

105th Congress, 2d Session - - - - - House Document 105-314

FY 1998 EMERGENCY SUPPLEMENTAL
APPROPRIATIONS
FOR THE EMBASSY FACILITIES IN
NAIROBI, KENYA AND DAR ES SALAAM, TANZANIA

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS REQUESTS FOR FY 1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS OF \$1.8 BILLION BECAUSE OF THE EMERGENCY EXPENSES ARISING FROM THE CONSEQUENCES OF THE RECENT BOMBING OF OUR EMBASSY FACILITIES IN NAIROBI, KENYA AND DAR ES SALAAM, TANZANIA, AS WELL AS FOR EMERGENCY REQUIREMENTS NECESSARY TO STRENGTHEN OUR SECURITY, ANTI-TERRORISM, AND COUNTER-TERRORISM EFFORTS, PURSUANT TO 31 U.S.C. 1107



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WASHINGTON : 1998

THE WHITE HOUSE,
Washington, September 22, 1998.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I ask Congress to consider expeditiously the enclosed requests for emergency FY 1998 supplemental appropriations. The requests, totaling \$1.8 billion, provide for emergency expenses arising from the consequences of the recent bombing of our embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania, as well as for emergency requirements necessary to strengthen our security, anti-terrorism, and counter-terrorism efforts.

I hereby designate all of the amounts requested as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The details of these requests are set forth in the enclosed letter from the Director of the Office of Management and Budget. I concur with his comments and observations.

Sincerely,

WILLIAM J. CLINTON.

Enclosure.

[Estimate No. 314, 105th Cong., 2d Sess.]

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 22, 1998.

The PRESIDENT,
The White House.

Submitted for your consideration are requests for FY 1998 emergency supplemental appropriations for the Departments of Defense, the Interior, Justice, State, the Treasury, and International Security Assistance activities. A total of \$1.8 billion is requested to address emergency expenses arising from the recent bombing of our embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania, as well as for emergency requirements necessary to increase our security, anti-terrorism, and counter-terrorism efforts.

As described in the enclosures, the following supplementals are requested to address these emergency needs:

- \$1,398.0 million for the Department of State for emergency expenses in Kenya and Tanzania, including funds for reconstitution of embassy activities and facilities in those countries, for security improvements to U.S. facilities worldwide, and for a security review panel.
- \$200.0 million for the Department of Defense to reimburse costs associated with the immediate response to the bombing of the embassy facilities in Kenya and Tanzania and for other security-related efforts.
- \$90.4 million for the Department of the Treasury for increased Secret Service protection activities and for law enforcement training.
- \$70.0 million for International Security Assistance programs for the State Department's anti-terrorism assistance program and assistance to Kenya and Tanzania.
- \$21.7 million for the Federal Bureau of Investigation to increase its capacity and capability to respond to acts of terrorism.
- \$6.0 million for the National Park Service to upgrade security.

We have also included proposed language that would enhance the Department of Defense's role in supporting law enforcement activities to combat terrorism.

I recommend that you designate all of the enclosed funding requests as emergency requirements in accordance with section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The detailed justifications for these proposals will be provided to Congress in a classified form.

I have carefully reviewed these proposals and I am satisfied that they are necessary at this time. Therefore, I join the heads of the

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affected Departments and agencies in recommending that you
transmit these proposals to Congress.

Sincerely,

JACOB J. LEW, *Director*.

Enclosures.

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide," \$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 the Secretary of Defense may transfer these funds to fiscal year 1998 or fiscal year 1999 appropriations for operation and maintenance; procurement; research, development, test and evaluation; and family housing: Provided further, That the funds transferred shall be merged with and 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 provided in the fiscal year 1998 or fiscal year 1999 Department of Defense Appropriations Act.

This supplemental request would provide funds to the Department of Defense to respond to the terrorist bombings of the U.S. embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania (Operation Resolute Response), and for counter-terrorism, anti-terrorism, and security enhancement and other programs. Further details on these initiatives are being provided under separate cover.

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 DEFENSE

GENERAL PROVISIONS

Sec. Funds appropriated by this Act, or made available by the transfer of funds in this Act, to any intelligence agency or intelligence activity of the United States Government shall be deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 404) during fiscal years 1998 and 1999.

This language proposal would provide the authorization required by the National Security Act of 1947 to obligate funds for intelligence activities.

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS

Sec. MAINTENANCE AND OPERATION OF EQUIPMENT.

