

PROVIDING FOR CONSIDERATION OF H.R. 3338,  
DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

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NOVEMBER 27, 2001.—Referred to the House Calendar and ordered to be printed

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Mrs. MYRICK, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 296]

The Committee on Rules, having had under consideration House Resolution 296, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3338, the Department of Defense Appropriations Act, 2002, under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill and provides that the bill shall be considered for amendment by paragraph.

The rule provides that the amendment printed in this report shall be considered as adopted. The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in a general appropriations bill or prohibiting reappropriations in a general appropriations bill), except as specified in the rule. The rule further waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI (prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation).

The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

The waiver of all points of order against consideration of the bill includes a waiver of clause 4(c) of rule XIII (requiring the three-

day availability of printed hearings on a general appropriations bill), which is necessary because the printed hearings are not yet available and the bill may be considered on the floor as early as Wednesday, November 28, 2001. The waiver also includes a waiver of section 306 of the Congressional Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) because the bill includes a provision that falls within the jurisdiction of the Budget Committee that has not been reported by that Committee.

The waiver of clause 2 of rule XXI is necessary because there are several unauthorized and legislative provisions in the bill, which are listed in the report accompanying H.R. 3338 (H. Rept. 107-298). The description of provisions relating to transfers of funds and descriptions of provisions constituting legislation on an appropriations bill and unauthorized provisions can also be found in the report.

#### COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 51*

Date: November 27, 2001.

Measure: H.R. 3338.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment by Representative Frost to provide \$6.548 billion in additional FY 02 emergency anti-terrorism appropriations as follows: \$2.001 billion for intelligence upgrades; \$817 million for chemical and biological defense capabilities; \$755 million for Special Forces capabilities; \$912 million for munitions/essential equipment replenishment; \$966 million for force protection improvements; \$602 million for essential aircraft upgrades; and \$495 million for operational costs for Afghan operation. The amendment also provides that no funds are to be available unless the President designates these funds as "emergency" requirements pursuant to Budget Act procedures.

Results: Defeated 2-8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Hastings (FL)—Yea; Dreier—Nay.

##### *Rules Committee record vote No. 52*

Date: November 27, 2001.

Measure: H.R. 3338.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment by Representative Obey to add \$7.1 billion for homeland security, including \$1.6 billion for protection against bio-terrorism; \$500 million for postal security; \$578 million for airport and airline security; \$818 million for federal law enforcement activities; \$1 billion to secure chemical, biological and nuclear weapons; \$318 million for immigration and border security; \$513 million for port security; \$200 million for train and bus security; \$414 million for food and water safety; \$876 million to secure government facilities; \$100 million

for school and college security; and \$210 million for other security measures, such as grants for first responders and foreign language training.

Results: Defeated 2–8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 53*

Date: November 27, 2001.

Measure: H.R. 3338.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment by Representatives Sweeney, Lowey, Nadler, Hinchey, and Serrano to add \$10.4 billion in contingency emergency funds for New York and Virginia, which would not be released until the President declared an emergency need for the funds, at which point the money would become available.

Results: Defeated 2–8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 54*

Date: November 27, 2001.

Measure: H.R. 3338.

Motion by: Mr. Frost.

Summary of motion: To not waive points of order for section 803, page 171, line 17 through page 173, line 3.

Results: Defeated 2–8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 55*

Date: November 27, 2001.

Measure: H.R. 3338.

Motion by: Mr. Hastings (FL).

Summary of motion: To make in order the amendment by Representative Hastings (FL) to increase total funding provided to the Small Business Administration for the purpose of disaster loans to small businesses by \$460 million to a total of \$600 million. The amendment offsets this spending from the section under Title IX of the bill entitled “Research, Development, Test and Evaluation, Ballistic Missile Defense Organization.”

Results: Defeated 2–8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

(Summary derived from information provided by amendment sponsor.)

Strikes the provision in Chapter 7, Department of Labor, under the heading “Employment and Training Administration, Training

and Employment Services,” which provided \$1.5 billion for the new National Emergency Grant program; reduces the amount available for FEMA Disaster Relief in Chapter 12 by \$555 million; and creates a new Chapter 14 with the funds derived from the two aforementioned actions which would provide \$12 million for the CDC, \$10.5 million for the National Institute of Environmental Health Sciences, \$1.825 billion for additional Community Development Grants through HUD to assist rebuilding and retraining of businesses and other economic development activities specifically in that part of New York City impacted by the events of September 11th, \$32.5 million for training and employment services to be provided through the Consortium for Worker Education, and \$175 million for worker compensation processing and claims programs in the State of New York.

TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Page 162, strike line 21 and all that follows through page 164, line 8.

Page 192, line 5, strike “\$4,900,000,000” and insert “\$4,345,000,000”.

Page 194, after line 5, insert the following new chapter:

CHAPTER 14

ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Disease Control, Research, and Training” for baseline safety screening for the emergency services personnel and rescue and recovery personnel, \$12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “National Institute of Environmental Health Sciences” for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, \$10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Community Develop-

ment Fund”, \$1,825,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002: *Provided further*, That, of the amount provided in this paragraph, \$10,000,000 shall be used for a program to aid the travel and tourism industry in New York City.

## DEPARTMENT OF LABOR

### EMPLOYMENT AND TRAINING ADMINISTRATION

#### TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Training and Employment Services”, \$32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such amount shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

#### STATE UNEMPLOYMENT SECURITY OFFICE

#### WORKERS COMPENSATION PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for “Workers Compensation Programs”, \$175,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, of such amount, \$125,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, \$25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks.