

108TH CONGRESS
1ST SESSION

H. R. 3289

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2003

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

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

1 **TITLE I—NATIONAL SECURITY**2 **CHAPTER 1**3 **DEPARTMENT OF DEFENSE—MILITARY**4 **MILITARY PERSONNEL**5 **MILITARY PERSONNEL, ARMY**

6 For an additional amount for “Military Personnel,
7 Army”, \$12,188,870,000: *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 **MILITARY PERSONNEL, NAVY**

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

19 **MILITARY PERSONNEL, MARINE CORPS**

20 For an additional amount for “Military Personnel,
21 Marine Corps”, \$753,190,000: *Provided*, That the entire
22 amount is designated by the Congress as an emergency
23 requirement pursuant to section 502 of H. Con. Res. 95
24 (108th Congress), the concurrent resolution on the budget
25 for fiscal year 2004.

1 **MILITARY PERSONNEL, AIR FORCE**

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

8 **OPERATION AND MAINTENANCE**

9 **OPERATION AND MAINTENANCE, ARMY**

10 For an additional amount for "Operation and Main-
11 tenance, Army", \$24,355,664,000 (decreased by
12 \$98,000,000): *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 **OPERATION AND MAINTENANCE, NAVY**

18 **(INCLUDING TRANSFER OF FUNDS)**

19 For an additional amount for "Operation and Main-
20 tenance, Navy", \$1,934,058,000, of which up to
21 \$80,000,000 may be transferred to the Department of
22 Homeland Security for Coast Guard Operations: *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 **OPERATION AND MAINTENANCE, MARINE CORPS**
4 For an additional amount for “Operation and Main-
5 tenance, Marine Corps”, \$1,198,981,000: *Provided*, That
6 the entire amount is designated by the Congress as an
7 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 **OPERATION AND MAINTENANCE, AIR FORCE**

11 For an additional amount for “Operation and Main-
12 tenance, Air Force”, \$5,598,368,000: *Provided*, That the
13 entire 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 **OPERATION AND MAINTENANCE, DEFENSE-WIDE**

18 For an additional amount for “Operation and Main-
19 tenance, Defense-Wide”, \$4,485,452,000 (reduced by
20 \$50,000,000) (increased by \$50,000,000), of which—

21 (1) not to exceed \$15,000,000 may be used for
22 the CINC Initiative Fund account, to be used pri-
23 marily in Iraq and Afghanistan; and
24 (2) not to exceed \$1,300,000,000, to remain
25 available until expended, may be used, notwith-

1 standing any other provision of law, for payments to
2 reimburse Pakistan, Jordan, and other key cooper-
3 ating nations, for logistical and military support pro-
4 vided, or to be provided, to United States military
5 operations in connection with military action in Iraq
6 and the global war on terrorism: *Provided*, That
7 such payments may be made in such amounts as the
8 Secretary of Defense, with the concurrence of the
9 Secretary of State, and in consultation with the Di-
10 rector of the Office of Management and Budget,
11 may determine, in his discretion, based on docu-
12 mentation determined by the Secretary of Defense to
13 adequately account for the support provided, and
14 such determination is final and conclusive upon the
15 accounting officers of the United States, and 15
16 days following notification to the appropriate con-
17 gressional committees: *Provided further*, That the
18 Secretary of Defense shall provide quarterly reports
19 to the Committees on Appropriations on the use of
20 these funds: *Provided further*, That the entire
21 amount is designated by the Congress as an emer-
22 gency requirement pursuant to section 502 of H.
23 Con. Res. 95 (108th Congress), the concurrent reso-
24 lution on the budget for fiscal year 2004.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For an additional amount for "Operation and Main-
4 tenance, Marine Corps Reserve", \$16,000,000: *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 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

16 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

17 For an additional amount for "Operation and Main-
18 tenance, Air National Guard", \$214,000,000: *Provided*,
19 That the entire amount is designated by the Congress as
20 an emergency requirement pursuant to section 502 of H.
21 Con. Res. 95 (108th Congress), the concurrent resolution
22 on the budget for fiscal year 2004.

23 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

24 For an additional amount for "Overseas Humani-
25 tarian, Disaster, and Civic Aid", \$35,500,000: *Provided*,

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

5 **IRAQ FREEDOM FUND**

6 **(INCLUDING TRANSFER OF FUNDS)**

7 For "Iraq Freedom Fund", \$1,988,600,000 (in-
8 creased by \$98,000,000), to remain available for transfer
9 until September 30, 2005, for the purposes authorized
10 under this heading in Public Law 108-11: *Provided*, That
11 the Secretary of Defense may transfer the funds provided
12 herein to appropriations for military personnel; operation
13 and maintenance; Overseas Humanitarian, Disaster, and
14 Civic Aid; procurement; military construction; the Defense
15 Health Program; and working capital funds: *Provided fur-*
16 *ther*, That funds transferred shall be merged with and be
17 available for the same purposes and for the same time pe-
18 riod as the appropriation or fund to which transferred:
19 *Provided further*, That this transfer authority is in addi-
20 tion to any other transfer authority available to the De-
21 partment of Defense: *Provided further*, That upon a deter-
22 mination that all or part of the funds transferred from
23 this appropriation are not necessary for the purposes pro-
24 vided herein, such amounts may be transferred back to
25 this appropriation: *Provided further*, That the Secretary

1 of Defense shall, not fewer than 5 days prior to making
2 transfers from this appropriation, notify the congressional
3 defense committees of any such transfer: *Provided further,*
4 That the Secretary shall submit a report no later than
5 30 days after the end of each fiscal quarter to the congressional
6 defense committees summarizing the details of the
7 transfer of funds from this appropriation: *Provided fur-*
8 *ther,* That the entire amount is designated by the Congress
9 as an emergency requirement pursuant to section 502 of
10 H. Con. Res. 95 (108th Congress), the concurrent resolu-
11 tion on the budget for fiscal year 2004.

~~PROCUREMENT~~

15 For an additional amount for "Procurement of Weap-
16 ons and Tracked Combat Vehicles, Army", \$101,600,000,
17 to remain available until September 30, 2006: *Provided*,
18 That the entire amount is designated by the Congress as
19 an emergency requirement pursuant to section 502 of H.
20 Con. Res. 95 (108th Congress), the concurrent resolution
21 on the budget for fiscal year 2004.

OTHER PROCUREMENT, ARMY

23 For an additional amount for "Other Procurement,
24 Army", \$1,250,287,000, to remain available until Sep-
25 tember 30, 2006: *Provided*, That the entire amount is des-

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

5 AIRCRAFT PROCUREMENT, NAVY

6 For an additional amount for “Aircraft Procurement,
7 Navy”, \$158,600,000, to remain available until September
8 30, 2006: *Provided*, That the entire amount is designated
9 by the Congress as an emergency requirement pursuant
10 to section 502 of H. Con. Res. 95 (108th Congress), the
11 concurrent resolution on the budget for fiscal year 2004.

12 OTHER PROCUREMENT, NAVY

13 For an additional amount for “Other Procurement,
14 Navy”, \$76,357,000, to remain available until September
15 30, 2006: *Provided*, That the entire amount is designated
16 by the Congress as an emergency requirement pursuant
17 to section 502 of H. Con. Res. 95 (108th Congress), the
18 concurrent resolution on the budget for fiscal year 2004.

19 PROCUREMENT, MARINE CORPS

20 For an additional amount for “Procurement, Marine
21 Corps”, \$123,397,000, to remain available until Sep-
22 tember 30, 2006: *Provided*, That the entire amount is des-
23 ignated by the Congress as an emergency requirement
24 pursuant to section 502 of H. Con. Res. 95 (108th Con-

1 gress), the concurrent resolution on the budget for fiscal
2 year 2004.

3 **AIRCRAFT PROCUREMENT, AIR FORCE**

4 For an additional amount for "Aircraft Procurement,
5 Air Force", \$53,972,000, 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 **MISSILE PROCUREMENT, AIR FORCE**

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

19 **OTHER PROCUREMENT, AIR FORCE**

20 For an additional amount for "Other Procurement,
21 Air Force", \$3,418,006,000, to remain available until
22 September 30, 2006: *Provided*, That the entire amount is
23 designated by the Congress as an emergency requirement
24 pursuant to section 502 of H. Con. Res. 95 (108th Con-

1 gress), the concurrent resolution on the budget for fiscal
2 year 2004.

3 **PROCUREMENT, DEFENSE-WIDE**

4 For an additional amount for "Procurement, De-
5 fense-Wide", \$418,635,000, 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 **RESEARCH, DEVELOPMENT, TEST AND**
12 **EVALUATION**

13 **RESEARCH, DEVELOPMENT, TEST AND EVALUATION,**
14 **NAVY**

15 For an additional amount for "Research, Develop-
16 ment, Test and Evaluation, Navy", \$34,000,000, to re-
17 main available until September 30, 2005: *Provided*, That
18 the entire amount is designated by the Congress as an
19 emergency requirement pursuant to section 502 of H.
20 Con. Res. 95 (108th Congress), the concurrent resolution
21 on the budget for fiscal year 2004.

22 **RESEARCH, DEVELOPMENT, TEST AND EVALUATION,**
23 **AIR FORCE**

24 For an additional amount for "Research, Develop-
25 ment, Test and Evaluation, Air Force", \$39,070,000, to

1 remain available until September 30, 2005: *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 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

7 DEFENSE-WIDE

8 For an additional amount for “Research, Develop-
9 ment, Test and Evaluation, Defense-Wide”,
10 \$195,817,000, to remain available until September 30,
11 2005: *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 REVOLVING AND MANAGEMENT FUNDS

16 DEFENSE WORKING CAPITAL FUNDS

17 For an additional amount for “Defense Working
18 Capital Funds”, \$600,000,000: *Provided*, That the entire
19 amount is designated by the Congress as an emergency
20 requirement pursuant to section 502 of H. Con. Res. 95
21 (108th Congress), the concurrent resolution on the budget
22 for fiscal year 2004.

23 NATIONAL DEFENSE SEALIFT FUND

24 For an additional amount for “National Defense Sea-
25 lift Fund”, \$24,000,000, to remain available until ex-

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

5 **OTHER DEPARTMENT OF DEFENSE PROGRAMS**

6 **DEFENSE HEALTH PROGRAM**

7 For an additional amount for "Defense Health Pro-
8 gram", \$658,380,000 for Operation and maintenance:
9 *Provided*, That the entire amount is designated by the
10 Congress as an emergency requirement pursuant to sec-
11 tion 502 of H. Con. Res. 95 (108th Congress), the concur-
12 rent resolution on the budget for fiscal year 2004.

13 **DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES;**

14 **DEFENSE**

15 **(INCLUDING TRANSFER OF FUNDS)**

16 For an additional amount for "Drug Interdiction and
17 Counter-Drug Activities, Defense", \$73,000,000: *Pro-*
18 *vided*, That these funds may be used for such activities
19 related to Afghanistan: *Provided further*, That the Sec-
20 retary of Defense may transfer the funds provided herein
21 only to appropriations for military personnel; operation
22 and maintenance; procurement; and research; develop-
23 ment; test and evaluation: *Provided further*, That the
24 funds transferred shall be merged with and be available
25 for the same purposes and for the same time period, as

1 the appropriation to which transferred: *Provided further,*
2 That the transfer authority provided in this paragraph is
3 in addition to any other transfer authority available to the
4 Department of Defense: *Provided further,* That the entire
5 amount is designated by the Congress as an emergency
6 requirement pursuant to section 502 of H. Con. Res. 95
7 (108th Congress), the concurrent resolution on the budget
8 for fiscal year 2004.

