

108TH CONGRESS
1ST SESSION

H. R. 3289

AN ACT

Making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 2004, and for other pur-
4 poses, namely:

5 TITLE I—NATIONAL SECURITY

6 CHAPTER 1

7 DEPARTMENT OF DEFENSE—MILITARY

8 MILITARY PERSONNEL

9 MILITARY PERSONNEL, ARMY

10 For an additional amount for “Military Personnel,
11 Army”, \$12,188,870,000: *Provided*, That the entire
12 amount is designated by the Congress as an emergency
13 requirement pursuant to section 502 of H. Con. Res. 95
14 (108th Congress), the concurrent resolution on the budget
15 for fiscal year 2004.

16 MILITARY PERSONNEL, NAVY

17 For an additional amount for “Military Personnel,
18 Navy”, \$816,100,000: *Provided*, That the entire amount
19 is designated by the Congress as an emergency require-
20 ment pursuant to section 502 of H. Con. Res. 95 (108th
21 Congress), the concurrent resolution on the budget for fis-
22 cal year 2004.

23 MILITARY PERSONNEL, MARINE CORPS

24 For an additional amount for “Military Personnel,
25 Marine Corps”, \$753,190,000: *Provided*, That the entire

1 amount is designated by the Congress as an emergency
2 requirement pursuant to section 502 of H. Con. Res. 95
3 (108th Congress), the concurrent resolution on the budget
4 for fiscal year 2004.

5 **MILITARY PERSONNEL, AIR FORCE**

6 For an additional amount for “Military Personnel,
7 Air Force”, \$3,384,700,000: *Provided*, That the entire
8 amount is designated by the Congress as an emergency
9 requirement pursuant to section 502 of H. Con. Res. 95
10 (108th Congress), the concurrent resolution on the budget
11 for fiscal year 2004.

12 **OPERATION AND MAINTENANCE**

13 **OPERATION AND MAINTENANCE, ARMY**

14 For an additional amount for “Operation and Main-
15 tenance, Army”, \$24,355,664,000 (decreased by
16 \$98,000,000): *Provided*, That the entire amount is des-
17 ignated by the Congress as an emergency requirement
18 pursuant to section 502 of H. Con. Res. 95 (108th Con-
19 gress), the concurrent resolution on the budget for fiscal
20 year 2004.

21 **OPERATION AND MAINTENANCE, NAVY**

22 **(INCLUDING TRANSFER OF FUNDS)**

23 For an additional amount for “Operation and Main-
24 tenance, Navy”, \$1,934,058,000, of which up to
25 \$80,000,000 may be transferred to the Department of

1 Homeland Security for Coast Guard Operations: *Provided*,
2 That the entire amount is designated by the Congress as
3 an emergency requirement pursuant to section 502 of H.
4 Con. Res. 95 (108th Congress), the concurrent resolution
5 on the budget for fiscal year 2004.

6 OPERATION AND MAINTENANCE, MARINE CORPS

7 For an additional amount for “Operation and Main-
8 tenance, Marine Corps”, \$1,198,981,000: *Provided*, That
9 the entire amount is designated by the Congress as an
10 emergency requirement pursuant to section 502 of H.
11 Con. Res. 95 (108th Congress), the concurrent resolution
12 on the budget for fiscal year 2004.

13 OPERATION AND MAINTENANCE, AIR FORCE

14 For an additional amount for “Operation and Main-
15 tenance, Air Force”, \$5,598,368,000: *Provided*, That the
16 entire amount is designated by the Congress as an emer-
17 gency requirement pursuant to section 502 of H. Con.
18 Res. 95 (108th Congress), the concurrent resolution on
19 the budget for fiscal year 2004.

20 OPERATION AND MAINTENANCE, DEFENSE-WIDE

21 For an additional amount for “Operation and Main-
22 tenance, Defense-Wide”, \$4,485,452,000 (reduced by
23 \$50,000,000) (increased by \$50,000,000), of which—

1 (1) not to exceed \$15,000,000 may be used for
2 the CINC Initiative Fund account, to be used pri-
3 marily in Iraq and Afghanistan; and

4 (2) not to exceed \$1,300,000,000, to remain
5 available until expended, may be used, notwith-
6 standing any other provision of law, for payments to
7 reimburse Pakistan, Jordan, and other key cooper-
8 ating nations, for logistical and military support pro-
9 vided, or to be provided, to United States military
10 operations in connection with military action in Iraq
11 and the global war on terrorism: *Provided*, That
12 such payments may be made in such amounts as the
13 Secretary of Defense, with the concurrence of the
14 Secretary of State, and in consultation with the Di-
15 rector of the Office of Management and Budget,
16 may determine, in his discretion, based on docu-
17 mentation determined by the Secretary of Defense to
18 adequately account for the support provided, and
19 such determination is final and conclusive upon the
20 accounting officers of the United States, and 15
21 days following notification to the appropriate con-
22 gressional committees: *Provided further*, That the
23 Secretary of Defense shall provide quarterly reports
24 to the Committees on Appropriations on the use of
25 these funds: *Provided further*, That the entire

1 amount is designated by the Congress as an emer-
2 gency requirement pursuant to section 502 of H.
3 Con. Res. 95 (108th Congress), the concurrent reso-
4 lution on the budget for fiscal year 2004.

5 OPERATION AND MAINTENANCE, MARINE CORPS

6 RESERVE

7 For an additional amount for “Operation and Main-
8 tenance, Marine Corps Reserve”, \$16,000,000: *Provided*,
9 That the entire amount is designated by the Congress as
10 an emergency requirement pursuant to section 502 of H.
11 Con. Res. 95 (108th Congress), the concurrent resolution
12 on the budget for fiscal year 2004.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Air Force Reserve”, \$53,000,000: *Provided*, That
16 the entire amount is designated by the Congress as an
17 emergency requirement pursuant to section 502 of H.
18 Con. Res. 95 (108th Congress), the concurrent resolution
19 on the budget for fiscal year 2004.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for “Operation and Main-
22 tenance, Air National Guard”, \$214,000,000: *Provided*,
23 That the entire amount is designated by the Congress as
24 an emergency requirement pursuant to section 502 of H.

1 Con. Res. 95 (108th Congress), the concurrent resolution
2 on the budget for fiscal year 2004.

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID
4 For an additional amount for “Overseas Humanita-
5 tarian, Disaster, and Civic Aid”, \$35,500,000: *Provided*,
6 That the entire amount is designated by the Congress as
7 an emergency requirement pursuant to section 502 of H.
8 Con. Res. 95 (108th Congress), the concurrent resolution
9 on the budget for fiscal year 2004.

10 IRAQ FREEDOM FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For “Iraq Freedom Fund”, \$1,988,600,000 (in-
13 creased by \$98,000,000), to remain available for transfer
14 until September 30, 2005, for the purposes authorized
15 under this heading in Public Law 108–11: *Provided*, That
16 the Secretary of Defense may transfer the funds provided
17 herein to appropriations for military personnel; operation
18 and maintenance; Overseas Humanitarian, Disaster, and
19 Civic Aid; procurement; military construction; the Defense
20 Health Program; and working capital funds: *Provided fur-*
21 *ther*, That funds transferred shall be merged with and be
22 available for the same purposes and for the same time pe-
23 riod as the appropriation or fund to which transferred:
24 *Provided further*, That this transfer authority is in addi-
25 tion to any other transfer authority available to the De-

1 partment of Defense: *Provided further*, That upon a deter-
2 mination that all or part of the funds transferred from
3 this appropriation are not necessary for the purposes pro-
4 vided herein, such amounts may be transferred back to
5 this appropriation: *Provided further*, That the Secretary
6 of Defense shall, not fewer than 5 days prior to making
7 transfers from this appropriation, notify the congressional
8 defense committees of any such transfer: *Provided further*,
9 That the Secretary shall submit a report no later than
10 30 days after the end of each fiscal quarter to the congres-
11 sional defense committees summarizing the details of the
12 transfer of funds from this appropriation: *Provided fur-*
13 *ther*, That the entire amount is designated by the Congress
14 as an emergency requirement pursuant to section 502 of
15 H. Con. Res. 95 (108th Congress), the concurrent resolu-
16 tion on the budget for fiscal year 2004.

