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**DEFENSE TECHNICAL CORRECTIONS  
DIVISION M**

**PUBLIC LAW 108-7**

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## DEFENSE RELATED TECHNICAL CORRECTIONS

117 STAT.

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Public Law 108-7  
108th Congress

## Joint Resolution

Feb. 20, 2003  
[H.J. Res. 2]Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*Consolidated  
Appropriations  
Resolution, 2003.

## DIVISION M—OTHER MATTERS

## DEFENSE RELATED TECHNICAL CORRECTIONS

SEC. 101. Section 8126 of Public Law 107-248 is amended to read as follows: “Of the amounts appropriated in Public Law 107-206, under the heading ‘Defense Emergency Response Fund’, \$4,500,000 may be made available to settle the disputed takings of property adjacent to the Army Tooele Depot, Utah: *Provided*, That none of these funds may be used to acquire fee title to the properties.”

Reports.  
Deadline.

SEC. 102. Of the amounts appropriated in Public Law 107-248, under the heading “Operation and Maintenance, Navy”, \$20,000,000 shall be available for use only in the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet. Further, the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than March 1, 2003, regarding the total number of obsolete vessels in the Maritime Administration National Defense Reserve Fleet designated for disposal, the comparative condition of the vessels, the method of disposal, and the projected costs for disposal of each vessel.

SEC. 103. Section 124 of Public Law 107-249 is amended by adding at the end before the period the following new proviso: “: *Provided*, That not more than \$1,000,000 may be used to provide connectivity between the various North Atlantic Treaty Organization headquarters and the capitals of the New Independent States of the former Soviet Union”.

SEC. 104. In Public Law 107-249, the total amount appropriated under the heading “Military Construction, Air Force” is reduced by \$18,600,000, and the total amount appropriated under the heading “Military Construction, Air Force Reserve” is increased by \$18,600,000.

SEC. 105. (a) Of the funds appropriated in Public Law 107-249 for “Military Construction, Air Force”, \$15,000,000 for land acquisition at Nellis Air Force Base, Nevada, may be transferred by the Secretary of the Air Force to the United States Fish and Wildlife Service to fulfill the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Upon receipt by the Service of the funds transferred in this paragraph, the obligations of the Department of the Air Force shall be considered fulfilled.

(b) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Funds received by the Foundation under the previous paragraph shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 106. Section 8040 of Public Law 107-248 is amended by striking “\$100,000” and inserting “\$250,000”: *Provided*, That notwithstanding any other provision of law, the Office of Economic Adjustment (OEA) is authorized to make grants using funds made available under the heading “Operation and Maintenance, Defense-Wide” in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference for the Conference Report to accompany H.R. 5010 (House Report 107-732) and these projects shall hereafter be considered to be authorized by law.

(TRANSFER OF FUNDS)

SEC. 107. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

To:

Under the heading, “Procurement, Defense-Wide, 2003/2005”, \$48,900,000; and  
 “Procurement, Defense-Wide, 2002/2004”, \$55,100,000.

From:

Under the heading, “Defense Emergency Response Fund, 2002”, \$40,000,000;  
 “Procurement of Weapons and Tracked Combat Vehicles, Army, 2003/2005”, \$5,000,000;  
 “Procurement of Ammunition, Army, 2002/2004”, \$10,100,000;  
 “Other Procurement, Air Force, 2003/2005”, \$7,000,000;  
 “Research, Development, Test and Evaluation, Army, 2002/2003”, \$5,000,000; and  
 “Research, Development, Test and Evaluation, Defense-Wide, 2003/2004”, \$36,900,000.

SEC. 108. Notwithstanding any other provision of law, from funds made available to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide” in the Department of Defense Appropriations Act, 2003 (Public Law 107-248), the Secretary of Defense shall award a grant in the amount of \$2,000,000 to the Commonwealth of Pennsylvania for Quecreek Mine disaster rescue and recovery efforts and a grant in the amount of \$600,000 to the City of Philadelphia for safety and security lighting of the Platt Bridge.

Grants.  
 Pennsylvania.

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(INCLUDING TRANSFER OF FUNDS)

SEC. 109. In addition to amounts appropriated in Public Law 107-248, there are hereby appropriated the following amounts for the following accounts: *Provided*, That funds included in this provision may be transferred to and merged with appropriations previously made available to the Department of Defense for the same time period and for the same purposes as required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Statement of the Managers:

“Military Personnel, Army”, \$771,200,000;  
 “Military Personnel, Navy”, \$213,800,000;  
 “Military Personnel, Marine Corps”, \$68,600,000;  
 “Military Personnel, Air Force”, \$563,400,000;  
 “Operation and Maintenance, Army”, \$1,340,347,000;  
 “Operation and Maintenance, Navy”, \$435,813,000;  
 “Operation and Maintenance, Marine Corps”, \$202,100,000;  
 “Operation and Maintenance, Air Force”, \$1,766,958,000;  
 “Operation and Maintenance, Defense-Wide”,  
 \$1,377,313,000;  
 “Missile Procurement, Air Force”, \$115,000,000;  
 “Other Procurement, Air Force”, \$2,271,657,000;  
 “Procurement, Defense-Wide”, \$33,448,000;  
 “Research, Development, Test and Evaluation, Navy”,  
 \$2,000,000;  
 “Research, Development, Test and Evaluation, Air Force”,  
 \$311,980,000;  
 “Research, Development, Test and Evaluation, Defense-  
 Wide”, \$416,284,000;  
 “Defense Health Program”, \$95,100,000; and  
 “Intelligence Community Management Account”,  
 \$15,000,000, of which \$5,000,000 shall be transferred to the  
 Department of Justice for the National Drug Intelligence Cen-  
 ter.

SEC. 110. Funds appropriated by this Act or by Public Law 107-248, or made available by the transfer of funds in this Act or in Public Law 107-248, 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).

10 USC 2241  
 note.

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 90 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

Deadline.

(1) the report described in subsection (b) is submitted to Congress not later than 90 days after the date of the enactment of this Act; or

President.  
 Certification.

(2) the President certifies to Congress in writing, that—  
 (A) the submittal of the report to Congress within 90 days after the date of the enactment of this Act is not practicable; and

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(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties;

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program; and

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term “Total Information Awareness program”—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term “non-United States person” means any person other than a United States person.

(3) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 112. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248) is amended by inserting before the period at the end the following: “: *Provided further*, That, in addition to the transfer authority provided in this section, and subject to the terms and conditions of this section except the limitation in the fourth proviso, the Secretary of Defense may, only to meet unforeseen fuel costs borne by the Defense Working Capital Fund resulting from fuel cost increases and the global war on terrorism, transfer up to an additional \$500,000,000 of funds made available in this Act to the Department of Defense

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for military functions (except military construction), from such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund within the Defense Working Capital Fund to which transferred: *Provided further*, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) prior to notifying the House and Senate Committees on Appropriations of the source of funds to be used for such purpose”.

Approved February 20, 2003.

LEGISLATIVE HISTORY—H.J. Res. 2:

HOUSE REPORTS: No. 108-10 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

Feb. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

[In thousands of dollars]

Net grand total, Divison M .....	\$10,000,000
Appropriations .....	(10,018,600)
Rescissions .....	(- 18,600)
Consisting of:	
Department of Defense-Military (net) .....	10,000,000

