision of law.

This proposal would provide an additional \$28 million to the Department of State's Peacekeeping Operations account. Of this amount, \$20 million would help fund salaries for Afghanistan's military forces in support of Operation Enduring Freedom. World Bank and CENTCOM projections have demonstrated that the Afghan Interim Authority cannot meet these costs, estimated at approximately \$200 million per year, due to budget shortfalls. In addition, \$8 million would support the training of civilian and military personnel in support of humanitarian and peacekeeping activities in Indonesia.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

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: Provided, That funds appropriated by this paragraph shall be made available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: 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 appropriated under this heading may be made available notwithstanding any other provision of law.

Of these funds, \$10 million is requested to support the Pakistani police’s reform efforts to perform counter-terrorism investigations and operations. Another \$8 million is intended to vet, train and equip a counter-terrorism unit in Indonesia. In addition, \$25 million is being requested to provide critically needed training and operational assistance for counter-kidnapping training for the Colombian armed forces and police units. Another \$10 million is to expedite the assessment of the specific threats from terrorist financing in at least 19 key countries globally and deliver counter-terrorist financing training and technical assistance. An additional \$10 million would be used for the Coordinator for Counterterrorism’s global Terrorist Interdiction Program to improve the ability of key transit countries to intercept the flow of terrorists, and \$20 million to create Mobile Emergency Training Teams to provide anti-terrorism training and equipment on extremely short notice, in-country, rather than waiting for key officials from those countries to come to the United States for training.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balances Budget and Emergency Deficit Control Act of 1985, as amended.

INTERNATIONAL ASSISTANCE PROGRAMS

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

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: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: 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.

This request proposes \$110 million in assistance to the Central Asian nations of Uzbekistan, Kyrgyz Republic, Tajikistan, Kazakhstan and Turkmenistan, countries that have been key partners in the campaign against terrorism. The relationship between the United States and Central Asia since the attacks of September 11th provides new windows of opportunity to engage the governments of the region, promote reform and prevent conflict.

The war in Afghanistan has increased potential drug smuggling through Central Asian countries, and \$22 million would be provided for law enforcement programs to improve the ability of Central Asian nations to stem drug flows that fund terrorist activity. Another \$12 million would contribute to ongoing border security programs in Uzbekistan, Turkmenistan and the Kyrgyz Republic, providing equipment to help control transit routes that have been used for transporting weapons, drugs and terrorist activities.

The entire amount requested has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.