17 PROCUREMENT

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT 19 VEHICLES ARMY

20 For an additional amount for “Procurement of Weap-
21 ons and Tracked Combat Vehicles, Army”, \$101,600,000,
22 to remain available until September 30, 2006: *Provided*,
23 That the entire amount is designated by the Congress as
24 an emergency requirement pursuant to section 502 of H.

1 Con. Res. 95 (108th Congress), the concurrent resolution
2 on the budget for fiscal year 2004.

3 **OTHER PROCUREMENT, ARMY**

4 For an additional amount for “Other Procurement,
5 Army”, \$1,250,287,000, to remain available until Sep-
6 tember 30, 2006: *Provided*, That the entire amount is des-
7 ignated by the Congress as an emergency requirement
8 pursuant to section 502 of H. Con. Res. 95 (108th Con-
9 gress), the concurrent resolution on the budget for fiscal
10 year 2004.

11 **AIRCRAFT PROCUREMENT, NAVY**

12 For an additional amount for “Aircraft Procurement,
13 Navy”, \$158,600,000, to remain available until September
14 30, 2006: *Provided*, That the entire amount is designated
15 by the Congress as an emergency requirement pursuant
16 to section 502 of H. Con. Res. 95 (108th Congress), the
17 concurrent resolution on the budget for fiscal year 2004.

18 **OTHER PROCUREMENT, NAVY**

19 For an additional amount for “Other Procurement,
20 Navy”, \$76,357,000, to remain available until September
21 30, 2006: *Provided*, That the entire amount is designated
22 by the Congress as an emergency requirement pursuant
23 to section 502 of H. Con. Res. 95 (108th Congress), the
24 concurrent resolution on the budget for fiscal year 2004.

1 PROCUREMENT, MARINE CORPS

2 For an additional amount for “Procurement, Marine
3 Corps”, \$123,397,000, to remain available until Sep-
4 tember 30, 2006: *Provided*, That the entire amount is des-
5 ignated by the Congress as an emergency requirement
6 pursuant to section 502 of H. Con. Res. 95 (108th Con-
7 gress), the concurrent resolution on the budget for fiscal
8 year 2004.

9 AIRCRAFT PROCUREMENT, AIR FORCE

10 For an additional amount for “Aircraft Procurement,
11 Air Force”, \$53,972,000, to remain available until Sep-
12 tember 30, 2006: *Provided*, That the entire amount is des-
13 ignated by the Congress as an emergency requirement
14 pursuant to section 502 of H. Con. Res. 95 (108th Con-
15 gress), the concurrent resolution on the budget for fiscal
16 year 2004.

17 MISSILE PROCUREMENT, AIR FORCE

18 For an additional amount for “Missile Procurement,
19 Air Force”, \$20,450,000, to remain available until Sep-
20 tember 30, 2006: *Provided*, That the entire amount is des-
21 ignated by the Congress as an emergency requirement
22 pursuant to section 502 of H. Con. Res. 95 (108th Con-
23 gress), the concurrent resolution on the budget for fiscal
24 year 2004.

1 OTHER PROCUREMENT, AIR FORCE

2 For an additional amount for “Other Procurement,
3 Air Force”, \$3,418,006,000, to remain available until
4 September 30, 2006: *Provided*, That the entire amount is
5 designated by the Congress as an emergency requirement
6 pursuant to section 502 of H. Con. Res. 95 (108th Con-
7 gress), the concurrent resolution on the budget for fiscal
8 year 2004.

9 PROCUREMENT, DEFENSE-WIDE

10 For an additional amount for “Procurement, De-
11 fense-Wide”, \$418,635,000, to remain available until Sep-
12 tember 30, 2006: *Provided*, That the entire amount is des-
13 ignated by the Congress as an emergency requirement
14 pursuant to section 502 of H. Con. Res. 95 (108th Con-
15 gress), the concurrent resolution on the budget for fiscal
16 year 2004.

17 RESEARCH, DEVELOPMENT, TEST AND

18 EVALUATION

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

20 NAVY

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Navy”, \$34,000,000, to re-
23 main available until September 30, 2005: *Provided*, That
24 the entire amount is designated by the Congress as an
25 emergency requirement pursuant to section 502 of H.

1 Con. Res. 95 (108th Congress), the concurrent resolution
2 on the budget for fiscal year 2004.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

4 AIR FORCE

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Air Force”, \$39,070,000, to
7 remain available until September 30, 2005: *Provided*,
8 That the entire amount is designated by the Congress as
9 an emergency requirement pursuant to section 502 of H.
10 Con. Res. 95 (108th Congress), the concurrent resolution
11 on the budget for fiscal year 2004.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

13 DEFENSE-WIDE

14 For an additional amount for “Research, Develop-
15 ment, Test and Evaluation, Defense-Wide”,
16 \$195,817,000, to remain available until September 30,
17 2005: *Provided*, That the entire amount is designated by
18 the Congress as an emergency requirement pursuant to
19 section 502 of H. Con. Res. 95 (108th Congress), the con-
20 current resolution on the budget for fiscal year 2004.

21 REVOLVING AND MANAGEMENT FUNDS

22 DEFENSE WORKING CAPITAL FUNDS

23 For an additional amount for “Defense Working
24 Capital Funds”, \$600,000,000: *Provided*, That the entire
25 amount is designated by the Congress as an emergency

1 requirement pursuant to section 502 of H. Con. Res. 95
2 (108th Congress), the concurrent resolution on the budget
3 for fiscal year 2004.

4 NATIONAL DEFENSE SEALIFT FUND

5 For an additional amount for “National Defense Sea-
6 lift Fund”, \$24,000,000, to remain available until ex-
7 pended: *Provided*, That the entire amount is designated
8 by the Congress as an emergency requirement pursuant
9 to section 502 of H. Con. Res. 95 (108th Congress), the
10 concurrent resolution on the budget for fiscal year 2004.

11 OTHER DEPARTMENT OF DEFENSE PROGRAMS

12 DEFENSE HEALTH PROGRAM

13 For an additional amount for “Defense Health Pro-
14 gram”, \$658,380,000 for Operation and maintenance:
15 *Provided*, That the entire amount is designated by the
16 Congress as an emergency requirement pursuant to sec-
17 tion 502 of H. Con. Res. 95 (108th Congress), the concur-
18 rent resolution on the budget for fiscal year 2004.

19 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

20 DEFENSE

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Drug Interdiction and
23 Counter-Drug Activities, Defense”, \$73,000,000: *Pro-*
24 *vided*, That these funds may be used for such activities
25 related to Afghanistan: *Provided further*, That the Sec-

1 retary of Defense may transfer the funds provided herein
2 only to appropriations for military personnel; operation
3 and maintenance; procurement; and research, develop-
4 ment, test and evaluation: *Provided further*, That the
5 funds transferred shall be merged with and be available
6 for the same purposes and for the same time period, as
7 the appropriation to which transferred: *Provided further*,
8 That the transfer authority provided in this paragraph is
9 in addition to any other transfer authority available to the
10 Department of Defense: *Provided further*, That the entire
11 amount is designated by the Congress as an emergency
12 requirement pursuant to section 502 of H. Con. Res. 95
13 (108th Congress), the concurrent resolution on the budget
14 for fiscal year 2004.

15 RELATED AGENCIES

16 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Intelligence Commu-
19 nity Management Account”, \$21,500,000, to remain avail-
20 able until September 30, 2005; of which \$3,000,000 may
21 be transferred to and merged with the Department of En-
22 ergy, “Other Defense Activities”, and \$15,500,000 may
23 be transferred to and merged with the Federal Bureau of
24 Investigation, “Salaries and Expenses”: *Provided*, That all
25 such amounts are designated by the Congress as an emer-

1 agency requirement pursuant to section 502 of H. Con.
2 Res. 95 (108th Congress), the concurrent resolution on
3 the budget for fiscal year 2004.

4 GENERAL PROVISIONS—THIS CHAPTER

5 (TRANSFER OF FUNDS)

6 SEC. 1101. Upon his determination that such action
7 is necessary in the national interest, the Secretary of De-
8 fense may transfer between appropriations up to
9 \$3,000,000,000 of the funds made available to the De-
10 partment of Defense in this chapter: *Provided*, That the
11 Secretary shall notify the Congress promptly of each
12 transfer made pursuant to this authority: *Provided further*,
13 That the transfer authority provided in this section is in
14 addition to any other transfer authority available to the
15 Department of Defense: *Provided further*, That the au-
16 thority in this section is subject to the same terms and
17 conditions as the authority provided in section 8005 of the
18 Department of Defense Appropriations Act, 2004, except
19 for the fourth proviso: *Provided further*, That the entire
20 amount is designated by the Congress as an emergency
21 requirement pursuant to section 502 of H. Con. Res. 95
22 (108th Congress), the concurrent resolution on the budget
23 for fiscal year 2004.

24 SEC. 1102. Funds appropriated in this Act, or made
25 available by the transfer of funds in or pursuant to this

1 Act, for intelligence activities are deemed to be specifically
2 authorized by the Congress for purposes of section 504
3 of the National Security Act of 1947 (50 U.S.C. 414).

4 SEC. 1103. Sections 1318 and 1319 of the Emer-
5 gency Wartime Supplemental Appropriations Act, 2003
6 (Public Law 108–11; 117 Stat. 571), shall remain in ef-
7 feit during fiscal year 2004.

8 SEC. 1104. From October 1, 2003, through Sep-
9 tember 30, 2004, (a) the rates of pay authorized by sec-
10 tion 310(a) of title 37, United States Code, shall be \$225;
11 and (b) the rates of pay authorized by section 427(a)(1)
12 of title 37, United States Code, shall be \$250.

13 SEC. 1105. DEFENSE EMERGENCY RESPONSE FUND
14 CLOSE-OUT AUTHORITY.—(a) Section 1313 of the Emer-
15 gency Wartime Supplemental Appropriations Act, 2003
16 (Public Law 108–11; 117 Stat. 569), is amended by in-
17 serting “unobligated” before “balances”.

18 (b) Effective November 1, 2003, adjustments to obli-
19 gations that before such date would have been properly
20 chargeable to the Defense Emergency Response Fund
21 shall be charged to any current appropriations account of
22 the Department of Defense available for the same purpose.

23 SEC. 1106. During the current year, funds made
24 available in this Act to the Department of Defense for op-
25 eration and maintenance may be used, notwithstanding

1 any other provision of law, to provide supplies, services,
2 transportation, including airlift and sealift, and other
3 logistical support to coalition forces supporting military
4 and stability operations in Iraq: *Provided*, That the Sec-
5 retary of Defense shall provide quarterly reports to the
6 congressional defense committees regarding support pro-
7 vided under this section.

8 SEC. 1107. Notwithstanding any other provision of
9 law, from funds made available in this Act to the Depart-
10 ment of Defense under “Operation and Maintenance, De-
11 fense-Wide”, not to exceed \$100,000,000 may be used by
12 the Secretary of Defense, with the concurrence of the Sec-
13 retary of State, to provide assistance only to the New Iraqi
14 Army and the Afghan National Army to enhance their ca-
15 pability to combat terrorism and to support U.S. military
16 operations in Iraq and Afghanistan: *Provided*, That such
17 assistance may include the provision of equipment, sup-
18 plies, services, training and funding: *Provided further*,
19 That the authority to provide assistance under this section
20 is in addition to any other authority to provide assistance
21 to foreign nations: *Provided further*, That the Secretary
22 of Defense shall notify the congressional defense commit-
23 tees not less than 15 days before providing assistance
24 under the authority of this section.

1 SEC. 1108. None of the funds provided in this chap-
2 ter may be used to finance programs or activities denied
3 by Congress in fiscal year 2004 appropriations to the De-
4 partment of Defense or to initiate a procurement or re-
5 search, development, test and evaluation new start pro-
6 gram without prior notification to the congressional de-
7 fense committees.

8 SEC. 1109. In addition to amounts made available
9 elsewhere in this Act, there is hereby appropriated to the
10 Department of Defense \$413,300,000, to be used only for
11 recovery and repair of damage due to natural disasters
12 including Hurricane Isabel, to be distributed as follows:

13 “Operation and Maintenance, Army”,
14 \$73,600,000;

15 “Operation and Maintenance, Navy”,
16 \$126,400,000;

17 “Operation and Maintenance, Marine Corps”,
18 \$9,200,000;

19 “Operation and Maintenance, Air Force”,
20 \$201,900,000; and

21 “Other Procurement, Air Force”, \$2,200,000:

22 *Provided*, That the entire amount is designated by the
23 Congress as an emergency requirement pursuant to sec-
24 tion 502 of H. Con. Res. 95 (108th Congress), the concur-
25 rent resolution on the budget for fiscal year 2004.

1 SEC. 1110. During the current fiscal year, from
2 funds made available in this Act to the Department of De-
3 fense for operation and maintenance, not to exceed
4 \$180,000,000 may be used, notwithstanding any other
5 provision of law, to fund the Commander's Emergency Re-
6 sponse Program, established by the Administrator of the
7 Coalition Provisional Authority for the purpose of enabling
8 military commanders in Iraq to respond to urgent humani-
9 tarian relief and reconstruction requirements within their
10 areas of responsibility by carrying out programs that will
11 immediately assist the Iraqi people, and to establish and
12 fund a similar program to assist the people of Afghani-
13 stan: *Provided*, That the Secretary of Defense shall pro-
14 vide quarterly reports, beginning on January 15, 2004,
15 to the congressional defense committees regarding the
16 source of funds and the allocation and use of funds made
17 available pursuant to the authority provided in this sec-
18 tion.

19 SEC. 1111. Not later than 30 days after the date of
20 the enactment of this Act, the Secretary of Defense shall
21 submit to the congressional defense committees a report
22 describing an Analysis of Alternatives for replacing the ca-
23 pabilities of the existing Air Force fleet of KC-135 tanker
24 aircraft.