9 RELATED AGENCIES

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for "Intelligence Commu-
13 nity Management Account", \$21,500,000, to remain avail-
14 able until September 30, 2005; of which \$3,000,000 may
15 be transferred to and merged with the Department of En-
16 ergy, "Other Defense Activities", and \$15,500,000 may
17 be transferred to and merged with the Federal Bureau of
18 Investigation, "Salaries and Expenses": *Provided*, That all
19 such amounts are designated by the Congress as an emer-
20 gency requirement pursuant to section 502 of H. Con.
21 Res. 95 (108th Congress), the concurrent resolution on
22 the budget for fiscal year 2004.

1 GENERAL PROVISIONS—THIS CHAPTER

2 (TRANSFER OF FUNDS)

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

21 SEC. 1102. Funds appropriated in this Act, or made
22 available by the transfer of funds in or pursuant to this
23 Act, for intelligence activities are deemed to be specifically
24 authorized by the Congress for purposes of section 504
25 of the National Security Act of 1947 (50 U.S.C. 414).

1 SEC. 1103. Sections 1318 and 1319 of the Emer-
2 geney Wartime Supplemental Appropriations Act, 2003
3 (Public Law 108-11; 117 Stat. 571), shall remain in ef-
4 feet during fiscal year 2004.

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

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

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

20 SEC. 1106. During the current year, funds made
21 available in this Act to the Department of Defense for op-
22 eration and maintenance may be used, notwithstanding
23 any other provision of law, to provide supplies, services,
24 transportation, including airlift and sealift, and other
25 logistical support to coalition forces supporting military

1 and stability operations in Iraq: *Provided*, That the Sec-
2 retary of Defense shall provide quarterly reports to the
3 congressional defense committees regarding support pro-
4 vided under this section.

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

22 SEC. 1108. None of the funds provided in this chap-
23 ter may be used to finance programs or activities denied
24 by Congress in fiscal year 2004 appropriations to the De-
25 partment of Defense or to initiate a procurement or re-

1 search, development, test and evaluation new start pro-
2 gram without prior notification to the congressional de-
3 fense committees.

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

9 “Operation and Maintenance, Army”,

10 \$73,600,000;

11 “Operation and Maintenance, Navy”,

12 \$126,400,000;

13 “Operation and Maintenance, Marine Corps”,

14 \$9,200,000;

15 “Operation and Maintenance, Air Force”,

16 \$201,900,000; and

17 “Other Procurement, Air Force”, \$2,200,000.

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

22 ~~SEC. 1110.~~ During the current fiscal year, from
23 funds made available in this Act to the Department of De-
24 fense for operation and maintenance, not to exceed
25 \$180,000,000 may be used, notwithstanding any other

1 provision of law, to fund the Commander's Emergency Re-
2 sponse Program, established by the Administrator of the
3 Coalition Provisional Authority for the purpose of enabling
4 military commanders in Iraq to respond to urgent humani-
5 tarian relief and reconstruction requirements within their
6 areas of responsibility by carrying out programs that will
7 immediately assist the Iraqi people, and to establish and
8 fund a similar program to assist the people of Afghani-
9 stan: *Provided*, That the Secretary of Defense shall pro-
10 vide quarterly reports, beginning on January 15, 2004,
11 to the congressional defense committees regarding the
12 source of funds and the allocation and use of funds made
13 available pursuant to the authority provided in this sec-
14 tion.

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

21 ENHANCEMENTS TO EXEMPTION FOR MEMBERS WITH
22 COMBAT RELATED INJURIES FROM REQUIREMENT
23 FOR PAYMENT OF SUBSISTENCE CHARGES WHILE
24 HOSPITALIZED

25 SEC. 1112. (a) EXEMPTION MADE PERMANENT.—
26 Subsection (e) of section 1075 of title 10, United States

1 Code (as added by section 8146(a)(2) of the Department
2 of Defense Appropriations Act, 2004 (Public Law 108-
3 87)), is repealed.

4 **(b) RETROACTIVITY.**—Subsection (b) of section 8146
5 of the Department of Defense Appropriations Act, 2004
6 (Public Law 108-87), is amended to read as follows:

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

13 **“(2)** The Secretary concerned (as defined in section
14 101 of title 37, United States Code) shall take such action
15 as necessary to implement paragraph (1), including—

16 **“(A)** refunding any amount previously paid
17 under section 1075 of title 10, United States Code,
18 by a person who, by reason of paragraph (1), is not
19 required to make such payment; and

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

1 CHAPTER 2

2 DEPARTMENT OF HOMELAND SECURITY

3 UNITED STATES COAST GUARD

4 OPERATING EXPENSES

5 For an additional amount for "Operating Expenses",

6 \$23,183,000, for costs related to Hurricane Isabel dam-

7 age: *Provided*, That the entire amount is designated by

8 the Congress as an emergency requirement pursuant to

9 section 502 of H. Con. Res. 95 (108th Congress), the con-

10 current resolution on the budget for fiscal year 2004.

11 CHAPTER 3

12 DEPARTMENT OF DEFENSE

13 MILITARY CONSTRUCTION

14 MILITARY CONSTRUCTION, ARMY

15 For an additional amount for "Military Construction,

16 Army", \$185,100,000, to remain available until Sep-

17 tember 30, 2008: *Provided*, That notwithstanding any

18 other provision of law, such funds may be obligated or ex-

19 pended to carry out planning and design and military con-

20 struction projects not otherwise authorized by law: *Pro-*21 *vided further*, That the entire amount is designated by the

22 Congress as an emergency requirement pursuant to sec-

23 tion 502 of H. Con. Res. 95 (108th Congress), the concur-

24 rent resolution on the budget for fiscal year 2004.

1 MILITARY CONSTRUCTION, NAVY

2 For an additional amount for "Military Construction,
3 Navy", \$45,530,000, to remain available until September
4 30, 2008: *Provided*, That notwithstanding any other provi-
5 sion of law, such funds may be obligated or expended to
6 carry out military construction projects not otherwise au-
7 thorized by law: *Provided further*, 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 MILITARY CONSTRUCTION, AIR FORCE

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

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.

5 **CHAPTER 2**

6 **BILATERAL ECONOMIC ASSISTANCE**

7 **FUNDS APPROPRIATED TO THE PRESIDENT**

8 **UNITED STATES AGENCY FOR INTERNATIONAL**
9 **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.

20 **OTHER BILATERAL ECONOMIC ASSISTANCE**

21 **IRAQ RELIEF AND RECONSTRUCTION FUND**

22 **(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 45 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-*
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 eial 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.

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(e) of such Act (41 U.S.C. 253(e)),
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—

3 (1) the Committees on Government Reform, on
4 International Relations, and on Appropriations of
5 the House of Representatives; and

6 (2) the Committees on Governmental Affairs,
7 on Foreign Relations, and on Appropriations of the
8 Senate.

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.—

16 (1) PUBLICATION AND PUBLIC AVAILABILITY.—
17 The head of an executive agency of the United
18 States that enters into a contract for assistance for
19 Iraq, using funds described in paragraph (3),
20 through the use of procedures other than competitive
21 procedures shall publish in the Federal Register or
22 Commerce Business Daily and otherwise make avail-
23 able to the public, not later than 7 days before the
24 date on which the contract is entered into, except in
25 the case of urgent and compelling contracts issued

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(e)(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 H
23 of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2151b–2151d; 2346 et seq.); and

1 (B) any funds appropriated by Public Law
2 108-11 under the heading “Iraq Relief and Re-
3 construction Fund” (in chapter 5 of title I, 117
4 Stat. 573).

5 (3) APPLICABILITY.—Paragraph (1) shall not
6 apply to contracts entered into before the date of the
7 enactment of this Act or after September 30, 2010.

8 (b) CLASSIFIED INFORMATION.—

9 (1) AUTHORITY TO WITHHOLD.—The head of
10 an executive agency may—

11 (A) withhold from publication and disclo-
12 sure under subsection (a) any document that is
13 classified for restricted access in accordance
14 with a Executive order in the interest of na-
15 tional defense or foreign policy; and

16 (B) redact any part so classified that is in
17 a document not so classified before publication
18 and disclosure of the document under sub-
19 section (a).

20 (2) AVAILABILITY TO CONGRESS.—In any case
21 in which the head of an executive agency withholds
22 information under paragraph (1), the head of such
23 executive agency shall make available an unredacted
24 version of the document containing that 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 (e) 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.

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

7 (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.

8 (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.

9 (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".

20 That the following sums are appropriated, out of any
21 money in the Treasury not otherwise appropriated, for the
22 fiscal year ending September 30, 2004, and for other pur-
23 poses, namely:

1 **TITLE I—NATIONAL SECURITY**2 **CHAPTER 1**3 **DEPARTMENT OF DEFENSE**4 **MILITARY PERSONNEL**5 ***MILITARY PERSONNEL, ARMY***

6 *For an additional amount for “Military Personnel,*
7 *Army”, \$12,858,870,000.*

8 ***MILITARY PERSONNEL, NAVY***

9 *For an additional amount for “Military Personnel,*
10 *Navy”, \$816,100,000.*

11 ***MILITARY PERSONNEL, MARINE CORPS***

12 *For an additional amount for “Military Personnel,*
13 *Marine Corps”, \$753,190,000.*

14 ***MILITARY PERSONNEL, AIR FORCE***

15 *For an additional amount for “Military Personnel,*
16 *Air Force”, \$3,384,700,000.*

17 ***OPERATION AND MAINTENANCE***18 ***OPERATION AND MAINTENANCE, ARMY***

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Army”, \$24,946,464,000: Provided, That the entire*
21 *amount is designated by the Congress as an emergency re-*
22 *quirement pursuant to section 502 of House Concurrent*
23 *Resolution 95, the concurrent resolution on the budget for*
24 *fiscal year 2004: Provided further, That the entire amount*
25 *shall be available only to the extent that an official budget*

1 request for a specific dollar amount, that includes designation
2 of the entire amount of the request as an emergency
3 requirement as defined in House Concurrent Resolution 95,
4 the concurrent resolution on the budget for fiscal year 2004,
5 is transmitted by the President to the Congress.

6 *OPERATION AND MAINTENANCE, NAVY*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 For an additional amount for “Operation and Maintenance, Navy”, \$1,976,258,000, of which up to \$80,000,000
9 may be transferred to the Department of Homeland Security
10 for Coast Guard Operations.