Section 374 of title 10, United States Code, is amended—

(1) in subsection (b)(1)(A), by striking “or”;

(2) in subsection (b)(1)(B), by striking the period at the end, inserting in lieu thereof a semicolon and the following new subparagraphs:

“(C) a foreign or domestic counter-terrorism operation; or

“(D) a rendition of a suspected terrorist from a foreign country to the United States to stand trial.”;

(3) in subsection (b)(2)(F)(I)—

(A) by inserting “along with any other civilian or military personnel who are supporting, or conducting, a joint operation with civilian law enforcement personnel;” after “the transportation of civilian law enforcement personnel”; and

(B) by striking “and”;

(4) in subsection (b)(2)(F)(ii)—

(A) by inserting “and supporting” after “the operation of a base of operations for civilian law enforcement”;

(B) by striking the period at the end and inserting in lieu thereof “; and”; and

(C) by inserting at the end the following new clause:

“(iii) the transportation of suspected terrorists from foreign countries to the United States for trial (so long as the requesting agency provides all security for such transportation and maintains custody over the suspect through the duration of the transportation).”;

(5) in subsection (b)(4)(A), by striking “an” and inserting in lieu thereof “a Federal”; and

(6) in subsection (b)(4)(A), by inserting “(v) Any law, foreign or domestic, prohibiting terrorist activities.” after “(iv) The Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).”.

This language would make changes to section 374 of title 10, United States Code, to authorize the Department of Defense to provide equipment and operators (including airlift) to Federal, State or local law enforcement agencies for counter-terrorism operations and renditions on a reimbursable basis, with reimbursement waivable under 10 U.S.C. section 377 when the support provides a training or operational benefit to the Department. Under current law, the Department of Defense may not operate equipment, including aircraft, for a law enforcement agency under the authority of section 374 except in connection with the enforcement of counter-drug, immigration, and customs laws. The proposed changes to section 374 will extend the Department’s authority to provide such support to civilian law enforcement agencies to counter-terrorism operations and renditions.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for emergency security related expenses, \$2,320,000, 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.

This supplemental request would provide funds to the National Park System for security enhancements.

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 THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for emergency security related expenses, \$3,680,000, 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.

This supplemental request would provide funds for additional security measures in the National Park System.

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 JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," \$21,680,000, 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.

This request would provide additional funds for staff and equipment to increase the capacity and capability of the Federal Bureau of Investigation to respond to acts of terrorism.

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

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Diplomatic and Consular Programs," \$748,000,000, to remain available until expended: Provided, That as determined by the Secretary of State, such funds may be used to procure services and equipment overseas necessary to improve worldwide security and reconstitute embassy operations in Kenya and Tanzania on behalf of any other agency: 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 supplemental request would provide funds for reconstitution of embassy activities in Nairobi, Kenya and Dar es Salaam, Tanzania, and for security improvements for overseas facilities.

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

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Salaries and Expenses," \$12,000,000, 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.

This supplemental request would provide funds for additional personal property claims, transportation costs, and death gratuities resulting from the bombing of embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania.

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

ADMINISTRATION OF FOREIGN AFFAIRS

OFFICE OF INSPECTOR GENERAL

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Office of Inspector General," \$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.

This supplemental request would provide funds to enable the Inspector General to carry out additional security oversight and construction inspections at U.S. diplomatic posts abroad.

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

ADMINISTRATION OF FOREIGN AFFAIRS

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Security and Maintenance of United States Missions," \$627,000,000, to remain available until expended; of which \$56,000,000 is for security projects, relocations, and security equipment on behalf of missions of other U.S. Government agencies, which amount may be transferred to any appropriation for this purpose, to be merged with and available for the same time period as the appropriation to which transferred; and of which \$185,000,000 is for capital improvements or relocation of office and residential facilities to improve security, which amount shall become available fifteen days after notice thereof has been transmitted to the Appropriations Committees of both Houses of Congress: 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.

This supplemental request would provide funds for reconstruction of embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania, for reconstitution of embassy activities in interim facilities, and for other activities that improve the security of overseas facilities of the State Department and other Federal agencies.

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

ADMINISTRATION OF FOREIGN AFFAIRS

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Emergencies in the Diplomatic and Consular Service," \$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.

This supplemental request would provide funds for emergency expenditures resulting from the bombing of embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania, including expenses

related to evacuations, rewards, and the medical and other needs of employees and their families.

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 THE TREASURY
FEDERAL LAW ENFORCEMENT TRAINING CENTER
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," \$4,043,000, 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.

This proposal would provide funds to pay for the training of new Secret Service and State Department law enforcement personnel requested in other supplemental appropriations proposals in this transmittal.

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 THE TREASURY
UNITED STATES SECRET SERVICE
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," \$86,317,000, 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.

This proposal would provide funds to pay for personnel and equipment for increased protection 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.

FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL SECURITY ASSISTANCE
ECONOMIC SUPPORT FUND

Notwithstanding section 10 of P.L. 91-672, an additional amount for "Economic Support Fund" for assistance to Kenya and Tanzania, \$50,000,000, 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.

This supplemental request would provide funds for assistance to Kenya and Tanzania in response to bombings in those countries.

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.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL SECURITY ASSISTANCE

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 10 of P.L. 91-672, an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for anti-terrorism assistance, \$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.

This supplemental request would provide additional funds for the State Department's anti-terrorism assistance program.

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.