1 ENHANCEMENTS TO EXEMPTION FOR MEMBERS WITH
2 COMBAT-RELATED INJURIES FROM REQUIREMENT
3 FOR PAYMENT OF SUBSISTENCE CHARGES WHILE
4 HOSPITALIZED

5 SEC. 1112. (a) EXEMPTION MADE PERMANENT.—
6 Subsection (c) of section 1075 of title 10, United States
7 Code (as added by section 8146(a)(2) of the Department
8 of Defense Appropriations Act, 2004 (Public Law 108–
9 87)), is repealed.

10 (b) RETROACTIVITY.—Subsection (b) of section 8146
11 of the Department of Defense Appropriations Act, 2004
12 (Public Law 108–87), is amended to read as follows:

13 “(b) EFFECTIVE DATE.—(1) Subsection (b)(2) of
14 section 1075 of title 10, United States Code, as added by
15 subsection (a), shall apply with respect to any period of
16 hospitalization on or after September 11, 2001, because
17 of an injury covered by that subsection that is incurred
18 on or after that date.

19 “(2) The Secretary concerned (as defined in section
20 101 of title 37, United States Code) shall take such action
21 as necessary to implement paragraph (1), including—

22 “(A) refunding any amount previously paid
23 under section 1075 of title 10, United States Code,
24 by a person who, by reason of paragraph (1), is not
25 required to make such payment; and

1 “(B) waiving recovery of any unpaid amount
2 for which a person has previously been charged
3 under that section and which that person, by reason
4 of paragraph (1), is not required to pay.”.

CHAPTER 2

6 DEPARTMENT OF HOMELAND SECURITY

7 UNITED STATES COAST GUARD

8 OPERATING EXPENSES

9 For an additional amount for “Operating Expenses”,
10 \$23,183,000, for costs related to Hurricane Isabel dam-
11 age: *Provided*, That the entire amount is designated by
12 the Congress as an emergency requirement pursuant to
13 section 502 of H. Con. Res. 95 (108th Congress), the con-
14 current resolution on the budget for fiscal year 2004.

15 CHAPTER 3

16 DEPARTMENT OF DEFENSE

17 MILITARY CONSTRUCTION

18 MILITARY CONSTRUCTION, ARMY

19 For an additional amount for "Military Construction,
20 Army", \$185,100,000, to remain available until Sep-
21 tember 30, 2008: *Provided*, That notwithstanding any
22 other provision of law, such funds may be obligated or ex-
23 pended to carry out planning and design and military con-
24 struction projects not otherwise authorized by law: *Pro-*
25 *vided further*, That the entire amount is designated by the

1 Congress as an emergency requirement pursuant to sec-
2 tion 502 of H. Con. Res. 95 (108th Congress), the concur-
3 rent resolution on the budget for fiscal year 2004.

4 MILITARY CONSTRUCTION, NAVY

5 For an additional amount for “Military Construction,
6 Navy”, \$45,530,000, to remain available until September
7 30, 2008: *Provided*, That notwithstanding any other provi-
8 sion of law, such funds may be obligated or expended to
9 carry out military construction projects not otherwise au-
10 thorized by law: *Provided further*, That the entire amount
11 is designated by the Congress as an emergency require-
12 ment pursuant to section 502 of H. Con. Res. 95 (108th
13 Congress), the concurrent resolution on the budget for fis-
14 cal year 2004.

15 MILITARY CONSTRUCTION, AIR FORCE

16 For an additional amount for “Military Construction,
17 Air Force”, \$292,550,000, to remain available until Sep-
18 tember 30, 2008: *Provided*, That notwithstanding any
19 other provision of law, such funds may be obligated or ex-
20 pended to carry out planning and design and military con-
21 struction projects not otherwise authorized by law: *Pro-*
22 *vided further*, That the entire amount is designated by the
23 Congress as an emergency requirement pursuant to sec-
24 tion 502 of H. Con. Res. 95 (108th Congress), the concur-
25 rent resolution on the budget for fiscal year 2004.

1 FAMILY HOUSING OPERATION AND MAINTENANCE,

2 ARMY

3 For an additional amount for “Family Housing Oper-
4 ation and Maintenance, Army”, \$8,151,000: *Provided*,
5 That the entire amount is designated by the Congress as
6 an emergency requirement pursuant to section 502 of H.
7 Con. Res. 95 (108th Congress), the concurrent resolution
8 on the budget for fiscal year 2004.

9 FAMILY HOUSING OPERATION AND MAINTENANCE,

10 NAVY AND MARINE CORPS

11 For an additional amount for "Family Housing Oper-
12 ation and Maintenance, Navy and Marine Corps",
13 \$6,280,000: *Provided*, That the entire amount is des-
14 ignated by the Congress as an emergency requirement
15 pursuant to section 502 of H. Con. Res. 95 (108th Con-
16 gress), the concurrent resolution on the budget for fiscal
17 year 2004.

18 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR

19 FORCE

20 For an additional amount for “Family Housing Oper-
21 ation and Maintenance, Air Force”, \$6,981,000: *Provided*,
22 That the entire amount is designated by the Congress as
23 an emergency requirement pursuant to section 502 of H.
24 Con. Res. 95 (108th Congress), the concurrent resolution
25 on the budget for fiscal year 2004.

1 GENERAL PROVISION—THIS CHAPTER

2 SEC. 1301. (a) TEMPORARY AUTHORITY TO USE OP-
3 ERATION AND MAINTENANCE FUNDS FOR MILITARY CON-
4 STRUCTION PROJECTS.—During fiscal year 2004, the Sec-
5 retary of Defense may use this section as authority to obli-
6 gate appropriated funds available for operation and main-
7 tenance to carry out a construction project outside the
8 United States that the Secretary determines meets each
9 of the following conditions:

10 (1) The construction is necessary to meet ur-
11 gent military operational requirements of a tem-
12 porary nature involving the use of the Armed Forces
13 in support of Operation Iraqi Freedom or the Global
14 War on Terrorism.

15 (2) The construction is not carried out at a
16 military installation where the United States is rea-
17 sonably expected to have a long-term presence.

18 (3) The United States has no intention of using
19 the construction after the operational requirements
20 have been satisfied.

21 (4) The level of construction is the minimum
22 necessary to meet the temporary operational require-
23 ments.

24 (b) LIMITATION ON USE OF AUTHORITY.—The total
25 cost of the construction projects carried out under the au-

1 thority of this section using, in whole or in part, appro-
2 priated funds available for operation and maintenance
3 shall not exceed \$500,000,000 in fiscal year 2004.

4 (c) QUARTERLY REPORT.—(1) Not later than 30
5 days after the end of each fiscal-year quarter of fiscal year
6 2004, the Secretary of Defense shall submit to the con-
7 gressional committees specified in subsection (e) a report
8 on the worldwide obligation and expenditure during that
9 quarter of appropriated funds available for operation and
10 maintenance for construction projects.

11 (2) The report shall include with regard to each
12 project the following:

13 (A) Certification that the conditions specified in
14 subsection (a) are satisfied with regard to the con-
15 struction project.

16 (B) A description of the purpose for which ap-
17 propriated funds available for operation and mainte-
18 nance are being obligated.

19 (C) Relevant documentation detailing the con-
20 struction project.

21 (D) An estimate of the total cost of the con-
22 struction project.

23 (E) The total amount obligated for the con-
24 struction project as of the date of the submission of
25 the report.