12 *OPERATION AND MAINTENANCE, MARINE CORPS*

13 For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,198,981,000.

15 *OPERATION AND MAINTENANCE, AIR FORCE*

16 For an additional amount for “Operation and Maintenance, Air Force”, \$5,516,368,000.

18 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

19 For an additional amount for “Operation and Maintenance, Defense-Wide”, \$4,218,452,000, of which—

21 (1) not to exceed \$15,000,000 may be used for the CINC Initiative Fund account, to be used primarily in Iraq and Afghanistan; and

24 (2) \$1,000,000,000, to remain available until expended, may be used, notwithstanding any other pro-

1 vision of law, for payments to reimburse Pakistan,
2 Jordan, and other key cooperating nations, for
3 logistical, military, and other support provided, or to
4 be provided, to United States military operations:
5 Provided, That such payments may be made in such
6 amounts as the Secretary of Defense, with the concur-
7 rence of the Secretary of State, and in consultation
8 with the Director of the Office of Management and
9 Budget, may determine, in his discretion, based on
10 documentation determined by the Secretary of Defense
11 to adequately account for the support provided, and
12 such determination is final and conclusive upon the
13 accounting officers of the United States, and 15 days
14 following notification to the appropriate congressional
15 committees: Provided further, That the Secretary of
16 Defense shall provide quarterly reports to the Com-
17 mittees on Appropriations on the use of these funds.

18 **OPERATION AND MAINTENANCE, MARINE CORPS RESERVE**
19 For an additional amount for “Operation and Mainte-
20 nance, Marine Corps Reserve”, \$16,000,000.

21 **OPERATION AND MAINTENANCE, AIR FORCE RESERVE**
22 For an additional amount for “Operation and Mainte-
23 nance, Air Force Reserve”, \$53,000,000.

1 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Air National Guard”, \$214,000,000.*

4 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

5 *For an additional amount for “Overseas Humaniti-*
6 *tarian, Disaster, and Civic Aid”, \$35,500,000.*

7 *IRAQ FREEDOM FUND*

8 *(TRANSFER OF FUNDS)*

9 *For “Iraq Freedom Fund”, \$1,988,600,000, to remain*
10 *available for transfer until September 30, 2005, for the pur-*
11 *poses authorized under this heading in Public Law 108–*
12 *11: Provided, That the Secretary of Defense may transfer*
13 *the funds provided herein to appropriations for military*
14 *personnel; operation and maintenance; Overseas Humaniti-*
15 *tarian, Disaster Assistance, and Civic Aid; procurement;*
16 *military construction; the Defense Health Program; and*
17 *working capital funds: Provided further, That funds trans-*
18 *ferred shall be merged with and be available for the same*
19 *purposes and for the same time period as the appropriation*
20 *or fund to which transferred: Provided further, That this*
21 *transfer authority is in addition to any other transfer au-*
22 *thority available to the Department of Defense: Provided*
23 *further, That upon a determination that all or part of the*
24 *funds transferred from this appropriation are not necessary*
25 *for the purposes provided herein, such amounts may be*

1 transferred back to this appropriation: Provided further,
2 That the Secretary of Defense shall, not fewer than 5 days
3 prior to making transfers from this appropriation, notify
4 the congressional defense committees in writing of the de-
5 tails of any such transfer: Provided further, That the Sec-
6 retary shall submit a report no later than 30 days after
7 the end of each fiscal quarter to the congressional defense
8 committees summarizing the details of the transfer of funds
9 from this appropriation: Provided further, That not less
10 than \$4,000,000 shall be transferred to “Office of the Inspec-
11 tor General” for financial and performance audits of funds
12 apportioned to the Department of Defense from the Iraq Re-
13 lief and Reconstruction Fund.

14 **PROCUREMENT**

15 **MISSILE PROCUREMENT, ARMY**

16 For an additional amount for “Missile Procurement,
17 Army”, \$6,200,000, to remain available until September
18 30, 2006.

19 **PROCUREMENT OF WEAPONS AND TRACKED COMBAT**
20 **VEHICLES, ARMY**

21 For an additional amount for “Procurement of Weap-
22 ons and Tracked Combat Vehicles, Army”, \$104,000,000, to
23 remain available until September 30, 2006: Provided, That
24 the entire amount is designated by the Congress as an emer-
25 gency requirement pursuant to section 502 of House Con-

1 current Resolution 95, the concurrent resolution on the
2 budget for fiscal year 2004: Provided further, That the en-
3 tire amount shall be available only to the extent that an
4 official budget request for a specific dollar amount, that in-
5 cludes designation of the entire amount of the request as
6 an emergency requirement as defined in House Concurrent
7 Resolution 95, the concurrent resolution on the budget for
8 fiscal year 2004, is transmitted by the President to the Con-
9 gress.

10 **OTHER PROCUREMENT, ARMY**

11 For an additional amount for “Other Procurement,
12 Army”, \$1,078,687,000, to remain available until Sep-
13 tember 30, 2006: Provided, That the entire amount is des-
14 ignated by the Congress as an emergency requirement pur-
15 suant to section 502 of House Concurrent Resolution 95,
16 the concurrent resolution on the budget for fiscal year 2004:
17 Provided further, That the entire amount shall be available
18 only to the extent that an official budget request for a spe-
19 cific dollar amount, that includes designation of the entire
20 amount of the request as an emergency requirement as de-
21 fined in House Concurrent Resolution 95, the concurrent
22 resolution on the budget for fiscal year 2004, is transmitted
23 by the President to the Congress.

1 *AIRCRAFT PROCUREMENT, NAVY*

2 *For an additional amount for “Aircraft Procurement,*
3 *Navy”, \$128,600,000, to remain available until September*
4 *30, 2006.*

5 *OTHER PROCUREMENT, NAVY*

6 *For an additional amount for “Other Procurement,*
7 *Navy”, \$76,357,000, to remain available until September*
8 *30, 2006.*

9 *PROCUREMENT, MARINE CORPS*

10 *For an additional amount for “Procurement, Marine*
11 *Corps”, \$123,397,000, to remain available until September*
12 *30, 2006.*

13 *AIRCRAFT PROCUREMENT, AIR FORCE*

14 *For an additional amount for “Aircraft Procurement,*
15 *Air Force”, \$40,972,000, to remain available until Sep-*
16 *tember 30, 2006.*

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.*

21 *OTHER PROCUREMENT, AIR FORCE*

22 *For an additional amount for “Other Procurement,*
23 *Air Force”, \$3,441,006,000, to remain available until Sep-*
24 *tember 30, 2006.*

1 *PROCUREMENT, DEFENSE-WIDE*

2 *For an additional amount for “Procurement, Defense-*
3 *Wide”, \$435,635,000, to remain available until September*
4 *30, 2006.*

5 *RESEARCH, DEVELOPMENT, TEST AND*
6 *EVALUATION*

7 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*
8 *For an additional amount for “Research, Develop-*
9 *ment, Test and Evaluation, Navy”, \$34,000,000, to remain*
10 *available until September 30, 2005.*

11 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
12 *FORCE*

13 *For an additional amount for “Research, Develop-*
14 *ment, Test and Evaluation, Air Force”, \$39,070,000, to re-*
15 *main available until September 30, 2005.*

16 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
17 *DEFENSE-WIDE*

18 *For an additional amount for “Research, Develop-*
19 *ment, Test and Evaluation, Defense-Wide”, \$265,817,000,*
20 *to remain available until September 30, 2005.*

21 *REVOLVING AND MANAGEMENT FUNDS*

22 *WORKING CAPITAL FUND, DEFENSE-WIDE*

23 *For an additional amount for “Working Capital*
24 *Fund, Defense-Wide”, \$600,000,000.*

1 **NATIONAL DEFENSE SEALIFT FUND**

2 *For an additional amount for “National Defense Sea-*
3 *lift Fund”, \$24,000,000, to remain available until ex-*
4 *pended.*

5 **OTHER DEPARTMENT OF DEFENSE PROGRAMS**6 **DEFENSE HEALTH PROGRAM**

7 *For an additional amount for “Defense Health Pro-*
8 *gram”, \$658,380,000 for Operation and maintenance.*

9 **DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,**10 **DEFENSE**

11 *For an additional amount for “Drug Interdiction and*
12 *Counter-Drug Activities, Defense”, \$73,000,000: Provided,*
13 *That these funds may be used only for such activities related*
14 *to Afghanistan: Provided further, That the Secretary of De-*
15 *fense may transfer the funds provided herein only to appro-*
16 *priations for military personnel; operation and mainte-*
17 *nance; procurement; and research, development, test, and*
18 *evaluation: Provided further, That the funds transferred*
19 *shall be merged with and be available for the same purposes*
20 *and for the same time period, as the appropriation to which*
21 *transferred: Provided further, That the transfer authority*
22 *provided in this paragraph is in addition to any other*
23 *transfer authority available to the Department of Defense:*
24 *Provided further, That upon a determination that all or*
25 *part of the funds transferred from this appropriation are*

1 not necessary for the purposes provided herein, such
2 amounts may be transferred back to this appropriation.

3 **RELATED AGENCIES**

4 **INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT**

5 *(INCLUDING TRANSFER OF FUNDS)*

6 For an additional amount for “Intelligence Commu-
7 nity Management Account”, \$21,500,000, to remain avail-
8 able until September 30, 2005; of which \$3,000,000 may
9 be transferred to and merged with the Department of En-
10 ergy, “Other Defense Activities”, and \$15,500,000 may be
11 transferred to and merged with the Federal Bureau of In-
12 vestigation, “Salaries and Expenses”.

13 **CHAPTER 2**

14 **MILITARY CONSTRUCTION**

15 **MILITARY CONSTRUCTION, ARMY**

16 For an additional amount for “Military Construction,
17 Army”, \$119,900,000, to remain available until September
18 30, 2008: Provided, That such funds may be obligated and
19 expended to carry out military construction projects not
20 otherwise authorized by law.

21 **MILITARY CONSTRUCTION, AIR FORCE**

22 For an additional amount for “Military Construction,
23 Air Force”, \$292,550,000, to remain available until Sep-
24 tember 30, 2008: Provided, That such funds may be obli-

1 gated and expended to carry out military construction
2 projects not otherwise authorized by law.

3 **CHAPTER 3**

4 **GENERAL PROVISIONS, THIS TITLE**

5 *SEC. 301. Section 202(b) of the Afghanistan Freedom*
6 *Support Act of 2002 (Public Law 107–327) is amended by*
7 *striking “\$300,000,000” and inserting “\$450,000,000”.*

8 *SEC. 302. Upon his determination that such action is*
9 *necessary in the national interest, the Secretary of Defense*
10 *may transfer between appropriations up to \$2,500,000,000*
11 *of the funds made available in this title, and in addition*
12 *such funds as necessary, not to exceed \$5,000,000,000, as*
13 *approved by the House and Senate Appropriations Com-*
14 *mittees, Subcommittees on Defense: Provided, That the Sec-*
15 *retary shall notify the Congress promptly of each transfer*
16 *made pursuant to this authority: Provided further, That the*
17 *transfer authority provided in this section is in addition*
18 *to any other transfer authority available to the Department*
19 *of Defense: Provided further, That the authority in this sec-*
20 *tion is subject to the same terms and conditions as the au-*
21 *thority provided in section 8005 of the Department of De-*
22 *fense Appropriations Act, 2004.*

23 *SEC. 303. Funds appropriated in this title, or made*
24 *available by transfer of funds in or pursuant to this title,*
25 *for intelligence activities are deemed to be specifically au-*

1 *thorized by the Congress for purposes of section 504 of the*
2 *National Security Act of 1947 (50 U.S.C. 414).*

3 *SEC. 304. None of the funds available to the Depart-*
4 *ment of Defense may be obligated to implement any action*
5 *which alters the command responsibility or permanent as-*
6 *signment of forces until 90 days after such plan has been*
7 *provided to the congressional defense committees.*

8 *SEC. 305. Sections 1318 and 1319 of Public Law 108–*
9 *11 shall remain in effect during fiscal year 2004.*

10 *SEC. 306. From October 1, 2003 through September*
11 *30, 2004, (a) the rates of pay authorized by section 310(a)*
12 *of title 37, United States Code, shall be increased to \$225;*
13 *and (b) the rates of pay authorized by section 427(a)(1)*
14 *of title 37, United States Code, shall be increased to \$250.*

15 *SEC. 307. (a) Section 1313 of Public Law 108–11 is*
16 *amended by adding the word, “unobligated”, before “bal-*
17 *ances”.*

18 *(b) After October 31, 2003, adjustments to obligations*
19 *that would have been properly chargeable to the Defense*
20 *Emergency Response Fund shall be charged to any current*
21 *appropriation account of the Department of Defense avail-*
22 *able for the same purpose.*

23 *SEC. 308. Within 30 days after the enactment of this*
24 *Act, the Secretary of Defense shall report to the Committees*
25 *on Appropriations on progress to implement the terms of*

1 section 8082 of the Department of Defense Appropriations
2 Act, 2004.

3 SEC. 309. None of the funds provided in this title may
4 be used to finance programs or activities denied by Congress
5 in fiscal year 2003 or 2004 appropriations to the Depart-
6 ment of Defense or to initiate a procurement or research,
7 development, test and evaluation new start program with-
8 out prior notification to the congressional defense commit-
9 tees.

10 SEC. 310. During the current fiscal year, funds avail-
11 able to the Department of Defense for operation and mainte-
12 nance may be used, notwithstanding any other provision
13 of law, to provide supplies, services, transportation, includ-
14 ing airlift and sealift, and other logistical support to coali-
15 tion forces supporting military and stability operations in
16 Iraq: Provided, That the Secretary of Defense shall provide
17 quarterly reports to the Committees on Appropriations re-
18 garding support provided under this section.

19 SEC. 311. Notwithstanding any other provision of law,
20 from funds available to the Department of Defense for oper-
21 ation and maintenance in fiscal year 2004, not to exceed
22 \$200,000,000 may be used by the Secretary of Defense, with
23 the concurrence of the Secretary of State, to provide assist-
24 ance only to the New Iraqi Army and the Afghan National
25 Army to enhance their capability to combat terrorism and

1 *to support U.S. military operations in Iraq and Afghani-*
2 *stan: Provided, That such assistance may include the provi-*
3 *sion of equipment, supplies, services, training and funding:*
4 *Provided further, That the authority to provide assistance*
5 *under this section is in addition to any other authority to*
6 *provide assistance to foreign nations: Provided further,*
7 *That the Secretary of Defense shall notify Congress not less*
8 *than 15 days before providing assistance under the author-*
9 *ity of this section.*

10 **SEC. 312. (a) REPORT ON MILITARY READINESS IM-**
11 **PLICATIONS OF OPERATION IRAQI FREEDOM.—**

12 *(1) The Secretary of Defense shall submit to the*
13 *congressional defense committees a report assessing*
14 *the implications for United States military readiness*
15 *of the participation of United States ground combat*
16 *forces in Operation Iraqi Freedom.*

17 *(2) The report shall be submitted not later than*
18 *30 days after the date of the enactment of this Act.*

19 **(b) MATTERS TO BE INCLUDED.—***The report under*
20 *subsection (a) shall include the following:*

21 *(1) An estimate of the total number of forces re-*
22 *quired to carry out Operation Iraqi Freedom, includ-*
23 *ing forces required for a rotation base.*

24 *(2) An estimate of the expected duration of the*
25 *operation.*

1 (3) An estimate of the cost of the operation together with an explanation of how the Secretary will
2 use the funds provided for the operation, and an assessment of how such proposed funding plan would affect overall military readiness.

6 (4) An assessment of how readily forces participating in the operation could be redeployed to additional overlapping major conflicts while providing for
7 the President the option to call for victory in one of
8 those conflicts, as well as to conduct a limited number
9 of smaller-scale contingency operations, including an analysis of the availability of strategic lift, the likely
10 condition of equipment, and the extent of retraining
11 necessary to facilitate such a redeployment.

15 (5) An assessment of the effect of the operation on the general combat readiness and deployability of combat units to defend the homeland and for the Global War on Terrorism.

19 (6) An assessment of the effect of the operation on the four 2001 Quadrennial Defense Review defense policy goals, namely assuring allies and friends, dissuading future military competitors, deterring threats and coercion against United States interests and, if deterrence fails, decisively defeating any adversary.

1 (7) An assessment of the effect the operation
2 would have on the general combat readiness and
3 deployability of combat units not designated to be
4 part of the operation including active forces, reserve,
5 and National Guard.

6 (8) For current deployment and subsequent rota-
7 tions, an assessment of the number and type of com-
8 bat support and combat service support units re-
9 quired from active forces, reserve, and National
10 Guard, and the expected duration of each rotation.

11 (9) An assessment of the degree to which the op-
12 eration will require the use of reserve component
13 units and personnel and the use and timing of invol-
14 untary Selected Reserve callup authority as provided
15 by section 12304 of title 10, United States Code.

16 (10) An assessment of the anticipated annual
17 cost of equipment refurbishment and replacement re-
18 sulting from the operation.

19 (11) An assessment of how the increased oper-
20 ational tempo associated with the operation would af-
21 fect the mission capable readiness rates and overall
22 health of both strategic and theater airlift assets.

23 (12) An assessment of the effect the operation
24 will have on the ability of the United States Armed

1 *Forces, including the active forces, reserve, and Na-*
2 *tional Guard, to meet recruiting goals.*

3 *(13) An assessment of the effect of the operation*
4 *on training infrastructure and instrumentation of*
5 *United States training ranges, including the active*
6 *forces, reserve, and National Guard.*

7 *(14) An assessment of the effect the operation*
8 *will have on retention among active forces, reserve,*
9 *and National Guard.*

10 *(15) An assessment of the effect of the operation*
11 *on quality of life issues for active forces, reserve, and*
12 *National Guard.*

13 *(c) FORM OF REPORT.—The report required by sub-*
14 *section (a) shall be submitted in unclassified form, but may*
15 *include a classified annex.*

16 *(d) CONGRESSIONAL DEFENSE COMMITTEES DE-*
17 *FINED.—In this section, the term “congressional defense*
18 *committees” means—*

19 *(1) the Committees on Armed Services and Ap-*
20 *propriations of the Senate; and*

21 *(2) the Committees on Armed Services and Ap-*
22 *propriations of the House of Representatives.*

23 *SEC. 313. (a) Section 1075 of title 10, United States*
24 *Code, is amended—*

1 (1) by inserting “(a) IN GENERAL.—” before
2 “*When*”; and

3 (2) by striking the second sentence and inserting
4 the following:

5 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
6 any of the following:

7 “(1) An enlisted member, or former enlisted
8 member, of a uniformed service who is entitled to re-
9 tired or retainer pay or equivalent pay.

10 “(2) An officer or former officer of a uniformed
11 service, or an enlisted member or former enlisted
12 member of a uniformed service not described in para-
13 graph (1), who is hospitalized under section 1074 of
14 this title because of an injury or disease incurred (as
15 determined under criteria prescribed by the Secretary
16 of Defense)—

17 “(A) as a direct result of armed conflict;

18 “(B) while engaged in hazardous service;

19 “(C) in the performance of duty under con-
20 ditions simulating war; or

21 “(D) through an instrumentality of war.”.

22 (b) Section 1075(b) of title 10, United States Code, as
23 added by subsection (a), shall take effect as of September
24 11, 2001, and shall apply with respect to injuries or dis-
25 eases incurred on or after that date.

1 *SEC. 314. (a) TRANSFER AUTHORITY.—Subject to sub-*
2 *section (b), the Secretary of Defense may transfer not more*
3 *than \$150,000,000 of the funds appropriated in this title*
4 *to the contingency construction account, authorized under*
5 *section 2804 of title 10, United States Code, to carry out*
6 *military construction projects not otherwise authorized by*
7 *law. Funds so transferred shall be merged with and be*
8 *available for the same purposes and the same time period*
9 *as the appropriation to which transferred. The transfer au-*
10 *thority under this section is in addition to any other trans-*
11 *fer authority available to the Department of Defense.*

12 *(b) CONDITIONS ON TRANSFER.—A transfer of funds*
13 *under subsection (a) may not be made until the end of the*
14 *7-day period beginning on the date the Secretary of Defense*
15 *submits written notice to the appropriate committees of*
16 *Congress certifying that the transfer is necessary to respond*
17 *to, or protect against, acts or threatened acts of terrorism*
18 *or to support Department of Defense operations in Iraq,*
19 *and specifying the amounts and purposes of the transfer;*
20 *including a list of proposed projects and their estimated*
21 *costs.*

22 *(c) NOTICE OF OBLIGATIONS.—Notwithstanding sec-*
23 *tion 2804(b) of title 10, United States Code, when a decision*
24 *is made to carry out a military construction project using*
25 *funds transferred to the contingency construction account*

1 under subsection (a), the Secretary of Defense shall submit
2 written notice to the appropriate committees of Congress
3 no later than 15 days after the obligation of the funds for
4 the project, specifying the source of the transferred funds
5 and the estimated cost of the project, including form 1391.

6 (d) DEFINITIONS.—For purposes of this section, the
7 terms “appropriate committees of Congress”, “military con-
8 struction”, and “military installation” have the meanings
9 given such terms in section 2801 of title 10, United States
10 Code, except that, with respect to military construction in
11 a foreign country, the term “military installation” includes
12 not only buildings, structures, and other improvements to
13 real property under the operational control of the Secretary
14 of a military department or the Secretary of Defense, but
15 also any building, structure, or other improvement to real
16 property to be used by the Armed Forces, regardless of
17 whether such use is anticipated to be temporary or of longer
18 duration; and further excepting that “appropriate commit-
19 tees of Congress” shall include the Subcommittees on Mili-
20 tary Construction of the Committees on Appropriations of
21 the Senate and House of Representatives.