1 (d) RELATION TO OTHER AUTHORITIES.—The tem-
2 porary authority provided by this section, and the limited
3 authority provided by section 2805(c) of title 10, United
4 States Code, to use appropriated funds available for oper-
5 ation and maintenance to carry out a construction project
6 are the only authorities available to the Secretary of De-
7 fense and the Secretaries of the military departments to
8 use appropriated funds available for operation and mainte-
9 nance to carry out construction projects.

10 (e) CONGRESSIONAL COMMITTEES.—The congres-
11 sional committees referred to in this section are the fol-
12 lowing:

13 (1) The Committee on Armed Services and the
14 Subcommittees on Defense and Military Construc-
15 tion of the Committee on Appropriations of the Sen-
16 ate.

17 (2) The Committee on Armed Services and the
18 Subcommittees on Defense and Military Construc-
19 tion of the Committee on Appropriations of the
20 House of Representatives.

1 TITLE II—IRAQ AND AFGHANISTAN RECON-
2 STRUCTURE AND INTERNATIONAL ASSIST-
3 ANCE

4 CHAPTER 1

5 DEPARTMENT OF JUSTICE

6 LEGAL ACTIVITIES

7 GENERAL LEGAL ACTIVITIES

8 For necessary expenses for “Salaries and Expenses,
9 General Legal Activities”, \$15,000,000: *Provided*, That
10 the entire amount is designated by the Congress as an
11 emergency requirement pursuant to section 502 of H.
12 Con. Res. 95 (108th Congress), the concurrent resolution
13 on the budget for fiscal year 2004.

14 DEPARTMENT OF STATE AND RELATED AGENCY

15 DEPARTMENT OF STATE

16 ADMINISTRATION OF FOREIGN AFFAIRS

17 DIPLOMATIC AND CONSULAR PROGRAMS

18 (INCLUDING RESCISSION)

19 For necessary expenses for "Diplomatic and Consular
20 Programs", \$156,300,000, of which \$35,800,000 shall re-
21 main available until expended. Of the funds appropriated
22 under this heading in the Emergency Wartime Supple-
23 mental Appropriations Act, 2003, \$35,800,000 are re-
24 scinded. All such amounts are designated by the Congress
25 as an emergency requirement pursuant to section 502 of

1 H. Con. Res. 95 (108th Congress), the concurrent resolu-
2 tion on the budget for fiscal year 2004.

3 EMBASSY SECURITY, CONSTRUCTION, AND
4 MAINTENANCE

5 For necessary expenses for “Embassy Security, Con-
6 struction, and Maintenance”, \$43,900,000, to remain
7 available until expended: *Provided*, That the entire amount
8 is designated by the Congress as an emergency require-
9 ment pursuant to section 502 of H. Con. Res. 95 (108th
10 Congress), the concurrent resolution on the budget for fis-
11 cal year 2004.

12 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
13 SERVICE

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for “Emergencies in the Dip-
16 lomatic and Consular Service”, \$50,000,000, to remain
17 available until expended, which may be transferred to, and
18 merged with, the appropriations for “Diplomatic and Con-
19 sular Programs”: *Provided*, That the entire amount is des-
20 ignated by the Congress as an emergency requirement
21 pursuant to section 502 of H. Con. Res. 95 (108th Con-
22 gress), the concurrent resolution on the budget for fiscal
23 year 2004.

1 INTERNATIONAL ORGANIZATIONS

2 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

3 ACTIVITIES

4 For necessary expenses for “Contributions for Intern-
5 national Peacekeeping Activities”, \$245,000,000, to re-
6 main available until expended: *Provided*, That the entire
7 amount is designated by the Congress as an emergency
8 requirement pursuant to section 502 of H. Con. Res. 95
9 (108th Congress), the concurrent resolution on the budget
10 for fiscal year 2004.

11 RELATED AGENCY

12 BROADCASTING BOARD OF GOVERNORS

13 INTERNATIONAL BROADCASTING OPERATIONS

14 For necessary expenses for “International Broad-
15 casting Operations”, for activities related to the Middle
16 East Television Network broadcasting to Iraq,
17 \$40,000,000: *Provided*, That the entire amount is des-
18 ignated by the Congress as an emergency requirement
19 pursuant to section 502 of H. Con. Res. 95 (108th Con-
20 gress), the concurrent resolution on the budget for fiscal
21 year 2004.

22 GENERAL PROVISION—THIS CHAPTER

23 SEC. 2101. Funds appropriated under this chapter
24 for the Broadcasting Board of Governors and the Depart-
25 ment of State may be obligated and expended notwith-

1 standing section 313 of the Foreign Relations Authoriza-
2 tion Act, Fiscal Years 1994 and 1995, and section 15 of
3 the State Department Basic Authorities Act of 1956, as
4 amended.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL

DEVELOPMENT

10 OPERATING EXPENSES OF THE UNITED STATES AGENCY
11 FOR INTERNATIONAL DEVELOPMENT

12 For necessary expenses for "Operating Expenses of
13 the United States Agency for International Development",
14 \$40,000,000, for direct support of operations in Afghani-
15 stan, to remain available until September 30, 2005: *Pro-*
16 *vided*, That the entire amount is designated by the Con-
17 gress as an emergency requirement pursuant to section
18 502 of H. Con. Res. 95 (108th Congress), the concurrent
19 resolution on the budget for fiscal year 2004.

OTHER BILATERAL ECONOMIC ASSISTANCE

21 JBAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses to carry out the purposes of
24 the Foreign Assistance Act of 1961, for security, relief,
25 rehabilitation and reconstruction in Iraq,

1 \$18,649,000,000, to remain available until September 30,
2 2005, to be allocated as follows: \$3,243,000,000 for secu-
3 rity and law enforcement; \$1,318,000,000 for justice, pub-
4 lic safety infrastructure, and civil society; \$5,560,000,000
5 for the electric sector; \$2,100,000,000 for oil infrastruc-
6 ture; \$4,332,000,000 for water resources and sanitation;
7 \$500,000,000 for transportation and telecommunications;
8 \$370,000,000 for roads, bridges, and construction;
9 \$793,000,000 for health care; \$153,000,000 for private
10 sector development; and \$280,000,000 for education, refu-
11 gees, human rights, democracy, and governance: *Provided*,
12 That the President may reallocate up to 10 percent of any
13 of the preceding allocations, except that the total for the
14 allocation receiving such funds may not be increased by
15 more than 20 percent: *Provided further*, That such re-
16 allocations shall be subject to the regular notification pro-
17 cedures of the Committees on Appropriations and section
18 634A of the Foreign Assistance Act of 1961 and notifica-
19 tions shall be transmitted at least 15 days in advance of
20 the obligation of funds: *Provided further*, That an annual
21 spending plan for reconstruction programs under the pre-
22 ceding allocations, including project-by-project detail, shall
23 be submitted by the President to the Committees on Ap-
24 propriations not later than January 1, 2004, and shall be
25 updated and submitted every 180 days thereafter: *Pro-*

1 *vided further*, That funds appropriated under this heading
2 shall be apportioned only to the Coalition Provisional Au-
3 thority in Iraq, the Department of State, the Department
4 of Health and Human Services, the Department of Treas-
5 ury, the Department of Defense, and the United States
6 Agency for International Development: *Provided further*,
7 That upon a determination that all or part of the funds
8 so transferred from this appropriation are not necessary
9 for the purposes provided herein, such amounts may be
10 transferred back to this appropriation: *Provided further*,
11 That of the amount appropriated in this paragraph, not
12 less than \$35,000,000 shall be made available for adminis-
13 trative expenses of the Department of State Bureau of
14 International Narcotics and Law Enforcement Affairs and
15 the United States Agency for International Development
16 for support of the reconstruction activities in Iraq: *Pro-*
17 *vided further*, That up to 1 percent of the amount appro-
18 priated in this paragraph may be transferred to “Oper-
19 ating Expenses of the Coalition Provisional Authority”,
20 and that any such transfer shall be in accordance with
21 the regular notification procedures of the Committees on
22 Appropriations and section 634A of the Foreign Assist-
23 ance Act of 1961: *Provided further*, That contributions of
24 funds for the purposes provided herein from any person,
25 foreign government, or international organization, may be