22 SEC. 315. COMMENDING THE ARMED FORCES FOR EF-
23 FORTS IN OPERATION ENDURING FREEDOM AND OPER-
24 ATION IRAQI FREEDOM. (a) PURPOSE.—Recognizing and
25 commanding the members of the United States Armed

1 *Forces and their leaders, and the allies of the United States*
2 *and their armed forces, who participated in Operation En-*
3 *during Freedom in Afghanistan and Operation Iraqi Free-*
4 *dom in Iraq and recognizing the continuing dedication of*
5 *military families and employers and defense civilians and*
6 *contractors and the countless communities and patriotic or-*
7 *ganizations that lent their support to the Armed Forces dur-*
8 *ing those operations.*

9 (b) FINDINGS.—*The Senate finds that—*

10 (1) *the September 11, 2001, terrorist attacks on*
11 *the United States, which killed thousands of people*
12 *from the United States and other countries in New*
13 *York, Virginia, and Pennsylvania, inaugurated the*
14 *Global War on Terrorism;*

15 (2) *the intelligence community quickly identified*
16 *Al Qaeda as a terrorist organization with global*
17 *reach and the President determined that United*
18 *States national security required the elimination of*
19 *the Al Qaeda terrorist organization;*

20 (3) *the Taliban regime of Afghanistan had long*
21 *harbored Al Qaeda, providing members of that orga-*
22 *nization a safe haven from which to attack the United*
23 *States and its friends and allies, and the refusal of*
24 *that regime to discontinue its support for inter-*
25 *national terrorism and surrender Al Qaeda's leaders*

1 *to the United States made it a threat to international
2 peace and security;*

3 *(4) Saddam Hussein and his regime's long-
4 standing sponsorship of international terrorism, ac-
5 tive pursuit of weapons of mass destruction, use of
6 such weapons against Iraq's own citizens and neigh-
7 boring countries, aggression against Iraq's neighbors,
8 and brutal repression of Iraq's population made Sad-
9 dam Hussein and his regime a threat to international
10 peace and security;*

11 *(5) the United States pursued sustained diplo-
12 matic, political, and economic efforts to remove those
13 threats peacefully;*

14 *(6) on October 7, 2001, the Armed Forces of the
15 United States and its coalition allies launched mili-
16 tary operations in Afghanistan, designated as Oper-
17 ation Enduring Freedom, that quickly caused the col-
18 lapse of the Taliban regime, the elimination of Af-
19 ghanistan's terrorist infrastructure, and the capture
20 of significant and numerous members of Al Qaeda;*

21 *(7) on March 19, 2003, the Armed Forces of the
22 United States and its coalition allies launched mili-
23 tary operations, designated as Operation Iraqi Free-
24 dom, that quickly caused the collapse of Saddam Hus-
25 sein's regime, the elimination of Iraq's terrorist infra-*

1 *structure, the end of Iraq's illicit and illegal pro-*
2 *grams to acquire weapons of mass destruction, and*
3 *the capture of significant international terrorists;*

4 *(8) in those two campaigns in the Global War on*
5 *Terrorism, as of September 27, 2003, nearly 165,000*
6 *members of the United States Armed Forces, com-*
7 *prised of active, reserve, and National Guard mem-*
8 *bers and units, had mobilized for Operation Endur-*
9 *ing Freedom and Operation Iraqi Freedom;*

10 *(9) success in those two campaigns in the Global*
11 *War on Terrorism would not have been possible with-*
12 *out the dedication, courage, and service of the mem-*
13 *bers of the United States Armed Forces and the mili-*
14 *tary and irregular forces of the friends and allies of*
15 *the United States;*

16 *(10) the support, love, and commitment from the*
17 *families of United States service personnel partici-*
18 *pating in those two operations, as well as that of the*
19 *communities and patriotic organizations which pro-*
20 *vided support through the United Services Organiza-*
21 *tion (USO), Operation Dear Abby, and Operation*
22 *UpLink, helped to sustain those service personnel and*
23 *enabled them to eliminate significant threats to*
24 *United States national security while liberating op-*
25 *pressed peoples from dictatorial regimes;*

1 *(11) the civilian employees of the Department of
2 Defense, through their hard work and dedication, en-
3 abled United States military forces to quickly and ef-
4 fectively achieve the United States military missions
5 in Afghanistan and Iraq;*

6 *(12) the commitment of companies making their
7 employees available for military service, the creativity
8 and initiative of contractors equipping the Nation's
9 Armed Forces with the best and most modern equip-
10 ment, and the ingenuity of service companies assist-
11 ing with the global overseas deployment of the Armed
12 Forces demonstrates that the entrepreneurial spirit of
13 the United States is an extraordinarily valuable de-
14 fense asset; and*

15 *(13) the Nation should pause to recognize with
16 appropriate tributes and days of remembrance the
17 sacrifice of those members of the Armed Forces who
18 died or were wounded in Operation Enduring Free-
19 dom and Operation Iraqi Freedom, as well as all who
20 served in or supported either of those operations.*

21 *(c) SENSE OF THE SENATE.—It is the sense of the Sen-
22 ate that the Senate—*

23 *(1) conveys its deepest sympathy and condolences
24 to the families and friends of the members of United
25 States and coalition forces who have been injured,*

1 *wounded, or killed during Operation Enduring Free-*
2 *dom and Operation Iraqi Freedom;*

3 *(2) commends President George W. Bush, Sec-*
4 *retary of Defense Donald H. Rumsfeld, and United*
5 *States Central Command commander General*
6 *Tommy Franks, United States Army, for their plan-*
7 *ning and execution of enormously successful military*
8 *campaigns in Operation Enduring Freedom and Op-*
9 *eration Iraqi Freedom;*

10 *(3) expresses its highest commendation and most*
11 *sincere appreciation to the members of the United*
12 *States Armed Forces who participated in Operation*
13 *Enduring Freedom and Operation Iraqi Freedom;*

14 *(4) commends the Department of Defense civilian*
15 *employees and the defense contractor personnel whose*
16 *skills made possible the equipping of the greatest*
17 *armed force in the annals of modern military endeav-*
18 *or;*

19 *(5) supports the efforts of communities across the*
20 *Nation—*

21 *(A) to prepare appropriate homecoming*
22 *ceremonies to honor and welcome home the mem-*
23 *bers of the Armed Forces participating in Oper-*
24 *ation Enduring Freedom and Operation Iraqi*
25 *Freedom and to recognize their contributions to*

1 *United States homeland security and to the
2 Global War on Terrorism; and*

3 *(B) to prepare appropriate ceremonies to
4 commemorate with tributes and days of remem-
5 brance the service and sacrifice of those service
6 members killed or wounded during those oper-
7 ations;*

8 *(6) expresses the deep gratitude of the Nation to
9 the 21 steadfast allies in Operation Enduring Free-
10 dom and to the 49 coalition members in Operation
11 Iraqi Freedom, especially the United Kingdom, Aus-
12 tralia, and Poland, whose forces, support, and con-
13 tributions were invaluable and unforgettable; and*

14 *(7) recommits the United States to ensuring the
15 safety of the United States homeland, to preventing
16 weapons of mass destruction from reaching the hands
17 of terrorists, and to helping the people of Iraq and Af-
18 ghanistan build free and vibrant democratic societies.*

19 *SEC. 316. (a) In addition to other purposes for which
20 funds in the Iraq Freedom Fund are available, such funds
21 shall also be available for reimbursing a member of the
22 Armed Forces for the cost of air fare incurred by the mem-
23 ber for any travel by the member within the United States
24 that is commenced during fiscal year 2003 or fiscal year
25 2004 and is completed during either such fiscal year while*

1 *the member is on rest and recuperation leave from deploy-*
2 *ment overseas in support of Operation Iraqi Freedom and*
3 *Operation Enduring Freedom, but only for one round trip*
4 *by air between two locations within the United States.*

5 *(b) It is the sense of Congress that the commercial air-*
6 *line industry should, to the maximum extent practicable,*
7 *charge members of the Armed Forces on rest and recuper-*
8 *ation leave as described in subsection (a) and their families*
9 *specially discounted, lowest available fares for air travel in*
10 *connection with such leave and that any restrictions and*
11 *limitations imposed by the airlines in connection with the*
12 *air fares charged for such travel should be minimal.*

13 *SEC. 317. (a) Section 1074a of title 10, United States*
14 *Code, is amended by adding at the end the following new*
15 *subsection:*

16 *“(f)(1) At any time after the Secretary concerned noti-*
17 *fies members of the Ready Reserve that the members are*
18 *to be called or ordered to active duty, the administering*
19 *Secretaries may provide to each such member any medical*
20 *and dental screening and care that is necessary to ensure*
21 *that the member meets the applicable medical and dental*
22 *standards for deployment.*

23 *“(2) The Secretary concerned shall promptly transmit*
24 *to each member of the Ready Reserve eligible for screening*

1 and care under this subsection a notification of eligibility
2 for such screening and care.

3 “(3) A member provided medical or dental screening
4 or care under paragraph (1) may not be charged for the
5 screening or care.

6 “(4) Screening and care may not be provided under
7 this section after September 30, 2004.”.

8 (b) The benefits provided under the amendment made
9 by subsection (a) shall be provided only within funds avail-
10 able under this Act.

11 SEC. 318. (a) Chapter 55 of title 10, United States
12 Code, is amended by inserting after section 1076a the fol-
13 lowing new section:

14 **“§ 1076b. TRICARE program: coverage for members of
15 the Ready Reserve**

16 “(a) ELIGIBILITY.—Each member of the Selected Re-
17 serve of the Ready Reserve and each member of the Indi-
18 vidual Ready Reserve described in section 10144(b) of this
19 title is eligible, subject to subsection (h), to enroll in
20 TRICARE and receive benefits under such enrollment for
21 any period that the member—

22 “(1) is an eligible unemployment compensation
23 recipient; or

24 “(2) is not eligible for health care benefits under
25 an employer-sponsored health benefits plan.

1 “(b) *TYPES OF COVERAGE.*—(1) A member eligible
2 under subsection (a) may enroll for either of the following
3 types of coverage:

4 “(A) *Self alone coverage.*

5 “(B) *Self and family coverage.*

6 “(2) An enrollment by a member for self and family
7 covers the member and the dependents of the member who
8 are described in subparagraph (A), (D), or (I) of section
9 1072(2) of this title.

10 “(c) *OPEN ENROLLMENT PERIODS.*—The Secretary of
11 Defense shall provide for at least one open enrollment period
12 each year. During an open enrollment period, a member
13 eligible under subsection (a) may enroll in the TRICARE
14 program or change or terminate an enrollment in the
15 TRICARE program.

16 “(d) *SCOPE OF CARE.*—(1) A member and the depend-
17 ents of a member enrolled in the TRICARE program under
18 this section shall be entitled to the same benefits under this
19 chapter as a member of the uniformed services on active
20 duty or a dependent of such a member, respectively.

21 “(2) Section 1074(c) of this title shall apply with re-
22 spect to a member enrolled in the TRICARE program under
23 this section.

24 “(e) *PREMIUMS.*—(1) The Secretary of Defense shall
25 charge premiums for coverage pursuant to enrollments

1 under this section. The Secretary shall prescribe for each
2 of the TRICARE program options a premium for self alone
3 coverage and a premium for self and family coverage.

4 "(2) The monthly amount of the premium in effect for
5 a month for a type of coverage under this section shall be
6 the amount equal to 28 percent of the total amount deter-
7 mined by the Secretary on an appropriate actuarial basis
8 as being reasonable for the coverage.

9 "(3) The premiums payable by a member under this
10 subsection may be deducted and withheld from basic pay
11 payable to the member under section 204 of title 37 or from
12 compensation payable to the member under section 206 of
13 such title. The Secretary shall prescribe the requirements
14 and procedures applicable to the payment of premiums by
15 members not entitled to such basic pay or compensation.

16 "(4) Amounts collected as premiums under this sub-
17 section shall be credited to the appropriation available for
18 the Defense Health Program Account under section 1100
19 of this title, shall be merged with sums in such Account
20 that are available for the fiscal year in which collected, and
21 shall be available under subparagraph (B) of such section
22 for such fiscal year.

23 "(f) OTHER CHARGES.—A person who receives health
24 care pursuant to an enrollment in a TRICARE program
25 option under this section, including a member who receives

1 such health care, shall be subject to the same deductibles,
2 copayments, and other nonpremium charges for health care
3 as apply under this chapter for health care provided under
4 the same TRICARE program option to dependents de-
5 scribed in subparagraph (A), (D), or (I) of section 1072(2)
6 of this title.

7 “(g) TERMINATION OF ENROLLMENT.—(1) A member
8 enrolled in the TRICARE program under this section may
9 terminate the enrollment only during an open enrollment
10 period provided under subsection (c), except as provided in
11 subsection (h).

12 “(2) An enrollment of a member for self alone or for
13 self and family under this section shall terminate on the
14 first day of the first month beginning after the date on
15 which the member ceases to be eligible under subsection (a).

16 “(3) The enrollment of a member under this section
17 may be terminated on the basis of failure to pay the pre-
18 mium charged the member under this section.

19 “(h) RELATIONSHIP TO TRANSITION TRICARE COV-
20 ERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A
21 member may not enroll in the TRICARE program under
22 this section while entitled to transitional health care under
23 subsection (a) of section 1145 of this title or while author-
24 ized to receive health care under subsection (c) of such sec-
25 tion.

1 “(2) A member who enrolls in the TRICARE program
2 under this section within 90 days after the date of the ter-
3 mination of the member’s entitlement or eligibility to re-
4 ceive health care under subsection (a) or (c) of section 1145
5 of this title may terminate the enrollment at any time with-
6 in one year after the date of the enrollment.

7 “(i) CERTIFICATION OF NONCOVERAGE BY OTHER
8 HEALTH BENEFITS PLAN.—The Secretary of Defense may
9 require a member to submit any certification that the Sec-
10 retary considers appropriate to substantiate the member’s
11 assertion that the member is not covered for health care ben-
12 efits under any other health benefits plan.

13 “(j) ELIGIBLE UNEMPLOYMENT COMPENSATION RE-
14 CIPIENT DEFINED.—In this section, the term ‘eligible unem-
15 ployment compensation recipient’ means, with respect to
16 any month, any individual who is determined eligible for
17 any day of such month for unemployment compensation
18 under State law (as defined in section 205(9) of the Fed-
19 eral-State Extended Unemployment Compensation Act of
20 1970), including Federal unemployment compensation laws
21 administered through the State.

22 “(k) REGULATIONS.—The Secretary of Defense, in con-
23 sultation with the other administering Secretaries, shall
24 prescribe regulations for the administration of this section.

1 “(l) TERMINATION OF AUTHORITY.—An enrollment in
2 TRICARE under this section may not continue after Sep-
3 tember 30, 2004.”.

4 (b) The table of sections at the beginning of such chap-
5 ter is amended by inserting after the item relating to section
6 1076a the following new item:

“1076b. TRICARE program: coverage for members of the Ready Reserve.”.

7 (c) The benefits provided under section 1076b of title
8 10, United States Code (as added by subsection (a)), shall
9 be provided only within funds available under this Act.

10 SEC. 319. (a)(1) Chapter 55 of title 10, United States
11 Code, is amended by inserting after section 1078a the fol-
12 lowing new section:

13 **“§ 1078b. Continuation of non-TRICARE health bene-**
14 **fits plan coverage for certain Reserves**
15 **called or ordered to active duty and their**
16 **dependents**

17 “(a) PAYMENT OF PREMIUMS.—The Secretary con-
18 cerned shall pay the applicable premium to continue in
19 force any qualified health benefits plan coverage for an eli-
20 gible reserve component member for the benefits coverage
21 continuation period if timely elected by the member in ac-
22 cordance with regulations prescribed under subsection (j).

23 “(b) ELIGIBLE MEMBER.—A member of a reserve com-
24 ponent is eligible for payment of the applicable premium
25 for continuation of qualified health benefits plan coverage

1 under subsection (a) while serving on active duty pursuant
2 to a call or order issued under a provision of law referred
3 to in section 101(a)(13)(B) of this title during a war or
4 national emergency declared by the President or Congress.

5 “(c) *QUALIFIED HEALTH BENEFITS PLAN COV-*
6 *ERAGE.*—For the purposes of this section, health benefits
7 plan coverage for a member called or ordered to active duty
8 is qualified health benefits plan coverage if—

9 “(1) the coverage was in force on the date on
10 which the Secretary notified the member that issuance
11 of the call or order was pending or, if no such notifi-
12 cation was provided, the date of the call or order;

13 “(2) on such date, the coverage applied to the
14 member and dependents of the member described in
15 subparagraph (A), (D), or (I) of section 1072(2) of
16 this title; and

17 “(3) the coverage has not lapsed.

18 “(d) *APPLICABLE PREMIUM.*—The applicable pre-
19 mium payable under this section for continuation of health
20 benefits plan coverage in the case of a member is the amount
21 of the premium payable by the member for the coverage of
22 the member and dependents.

23 “(e) *MAXIMUM AMOUNT.*—The total amount that the
24 Department of Defense may pay for the applicable premium
25 of a health benefits plan for a member under this section

1 *in a fiscal year may not exceed the amount determined by*

2 *multiplying—*

3 *“(1) the sum of one plus the number of the mem-*

4 *ber’s dependents covered by the health benefits plan,*

5 *by*

6 *“(2) the per capita cost of providing TRICARE*

7 *coverage and benefits for dependents under this chap-*

8 *ter for such fiscal year, as determined by the Sec-*

9 *retary of Defense.*

10 *“(f) BENEFITS COVERAGE CONTINUATION PERIOD.—*

11 *The benefits coverage continuation period under this section*

12 *for qualified health benefits plan coverage in the case of a*

13 *member called or ordered to active duty is the period that—*

14 *“(1) begins on the date of the call or order; and*

15 *“(2) ends on the earlier of—*

16 *“(A) the date on which the member’s eligi-*

17 *bility for transitional health care under section*

18 *1145(a) of this title terminates under paragraph*

19 *(3) of such section;*

20 *“(B) the date on which the member elects to*

21 *terminate the continued qualified health benefits*

22 *plan coverage of the dependents of the member;*

23 *or*

24 *“(C) September 30, 2004.*

1 “(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—

2 Notwithstanding any other provision of law—

3 “(1) any period of coverage under a COBRA
4 continuation provision (as defined in section
5 9832(d)(1) of the Internal Revenue Code of 1986) for
6 a member under this section shall be deemed to be
7 equal to the benefits coverage continuation period for
8 such member under this section; and

9 “(2) with respect to the election of any period of
10 coverage under a COBRA continuation provision (as
11 so defined), rules similar to the rules under section
12 4980B(f)(5)(C) of such Code shall apply.

13 “(h) NONDUPLICATION OF BENEFITS.—A dependent of
14 a member who is eligible for benefits under qualified health
15 benefits plan coverage paid on behalf of a member by the
16 Secretary concerned under this section is not eligible for
17 benefits under the TRICARE program during a period of
18 the coverage for which so paid.

19 “(i) REVOCABILITY OF ELECTION.—A member who
20 makes an election under subsection (a) may revoke the elec-
21 tion. Upon such a revocation, the member's dependents shall
22 become eligible for benefits under the TRICARE program
23 as provided for under this chapter.

24 “(j) REGULATIONS.—The Secretary of Defense shall
25 prescribe regulations for carrying out this section. The regu-

1 lations shall include such requirements for making an elec-
2 tion of payment of applicable premiums as the Secretary
3 considers appropriate.”.

4 (2) The table of sections at the beginning of such chap-
5 ter is amended by inserting after the item relating to section
6 1078a the following new item:

“1078b. Continuation of non-TRICARE health benefits plan coverage for certain
Reserves called or ordered to active duty and their dependents.”.

7 (b) Section 1078b of title 10, United States Code (as
8 added by subsection (a)), shall apply with respect to calls
9 or orders of members of reserve components of the Armed
10 Forces to active duty as described in subsection (b) of such
11 section, that are issued by the Secretary of a military de-
12 partment before, on, or after the date of the enactment of
13 this Act, but only with respect to qualified health benefits
14 plan coverage (as described in subsection (c) of such section)
15 that is in effect on or after the date of the enactment of
16 this Act.

17 (c) The benefits provided under section 1078b of title
18 10, United States Code (as added by subsection (a)), shall
19 be provided only within funds available under this Act.

20 SEC. 320. (a) Section 1074 of title 10, United States
21 Code, is amended by adding at the end the following new
22 subsection:

23 “(d)(1) For the purposes of this chapter, a member of
24 a reserve component of the armed forces who is issued a

1 *delayed-effective-date active-duty order, or is covered by*
2 *such an order, shall be treated as being on active duty for*
3 *a period of more than 30 days beginning on the later of*
4 *the date that is—*

5 “(A) *the date of the issuance of such order; or*
6 “(B) *90 days before date on which the period of*
7 *active duty is to commence under such order for that*
8 *member.*

9 “(2) *In this subsection, the term ‘delayed-effective-date*
10 *active-duty order’ means an order to active duty for a pe-*
11 *riod of more than 30 days in support of a contingency oper-*
12 *ation under a provision of law referred to in section*
13 *101(a)(13)(B) of this title that provides for active-duty serv-*
14 *ice to begin under such order on a date after the date of*
15 *the issuance of the order.*

16 “(3) *This section shall cease to be effective on Sep-*
17 *tember 30, 2004.”.*

18 (b) *The benefits provided under the amendment made*
19 *by subsection (a) shall be provided only within funds avail-*
20 *able under this Act.*

21 SEC. 321. (a) *Subject to subsection (b), during the pe-*
22 *riod beginning on the date of the enactment of this Act and*
23 *ending on September 30, 2004, section 1145(a) of title 10,*
24 *United States Code, shall be administered by substituting*
25 *for paragraph (3) the following:*

1 “(3) *Transitional health care for a member under sub-*
2 *section (a) shall be available for 180 days beginning on the*
3 *date on which the member is separated from active duty.”.*

4 (b)(1) *Subsection (a) shall apply with respect to sepa-*
5 *rations from active duty that take effect on or after the date*
6 *of the enactment of this Act.*

7 (2) *Beginning on October 1, 2004, the period for which*
8 *a member is provided transitional health care benefits*
9 *under section 1145(a) of title 10, United States Code, shall*
10 *be adjusted as necessary to comply with the limits provided*
11 *under paragraph (3) of such section.*

12 (c) *The benefits provided under the amendment made*
13 *by subsection (a) shall be provided only within funds avail-*
14 *able under this Act.*

15 SEC. 322. (a) *Of the funds provided in this title under*
16 *the heading “IRAQ FREEDOM FUND” up to \$191,100,000*
17 *be available for the procurement of Up-Armored High Mo-*
18 *bility Multipurpose Wheeled Vehicles in addition to the*
19 *number of such vehicles for which funds are provided within*
20 *the amount specified under such heading.*