1 credited to this Fund and used for such purposes: *Pro-*
2 *vided further,* That the Committees on Appropriations
3 shall be notified quarterly of any collections pursuant to
4 the previous proviso: *Provided further,* That the Coalition
5 Provisional Authority shall work, in conjunction with rel-
6 evant Iraqi officials, to ensure that a new Iraqi constitu-
7 tion preserves full rights to religious freedom: *Provided*
8 *further,* That, notwithstanding any other provision of law,
9 10 percent of the total amount of funds apportioned to
10 the United States Agency for International Development
11 under this heading that are made available on a sub-
12 contract basis shall be reserved for contracts with small
13 business concerns, including small business concerns
14 owned and controlled by veterans, small business concerns
15 owned and controlled by service-disabled veterans,
16 HUBZone small business concerns, small business con-
17 cerns owned and controlled by socially and economically
18 disadvantaged individuals, and small business concerns
19 owned and controlled by women (as such terms are defined
20 for purposes of the Small Business Act): *Provided further,*
21 That the entire amount is designated by the Congress as
22 an emergency requirement pursuant to section 502 of H.
23 Con. Res. 95 (108th Congress), the concurrent resolution
24 on the budget for fiscal year 2004.

1 OPERATING EXPENSES OF THE COALITION PROVISIONAL
2 AUTHORITY

3 For necessary expenses of the Coalition Provisional
4 Authority in Iraq, established pursuant to United Nations
5 Security Council resolutions including Resolution 1483,
6 for personnel costs, transportation, supply, equipment, fa-
7 cilities, communications, logistics requirements, studies,
8 physical security, media support, promulgation and en-
9 forcement of regulations, and other activities needed to
10 oversee and manage the relief and reconstruction of Iraq
11 and the transition to democracy, \$858,000,000, to remain
12 available until September 30, 2005: *Provided*, That the en-
13 tire amount is designated by the Congress as an emer-
14 gency requirement pursuant to section 502 of H. Con.
15 Res. 95 (108th Congress), the concurrent resolution on
16 the budget for fiscal year 2004.

17 ECONOMIC SUPPORT FUND

18 For necessary expenses for “Economic Support
19 Fund”, \$872,000,000, to remain available until December
20 31, 2004: *Provided*, That not less than \$672,000,000 is
21 available only for accelerated assistance for Afghanistan:
22 *Provided further*, That not to exceed \$30,000,000 may be
23 used for activities related to disarmament, demobilization,
24 and reintegration of militia combatants, including reg-
25 istration of such combatants, notwithstanding section

1 531(e) of the Foreign Assistance Act of 1961: *Provided*
2 *further*, That not to exceed \$2,000,000 may be used to
3 provide additional policy experts in Afghan ministries and
4 that not more than five senior advisors to the United
5 States Ambassador may be deployed in Afghanistan: *Pro-*
6 *vided further*, That \$60,000,000 shall be available for as-
7 sistance to Afghan women and girls as authorized by sec-
8 tion 103(a)(7) of the Afghanistan Freedom Support Act
9 of 2002 (Public Law 107–327) and \$5,000,000 shall be
10 available for the National Human Rights Commission of
11 Afghanistan as authorized by section 103(a)(7)(B)(ii) of
12 such Act: *Provided further*, That not less than
13 \$17,250,000 is available only for security requirements
14 that directly support United States and Coalition per-
15 sonnel who are implementing assistance programs in Af-
16 ghanistan, including the provision of adequate dedicated
17 air transport and support for civilian personnel at provin-
18 cial reconstruction team sites: *Provided further*, That upon
19 the receipt by the Speaker of the House of Representatives
20 and the President of the Senate of a determination by the
21 President that the Government of Pakistan is fully cooper-
22 ating with the United States in the global war on ter-
23 rorism, not to exceed \$200,000,000 appropriated under
24 this heading may be used for the costs, as defined in sec-
25 tion 502 of the Congressional Budget Act of 1974, of

1 modifying direct loans and guarantees for Pakistan: *Pro-*
2 *vided further*, That amounts that are made available under
3 the previous proviso for the cost of modifying direct loans
4 and guarantees shall not be considered “assistance” for
5 the purposes of provisions of law limiting assistance to a
6 country: *Provided further*, That the entire amount is des-
7 ignated by the Congress as an emergency requirement
8 pursuant to section 502 of H. Con. Res. 95 (108th Con-
9 gress), the concurrent resolution on the budget for fiscal
10 year 2004.

11 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

12 (INCLUDING TRANSFERS OF FUNDS)

13 For necessary expenses for International Disaster
14 and Famine Assistance utilizing the general authorities of
15 section 491 of the Foreign Assistance Act of 1961, to re-
16 spond to or prevent unforeseen complex foreign crises, es-
17 pecially in Sudan and Liberia, \$100,000,000, and by
18 transfer not to exceed 1 percent of the funds appropriated
19 under any other heading in this chapter, to remain avail-
20 able to the Secretary of State until September 30, 2005:
21 *Provided*, That funds appropriated under this heading
22 may be made available only pursuant to a determination
23 by the President, after consultation with the appropriate
24 congressional committees, that it is in the national interest
25 and essential to efforts to reduce international terrorism

1 to furnish assistance on such terms and conditions as he
2 may determine for such purposes, including support for
3 peace and humanitarian intervention operations: *Provided*
4 *further*, That none of these funds shall be available to re-
5 spond to natural disasters: *Provided further*, That funds
6 made available under this heading to respond to or prevent
7 unforeseen complex foreign crises shall be subject to the
8 regular notification procedures of the Committees on Ap-
9 propriations: *Provided further*, That the entire amount is
10 designated by the Congress as an emergency requirement
11 pursuant to section 502 of H. Con. Res. 95 (108th Con-
12 gress), the concurrent resolution on the budget for fiscal
13 year 2004.

14 DEPARTMENT OF STATE

15 INTERNATIONAL NARCOTICS CONTROL AND LAW

16 ENFORCEMENT

17 For necessary expenses for “International Narcotics
18 Control and Law Enforcement”, \$170,000,000, to remain
19 available until December 31, 2004, for accelerated assist-
20 ance for Afghanistan: *Provided*, That the entire amount
21 is designated by the Congress as an emergency require-
22 ment pursuant to section 502 of H. Con. Res. 95 (108th
23 Congress), the concurrent resolution on the budget for fis-
24 cal year 2004.

1 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND 2 RELATED PROGRAMS

3 For necessary expenses for “Nonproliferation, Anti-
4 Terrorism, Demining and Related Programs”,
5 \$35,000,000, for accelerated assistance for Afghanistan:
6 *Provided*, That the entire amount is designated by the
7 Congress as an emergency requirement pursuant to sec-
8 tion 502 of H. Con. Res. 95 (108th Congress), the concur-
9 rent resolution on the budget for fiscal year 2004.

10 MILITARY ASSISTANCE

11 FUND APPROPRIATED TO THE PRESIDENT

12 FOREIGN MILITARY FINANCING PROGRAM

13 For necessary expenses for the “Foreign Military Fi-
14 nancing Program”, \$297,000,000, for accelerated assist-
15 ance for Afghanistan: *Provided*, That the entire amount
16 is designated by the Congress as an emergency require-
17 ment pursuant to section 502 of H. Con. Res. 95 (108th
18 Congress), the concurrent resolution on the budget for fis-
19 cal year 2004.

20 PEACEKEEPING OPERATIONS

21 For necessary expenses for “Peacekeeping Oper-
22 ations”, \$50,000,000, to support the global war on ter-
23 rorism: *Provided*, That the entire amount is designated by
24 the Congress as an emergency requirement pursuant to

1 section 502 of H. Con. Res. 95 (108th Congress), the con-
2 current resolution on the budget for fiscal year 2004.

3 **GENERAL PROVISIONS—THIS CHAPTER**

4 SEC. 2201. None of the funds appropriated by this
5 Act or any unexpended funds provided in Public Law 108–
6 11 may be used to repay, in whole or in part, principal
7 or interest on any loan or guarantee agreement entered
8 into by the Government of Iraq with any private or public
9 sector entity including with the government of any country
10 (including any agency of such government or any entity
11 owned in whole or in part by the government of such coun-
12 try) or with any international financial institution, prior
13 to May 1, 2003: *Provided*, That for the purpose of this
14 section, the term “international financial institution” shall
15 mean those institutions contained in section 530(b) of di-
16 vision E of Public Law 108–7.

17 SEC. 2202. Notwithstanding any other provision of
18 law, none of the funds appropriated by this Act under the
19 heading “Iraq Relief and Reconstruction Fund” and made
20 available under the same heading in Public Law 108–11
21 may be used to enter into any Federal contract (including
22 any follow-on contract) unless—

23 (1) the contract is entered into in accordance
24 with title III of the Federal Property and Adminis-
25 trative Services Act (41 U.S.C. 251 et seq.); and

1 (2) in any case in which procedures other than
2 competitive procedures are to be used to enter into
3 such a contract—

4 (A) if such procedures are to be used by
5 reason of the application of a paragraph under
6 section 303(c) of such Act (41 U.S.C. 253(c)),
7 the head of the executive agency entering into
8 the contract shall submit to the committees de-
9 scribed in subsection (b), not later than 7 cal-
10 endar days before award of the contract—

11 (i) notification of the use of such
12 other procedures; and

13 (ii) the justification for such use, in-
14 cluding the amount of the contract and a
15 brief description of its scope, a discussion
16 of how the executive agency identified and
17 solicited offers from contractors, a list of
18 the contractors solicited, and the justifica-
19 tion and approval documents (as required
20 under section 303(f)(1) of the Federal
21 Property and Administrative Services Act
22 of 1949 (41 U.S.C. 2534(f)(1)) on which
23 was based the determination to use proce-
24 dures other than competitive procedures.

1 (b) COMMITTEES.—The committees referred to in
2 subsection (a)(2) are—

9 (c) APPLICABILITY.—This section shall not apply to
10 contracts entered into before the date of the enactment
11 of this Act or after September 30, 2010.

12 SEC. 2203. PUBLIC DISCLOSURE OF NONCOMPETITIVE CON-

13 TRACTING FOR THE RECONSTRUCTION OF

14 INFRASTRUCTURE IN IRAQ.

15 (a) DISCLOSURE REQUIRED.—

1 pursuant to paragraph (2) of section 303(c) of the
2 Federal Property and Administrative Services Act of
3 1949 (41 U.S.C. 253(c)(2)), the following informa-
4 tion:

5 (A) The amount of the contract.
6 (B) A brief description of the scope of the
7 contract.

8 (C) A discussion of how the executive
9 agency identified, and solicited offers from, po-
10 tential contractors to perform the contract, to-
11 gether with a list of the potential contractors
12 that were issued solicitations for the offers.

13 (D) The justification and approval docu-
14 ments (as required under section 303(f)(1) of
15 the Federal Property and Administrative Serv-
16 ices Act of 1949 (41 U.S.C. 253(f)(1)) on
17 which was based the determination to use pro-
18 cedures other than competitive procedures.

19 (2) FUNDS.—The funds referred to in para-
20 graph (1) are—

21 (A) any funds available to carry out sec-
22 tions 103 through 106 and chapter 4 of part II
23 of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2151b–2151d; 2346 et seq.); and

(B) any funds appropriated by Public Law 108–11 under the heading “Iraq Relief and Reconstruction Fund” (in chapter 5 of title I; 117 Stat. 573).

8 (b) CLASSIFIED INFORMATION.—

1 to the chairman and ranking member of each of the
2 following committees of Congress:

3 (A) The Committee on Governmental Af-
4 fairs of the Senate and the Committee on Gov-
5 ernment Reform of the House of Representa-
6 tives.

7 (B) The Committees on Appropriations of
8 the Senate and House of Representatives.

9 (C) Each committee that the head of the
10 executive agency determines has legislative ju-
11 risdiction for the operations of such department
12 or agency to which the information related.

13 (c) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—

14 Nothing in this section shall be construed as affecting obli-
15 gations to disclose United States Government information
16 under any other provision of law.

17 (d) DEFINITIONS.—In this section, the terms “com-
18 petitive procedures” and “executive agency” have the
19 meanings given such terms in section 4 of the Office of
20 Federal Procurement Policy Act (41 U.S.C. 403).

21 SEC. 2204. Section 1503 of Public Law 108–11 is
22 amended—

23 (1) by striking “equipment” and inserting in
24 lieu thereof “equipment, including equipment”; and

1 (2) by striking “2004” and inserting in lieu
2 thereof “2005”.

3 SEC. 2205. Section 1504 of Public Law 108–11 is
4 amended by striking “controlled” and inserting “or small
5 arms controlled”.

6 SEC. 2206. Section 202(b) of the Afghanistan Free-
7 dom Support Act of 2002 (Public Law 107–327) is
8 amended by striking “\$300,000,000” and inserting in lieu
9 thereof “\$450,000,000”.

10 SEC. 2207. (a) Until January 2005, the Coalition
11 Provisional Authority (CPA) shall, on a monthly basis,
12 submit a report to the Committees on Appropriations and
13 International Relations of the House of Representatives
14 and the Committees on Appropriations and Foreign Rela-
15 tions of the Senate that details, for the preceding month,
16 Iraqi oil production and oil revenues, and uses of such rev-
17 enues.

18 (b) The first report required by subsection (a) shall
19 be submitted not later than 30 days after enactment of
20 this Act.

21 (c) The reports required by this section shall also be
22 made publicly available, including through the CPA’s
23 Internet website.

24 SEC. 2208. Any reference in this chapter to the “Coa-
25 lition Provisional Authority in Iraq” shall be deemed to

1 include any successor United States Government entity
2 with the same or substantially the same authorities and
3 responsibilities as the Coalition Provisional Authority in
4 Iraq.

5 SEC. 2209. Assistance or other financing under chap-
6 ter 2 of this title may be provided for Iraq and Afghani-
7 stan notwithstanding any other provision of law not con-
8 tained in this Act that restricts assistance to foreign coun-
9 tries and section 660 of the Foreign Assistance Act of
10 1961: *Provided*, That funds made available for Iraq pursu-
11 ant to this section shall be subject to the regular re-
12 programming notification procedures of the Committees
13 on Appropriations and section 634A of the Foreign Assist-
14 ance Act of 1961, except that notification shall be trans-
15 mitted at least 5 days in advance of obligation.