21 (b) *The Secretary of the Army shall reevaluate the re-*
22 *quirements of the Army for armored security vehicles and*
23 *the options available to the Army for procuring armored*
24 *security vehicles to meet the validated requirements.*

1 *SEC. 323. (a) Of the amounts appropriated by chapter*
2 *1 of this title under the heading "OPERATION AND MAINTE-*
3 *NANCE, ARMY" and available for the operating expenses of*
4 *the Coalition Provisional Authority (CPA), \$10,000,000*
5 *shall be available for the establishment of the Office of the*
6 *Inspector General of the Coalition Provisional Authority*
7 *and for related operating expenses of the Office.*

8 *(b) The Office of the Inspector General of the Coalition*
9 *Provisional Authority shall be established not later than 30*
10 *days after the date of the enactment of this Act.*

11 *(c)(1) The head of the Office of the Inspector General*
12 *of the Coalition Provisional Authority shall be the Inspector*
13 *General of the Coalition Provisional Authority.*

14 *(2) The Inspector General shall be appointed by the*
15 *President in accordance with, and shall otherwise be subject*
16 *to the provisions of, section 3 of the Inspector General Act*
17 *of 1978 (5 U.S.C. App.), except that the person nominated*
18 *for appointment as Inspector General may assume the du-*
19 *ties of the office on an acting basis pending the advice and*
20 *consent of the Senate.*

21 *(3) The Inspector General shall have the duties, respon-*
22 *sibilities, and authorities of inspectors general under the In-*
23 *spector General Act of 1978. In carrying out such duties,*
24 *responsibilities, and authorities, the Inspector General shall*

1 coordinate with, and receive the cooperation of, the Inspector
2 General of the Department of Defense.

3 (d)(1) Except as provided in paragraph (2), not later
4 than 75 days after the date of the enactment of this Act,
5 and every 10 days thereafter, the Inspector General of the
6 Coalition Provisional Authority shall submit to the Com-
7 mittees on Appropriations and Foreign Relations of the
8 Senate and the Committees on Appropriations and Inter-
9 national Relations of the House of Representatives a report
10 that sets forth—

11 (A) an assessment of the financial controls of the
12 Coalition Provisional Authority;

13 (B) a description of any financial irregularities
14 that may have occurred in the activities of the Au-
15 thority;

16 (C) a description of—

17 (i) any irregularities relating to the admin-
18 istration of laws providing for full and open
19 competition in contracting (as defined in section
20 4(6) of the Office of Federal Procurement Policy
21 Act (41 U.S.C. 403(6))); and

22 (ii) any other irregularities related to pro-
23 curement;

1 (D) a description of any actions taken by the Inspector General to improve such financial controls or
2 address such financial irregularities;

4 (E) a description of the programmatic goals of
5 the Coalition Provisional Authority; and

6 (F) an assessment of the performance of the Coalition Provisional Authority, including progress made
7 by the Coalition Provisional Authority in facilitating
8 a transition to levels of security, stability, and self-
9 government in Iraq sufficient to make the presence of
10 the Coalition Provisional Authority no longer nec-
11 essary.

13 (2) The Inspector General of the Department of Defense
14 shall prepare and submit the reports otherwise required to
15 be submitted by the Inspector General of the Coalition Pro-
16 visional Authority under paragraph (1) until the earlier
17 of—

18 (A) the date that is 150 days after the date of
19 the enactment of this Act; or

20 (B) the date on which a determination is made
21 by the Inspector General of the Coalition Provisional
22 Authority that the Office of the Inspector General of
23 the Coalition Provisional Authority is capable of pre-
24 paring timely, accurate, and complete reports in com-
25 pliance with the requirements under paragraph (1).

1 (3) The reports under this subsection are in addition
2 to the semiannual reports required of the Inspector General
3 by section 5 of the Inspector General Act of 1978 and any
4 other reports required of the Inspector General by law.

5 (4) The Inspector General of the Coalition Provisional
6 Authority (or the Inspector General of the Department of
7 Defense, as applicable) shall publish each report under this
8 subsection on the Internet website of the Coalition Provi-
9 sional Authority.

10 (e) The Office of the Inspector General of the Coalition
11 Provisional Authority shall terminate on the first day that
12 both of the following conditions have been met:

13 (1) the Coalition Provisional Authority has
14 transferred responsibility for governing Iraq to an in-
15 digenous Iraqi government; and

16 (2) a United States mission to Iraq, under the
17 direction and guidance of the Secretary of State, has
18 undertaken to perform the responsibility for admin-
19 istering United States assistance efforts in Iraq.

20 SEC. 324. REPORT ON REPLACEMENT OF U.S.

21 TROOPS. (a) FINDINGS.—The Senate finds that:

22 (1) The Coalition Provisional Authority states
23 that 80 percent of Iraq is a permissive environment
24 with people returning to a normal pace of life, while
25 20 percent is less permissive with entrenched Saddam

1 *loyalists, international terrorists and general lawless-*
2 *ness hindering recovery efforts.*

3 *(2) On September 9, Deputy Secretary of Defense*
4 *John Wolfowitz testified, “. . . the predominantly*
5 *Shia south [of Iraq] has been stable and I would say*
6 *far more stable than most pre-war predictions would*
7 *have given you. And the mixed Arab, Turkish, Kurd-*
8 *ish north has also been remarkably stable, again, con-*
9 *trary to fears that many of us had that we might face*
10 *large-scale ethnic conflict.”.*

11 *(3) On September 14, Secretary of State Colin*
12 *Powell stated, “We see attacks against our coalition*
13 *on a daily basis . . . but in many parts of the coun-*
14 *try things are quite secure and stable.”.*

15 *(4) The Coalition Provisional Authority states*
16 *that a major focus of its security efforts has been to*
17 *increase Iraqi participation in and responsibility for*
18 *a safe and secure Iraq.*

19 *(5) On September 14, Secretary of Defense Don-*
20 *ald Rumsfeld stated, “90 percent of the people in Iraq*
21 *are now living in an area that’s governed by a city*
22 *council, or a village council.”.*

23 *(6) The Coalition Provisional Authority reports*
24 *that 60,000 Iraqis are now assisting in security, in-*
25 *cluding 46,000 Iraqi police nationwide.*

1 (7) Of the 160,000 coalition military personnel
2 serving in Iraq, 20,000 are comprised of non-United
3 States forces.

4 (b) REPORT.—Beginning 30 days after the enactment
5 of this Act, the President or his designee shall submit a
6 monthly report to Congress detailing—

7 (1) the areas of Iraq determined to be largely se-
8 cure and stable; and

9 (2) the extent to which United States troops have
10 been replaced by non-United States coalition forces,
11 United Nation forces, or Iraqi forces in the areas de-
12 termined to be largely secure and stable under this
13 subsection.

14 SEC. 325. (a) Congress makes the following findings:

15 (1) During Operation Desert Shield and Oper-
16 ation Desert Storm (in this section, collectively re-
17 ferred to as the “First Gulf War”), the regime of Sad-
18 dam Hussein committed grave human rights abuses
19 and acts of terrorism against the people of Iraq and
20 citizens of the United States.

21 (2) United States citizens who were taken pris-
22 oner by the regime of Saddam Hussein during the
23 First Gulf War were brutally tortured and forced to
24 endure severe physical trauma and emotional abuse.

1 (3) *The regime of Saddam Hussein used civilian
2 citizens of the United States who were working in the
3 Persian Gulf region before and during the First Gulf
4 War as so-called human shields, threatening the per-
5 sonal safety and emotional well-being of such civil-
6 ians.*

7 (4) *Congress has recognized and authorized the
8 right of United States citizens, including prisoners of
9 war, to hold terrorist states, such as Iraq during the
10 regime of Saddam Hussein, liable for injuries caused
11 by such states.*

12 (5) *The United States district courts are author-
13 ized to adjudicate cases brought by individuals in-
14 jured by terrorist states.*

15 (b) *It is the sense of Congress that—*

16 (1) *notwithstanding section 1503 of the Emer-
17 gency Wartime Supplemental Appropriations Act,
18 2003 (Public Law 108–11; 117 Stat. 579) and any
19 other provision of law, a citizen of the United States
20 who was a prisoner of war or who was used by the
21 regime of Saddam Hussein and by Iraq as a so-called
22 human shield during the First Gulf War should have
23 the opportunity to have any claim for damages
24 caused by the regime of Saddam Hussein and by Iraq*

1 *incurred by such citizen fully adjudicated in the ap-*
2 *propriate United States district court;*

3 *(2) any judgment for such damages awarded to*
4 *such citizen, or the family of such citizen, should be*
5 *fully enforced; and*

6 *(3) the Attorney General should enter into nego-*
7 *tiations with each such citizen, or the family of each*
8 *such citizen, to develop a fair and reasonable method*
9 *of providing compensation for the damages each such*
10 *citizen incurred, including using assets of the regime*
11 *of Saddam Hussein held by the Government of the*
12 *United States or any other appropriate sources to*
13 *provide such compensation.*

14 SEC. 326. (a) *FINDINGS.—Congress makes the fol-*
15 *lowing findings:*

16 *(1) The National Guard and Reserves have*
17 *served the Nation in times of national crises for more*
18 *than 200 years. The National Guard and Reserves are*
19 *a critical component of homeland security and na-*
20 *tional defense.*

21 *(2) The current deployments of many members of*
22 *the National Guard and Reserve have made them ab-*
23 *sent from their communities for an abnormally long*
24 *time. This has diminished the ability of the National*
25 *Guard to conduct its State missions.*

1 (3) *Many members of the National Guard and*
2 *Reserves have been on active duty for more than a*
3 *year, and many more have had their tours of active*
4 *duty involuntarily extended while overseas.*

5 (b) *REPORT ON UTILIZATION OF NATIONAL GUARD*
6 *AND RESERVES.—(1) Not later than 60 days after the date*
7 *of the enactment of this Act, the Secretary of Defense shall*
8 *submit to the Committees on Armed Services of the Senate*
9 *and House of Representatives a report on the utilization*
10 *of the National Guard and Reserves in support of contin-*
11 *gency operations during fiscal year 2004.*

12 (2) *The report under this subsection shall include the*
13 *following:*

14 (A) *Information on each National Guard and*
15 *Reserve unit currently deployed, including—*

16 (i) *the unit name or designation;*
17 (ii) *the number of personnel deployed;*
18 (iii) *the projected return date to home sta-*
19 *tion; and*

20 (iv) *the schedule, if any, for the replacement*
21 *of the unit with a Regular or multinational*
22 *unit.*

23 (B) *Information on current operations tempo,*
24 *including—*

1 (i) the length of deployment of each National
2 Guard and Reserve unit currently de-
3 ployed, organized by unit and by State;

4 (ii) in the case of each National Guard and
5 Reserve unit on active duty during the two-year
6 period ending on the date of the report, the ag-
7 gregate amount of time on active duty during
8 such two-year period; and

9 (iii) the percentage of National Guard and
10 Reserve forces in the total deployed force in each
11 current domestic and overseas contingency oper-
12 ation.