16 SEC. 2210. Funds made available in chapter 2 of this
17 title are made available notwithstanding section 10 of
18 Public Law 91–672 and section 15 of the State Depart-
19 ment Basic Authorities Act of 1956, as amended.

20 SEC. 2211. Notwithstanding any other provision of
21 law, the Overseas Private Investment Corporation is au-
22 thorized to undertake any program authorized by title IV
23 of the Foreign Assistance Act of 1961 in Iraq: *Provided*,
24 That funds made available pursuant to the authority of
25 this section shall be subject to the regular reprogramming

1 notification procedures of the Committees on Appropriations.

3 REPORT ON MILITARY OPERATIONS AND

4 RECONSTRUCTION EFFORTS IN IRAQ AND AFGHANISTAN

5 SEC. 2212. (a) REPORT.—The President shall prepare and transmit to Congress on a quarterly basis a report on United States military operations and reconstruction efforts in Iraq and Afghanistan.

9 (b) CONTENTS.—The report shall, at a minimum, contain the following information:

11 (1) A full accounting of amounts appropriated under this Act or any other Act that were expended during the preceding quarter for military operations and reconstruction efforts in Iraq and Afghanistan.

15 (2) A description of progress made in reconstruction efforts in Iraq and Afghanistan, particularly efforts relating to public safety, defense and law enforcement, energy infrastructure, water, sewer, roads, and other public works, transportation and telecommunications infrastructure, medical and hospital services, and private sector development.

22 (3) A description of progress made to reduce attacks against members of the United States Armed Forces in Iraq and Afghanistan.

1 (4) An analysis of the impact that military op-
2 erations in Iraq and Afghanistan have had on overall
3 readiness of the Armed Forces.

4 (5) An analysis of the impact that the extended
5 deployment of members of the Armed Forces in con-
6 nection with Operation Iraqi Freedom and Operation
7 Enduring Freedom is having on recruiting and re-
8 tention efforts in the active and reserve components.

9 (6) An estimate of the cost of repairing or re-
10 placing the combat vehicles, aircraft, and other
11 equipment damaged or destroyed by combat, by pro-
12 longed use in Iraq and Afghanistan, or by exposure
13 to the extreme climatic and terrain conditions in
14 Iraq and Afghanistan.

15 (7) A description of progress made toward the
16 establishment of an independent, sovereign, and
17 democratic government for Iraq, including an esti-
18 mated schedule for the drafting of a constitution
19 and the holding of free and fair elections.

20 (8) A description of the extent of international
21 participation in the stabilization and reconstruction
22 of Iraq, including the amount and schedule for the
23 provision of financial assistance by other countries
24 and international organizations.

1 (9) The number of members of the Armed
2 Forces (including national guard and reserve troops)
3 deployed in connection with Operation Iraqi Free-
4 dom and Operation Enduring Freedom, an estimate
5 of the period of time for which such forces will be
6 deployed, and a description of progress made in re-
7 placing such forces with international or foreign
8 peacekeeping units.

9 SEC. 2213. (a) REVIEW OF CONTRACTING PROCE-
10 DURES.—The Comptroller General shall review each cov-
11 ered contract and task or delivery order entered into dur-
12 ing a review period to determine whether the procedures
13 used to enter into the contracts and orders were in compli-
14 ance with the requirements of this Act and other applica-
15 ble laws and regulations.

16 (b) REPORT.—At the end of each review period, the
17 Comptroller General shall submit to Congress a report on
18 the results of the review.

19 (c) REVIEW PERIOD.—A review under subsection (a)
20 shall be carried each quarter of a fiscal year, beginning
21 with the first quarter beginning after the date of the en-
22 actment of this Act.

23 (d) COVERED CONTRACTS AND ORDERS.—This sec-
24 tion applies to any contract or task or delivery order en-

1 tered into using funds appropriated by this Act for foreign
2 assistance if—

3 (1) in the case of a contract, the contract is in
4 an amount in excess of the simplified acquisition
5 threshold (as defined in section 4 of the Office of
6 Federal Procurement Policy Act (41 U.S.C. 403)),
7 and

8 (2) in the case of a task or delivery order, the
9 order is in an amount in excess of \$1,000,000.

10 TITLE III—GENERAL PROVISIONS—THIS ACT

11 SEC. 3001. No part of any appropriation contained
12 in this Act shall remain available for obligation beyond
13 the current fiscal year unless expressly so provided herein.

14 SEC. 3002. None of the funds made available in this
15 or any other Act for fiscal year 2004 may be used for
16 any defense or reconstruction activities in Iraq or Afghani-
17 stan coordinated by any officer of the United States Gov-
18 ernment whose office is not subject to appointment by the
19 President by and with the advice and consent of the Sen-
20 ate.

21 SEC. 3003. For purposes of computing the amount
22 of a payment for an eligible local educational agency under
23 section 8003(a) of the Elementary and Secondary Edu-
24 cation Act (20 U.S.C. 7703(a)), children enrolled in a
25 school of such agency that would otherwise be eligible for

1 payment under section 8003(a)(1)(B) of such Act, but due
2 to the deployment of both parents or legal guardians, or
3 due to the death of a military parent or legal guardian
4 while on active duty, are no longer eligible under such sec-
5 tion, shall be considered as eligible students under such
6 section, provided such students remain in average daily
7 attendance at the same school that they attended prior
8 to their change in eligibility status.

9 SEC. 3004. None of the funds made available by this
10 Act may be provided to any unit of the security forces
11 of a foreign country participating with coalition forces in
12 Afghanistan or Iraq if the Secretary of State or the Sec-
13 retary Defense has credible evidence that such unit has
14 committed gross violations of human rights, unless the ap-
15 propriate Secretary determines and reports to the Com-
16 mittees on Appropriations that the government of such
17 country is taking effective measures to bring the respon-
18 sible members of the security forces unit to justice: *Pro-*
19 *vided*, That nothing in this section shall be construed to
20 withhold funds made available by this Act from any unit
21 of the security forces of a foreign country not credibly al-
22 leged to be involved in gross violations of human rights:
23 *Provided further*, That in the event that funds are withheld
24 from any unit pursuant to this section, the appropriate
25 Secretary shall promptly inform the foreign government

1 of the basis for such action and shall, to the maximum
2 extent practicable, assist the foreign government in taking
3 effective measures to bring the responsible members of the
4 security forces to justice.

5 SEC. 3005. None of the funds made available in this
6 Act may be used for the participation of Iraq in the Orga-
7 nization of Petroleum Exporting Countries (OPEC).

8 SEC. 3006. None of the funds made available in this
9 Act may be used to fund any contract in contravention
10 of section 8(d)(6) of the Small Business Act (15 U.S.C.
11 637(d)(6)).

12 SEC. 3007. None of the amounts made available and
13 allocated for oil infrastructure under the heading “IRAQ
14 RELIEF AND RECONSTRUCTION FUND” may be used to
15 enter into any contract using procedures other than com-
16 petitive procedures.

17 This Act may be cited as the “Emergency Supple-
18 mental Appropriations Act for Defense and for the Recon-
19 struction of Iraq and Afghanistan, 2004”.

Passed the House of Representatives October 17,
2003.

Attest:

Clerk.

108TH CONGRESS
1ST SESSION

H. R. 3289

AN ACT

Making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.