13 (C) Information on current recruitment and re-
14 tention of National Guard and Reserve personnel, in-
15 cluding—

16 (i) any shortfalls in recruitment and reten-
17 tion;

18 (ii) any plans to address such shortfalls or
19 otherwise to improve recruitment or retention;
20 and

21 (iii) the effects on recruitment and retention
22 over the long term of extended periods of activa-
23 tion of National Guard or Reserve personnel.

24 (3) The report under this subsection shall be organized
25 in a format that permits a ready assessment of the deploy-

1 ment of the National Guard and Reserves by State, by var-
2 ious geographic regions of the United States, and by Armed
3 Force.

4 (c) *REPORT ON EFFECTS OF UTILIZATION OF NA-*
5 TIONAL GUARD AND RESERVES ON LAW ENFORCEMENT
6 AND HOMELAND SECURITY.—(1) Not later than 60 days
7 after the date of the enactment of this Act, the Secretary
8 of Homeland Security shall, in consultation with the chief
9 executive officers of the States, submit to Congress a report
10 on the effects of the deployment of the National Guard and
11 Reserves on law enforcement and homeland security in the
12 United States.

13 (2) The report under this subsection shall include the
14 following:

15 (A) The number of civilian first responders on
16 active duty with the National Guard or Reserves who
17 are currently deployed overseas.

18 (B) The number of first responder personnel of
19 the National Guard or Reserves who are currently de-
20 ployed overseas.

21 (C) An assessment by State of the ability of the
22 States to respond to emergencies without currently de-
23 ployed National Guard personnel.

24 SEC. 327. (a) *FINDINGS.*—Congress makes the fol-
25 lowing findings:

1 (1) *The Iraq Survey Group is charged with in-*
2 *vestigating the weapons of mass destruction programs*
3 *of Iraq.*

4 (2) *The Special Advisor to the Director of Cen-*
5 *tral Intelligence for Strategy and Iraq heads the ef-*
6 *forts of the Iraq Survey Group.*

7 (b) *QUARTERLY REPORTS ON STATUS OF EFFORTS OF*
8 *IRAQ SURVEY GROUP.*—Not later than January 1, 2004,
9 and every three months thereafter through September 30,
10 2004, the Special Advisor to the Director of Central Intel-
11 ligence for Strategy and Iraq shall submit to the appro-
12 priate committees of Congress a comprehensive written re-
13 port on the status of the efforts of the Iraq Survey Group
14 to account for the programs of Iraq on weapons of mass
15 destruction and related delivery systems.

16 (c) *FORM OF REPORT.*—Each report required by sub-
17 section (b) shall be submitted in both classified and unclas-
18 sified form.

19 (d) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
20 *FINED.*—In this section, the term “appropriate committees

21 *of Congress” means—*

22 (1) *the Select Committee on Intelligence and the*
23 *Subcommittee on Defense of the Committee on Appro-*
24 *priations of the Senate; and*

1 (2) the Permanent Select Committee on Intel-
2 ligence and the Subcommittee on Defense of the Com-
3 mittee on Appropriations of the House of Representa-
4 tives.

5 SEC. 328. (a) In the administration of laws and poli-
6 cies on the period for which members of reserve components
7 of the Armed Forces called or ordered to active duty under
8 a provision of law referred to in section 101(a)(13)(B) of
9 title 10, United States Code, are deployed outside the
10 United States, the deployment shall be considered to have
11 begun on the first day of the active-duty service to which
12 called or ordered and shall be considered to have ended on
13 the last day of the active-duty service to which called or
14 ordered.

15 (b) The Secretary of Defense may waive the require-
16 ments of subsection (a) in any case in which the Secretary
17 determines that it is necessary to do so to respond to a na-
18 tional security emergency or to meet dire operational re-
19 quirements of the Armed Forces.

20 SEC. 329. Of the amounts appropriated by this title,
21 \$10,000,000 shall be available only for the Family Readi-
22 ness Program of the National Guard.

23 SEC. 330. (a) FINDINGS.—Congress makes the fol-
24 lowing findings:

1 (1) *The Committee on Armed Services of the
2 Senate specified in Senate Report 107-151 to accom-
3 pany S. 2514 (107th Congress) that the Chief of
4 Naval Operations submit to the congressional defense
5 committees a report, not later than June 2, 2003, on
6 the plans of the Navy for basing aircraft carriers
7 through 2015.*

8 (2) *As of October 16, 2003, the report has not
9 been submitted.*

10 (b) *REPORT ON AIRCRAFT CARRIER BASING PLANS
11 THROUGH 2020.—Not later than 120 days after the date
12 of the enactment of this Act, the Secretary of Defense shall
13 submit to the congressional defense committees a report on
14 the plans of the Navy for basing aircraft carriers through
15 2020.*

16 SEC. 331. (a) *In addition to the strengths authorized
17 by law for personnel of the Army as of September 30, 2004,
18 pursuant to paragraphs (1) and (2) of section 115(a) of
19 title 10, United States Code, the Army is hereby authorized
20 an additional strength of 10,000 personnel as of such date,
21 which the Secretary of the Army may allocate as the Sec-
22 retary determines appropriate among the personnel
23 strengths required by such section to be authorized annually
24 under subparagraphs (A) and (B) of paragraph (1) of such
25 section and paragraph (2) of such section.*

1 (b) *The additional personnel authorized under sub-*
2 *section (a) shall be trained, incorporated into an appro-*
3 *priate force structure, and used to perform constabulary*
4 *duty in such specialties as military police, light infantry,*
5 *civil affairs, and special forces, and in any other military*
6 *occupational specialty that is appropriate for constabulary*
7 *duty.*

8 (c) *Of the amount appropriated under chapter 1 of this*
9 *title for the Iraq Freedom Fund, \$409,000,000 shall be*
10 *available for necessary expenses for the additional personnel*
11 *authorized under subsection (a).*

12 SEC. 332. (a) *SHORT TITLE.—This section may be*
13 *cited as the “Reservists Pay Security Act of 2003”.*

14 (b) *NONREDUCTION IN PAY WHILE FEDERAL EM-*
15 *PLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNI-*
16 *FORMED SERVICES OR NATIONAL GUARD.—*

17 (1) *IN GENERAL.—Subchapter IV of chapter 55*
18 *of title 5, United States Code, is amended by adding*
19 *at the end the following:*

20 **“§5538. Nonreduction in pay while serving in the uni-**
21 **formed services or National Guard**

22 “(a) *An employee who is absent from a position of em-*
23 *ployment with the Federal Government in order to perform*
24 *active duty in the uniformed services pursuant to a call*
25 *or order to active duty under a provision of law referred*

1 to in section 101(a)(13)(B) of title 10 shall be entitled, while
2 serving on active duty, to receive, for each pay period de-
3 scribed in subsection (b), an amount equal to the amount
4 by which—

5 “(1) the amount of basic pay which would other-
6 wise have been payable to such employee for such pay
7 period if such employee’s civilian employment with
8 the Government had not been interrupted by that
9 service, exceeds (if at all)

10 “(2) the amount of pay and allowances which
11 (as determined under subsection (d))—

12 “(A) is payable to such employee for that
13 service; and

14 “(B) is allocable to such pay period.

15 “(b)(1) Amounts under this section shall be payable
16 with respect to each pay period (which would otherwise
17 apply if the employee’s civilian employment had not been
18 interrupted)—

19 “(A) during which such employee is entitled to
20 reemployment rights under chapter 43 of title 38 with
21 respect to the position from which such employee is
22 absent (as referred to in subsection (a)); and

23 “(B) for which such employee does not otherwise
24 receive basic pay (including by taking any annual,
25 military, or other paid leave) to which such employee

1 *is entitled by virtue of such employee's civilian em-*
2 *ployment with the Government.*

3 “(2) *For purposes of this section, the period during*
4 *which an employee is entitled to reemployment rights under*
5 *chapter 43 of title 38—*

6 “(A) *shall be determined disregarding the provi-*
7 *sions of section 4312(d) of title 38; and*

8 “(B) *shall include any period of time specified*
9 *in section 4312(e) of title 38 within which an em-*
10 *ployee may report or apply for employment or reem-*
11 *ployment following completion of the service on active*
12 *duty to which called or ordered as described in sub-*
13 *section (a).*

14 “(c) *Any amount payable under this section to an em-*
15 *ployee shall be paid—*

16 “(1) *by such employee's employing agency;*

17 “(2) *from the appropriation or fund which*
18 *would be used to pay the employee if such employee*
19 *were in a pay status; and*

20 “(3) *to the extent practicable, at the same time*
21 *and in the same manner as would basic pay if such*
22 *employee's civilian employment had not been inter-*
23 *rupted.*

24 “(d) *The Office of Personnel Management shall, in con-*
25 *sultation with Secretary of Defense, prescribe any regula-*

1 tions necessary to carry out the preceding provisions of this
2 section.

3 “(e)(1) The head of each agency referred to in section
4 2302(a)(2)(C)(ii) shall, in consultation with the Office, pre-
5 scribe procedures to ensure that the rights under this section
6 apply to the employees of such agency.

7 “(2) The Administrator of the Federal Aviation Ad-
8 ministration shall, in consultation with the Office, prescribe
9 procedures to ensure that the rights under this section apply
10 to the employees of that agency.

11 “(f) In this section—

12 “(1) the terms ‘employee’, ‘Federal Government’,
13 and ‘uniformed services’ have the same respective
14 meanings as given them in section 4303 of title 38;

15 “(2) the term ‘employing agency’, as used with
16 respect to an employee entitled to any payments
17 under this section, means the agency or other entity
18 of the Government (including an agency referred to in
19 section 2302(a)(2)(C)(ii)) with respect to which such
20 employee has reemployment rights under chapter 43
21 of title 38; and

22 “(3) the term ‘basic pay’ includes any amount
23 payable under section 5304.”.

24 (2) TECHNICAL AND CONFORMING AMEND-
25 MENT.—The table of sections for chapter 55 of title 5,

1 *United States Code, is amended by inserting after the*
2 *item relating to section 5537 the following:*

“5538. Nonreduction in pay while serving in the uniformed services or National
Guard.”.

3 *(3) EFFECTIVE PERIOD.—The amendments made*
4 *by this section shall apply with respect to pay periods*
5 *(as described in section 5538(b) of title 5, United*
6 *States Code, as amended by this section) beginning on*
7 *or after the date of enactment of this section and end-*
8 *ing September 30, 2004.*

9 *SEC. 333. (a) FINDINGS.—Congress makes the fol-*
10 *lowing findings:*

11 *(1) That on October 7, 2001, the Armed Forces*
12 *of the United States and its coalition allies launched*
13 *military operations in Afghanistan, designated as*
14 *Operation Enduring Freedom, that quickly caused the*
15 *collapse of the Taliban regime, the elimination of Af-*
16 *ghanistan’s terrorist infrastructure and the capture of*
17 *significant and numerous members of Al Qaeda.*

18 *(2) That on March 19, 2003, the Armed Forces*
19 *of the United States and its coalition allies launched*
20 *military operations, designated as Operation Iraqi*
21 *Freedom, that quickly caused the collapse of Saddam*
22 *Hussein’s regime, the elimination of Iraq’s terrorist*
23 *infrastructure, the end of Iraq’s illicit and illegal pro-*

1 grams to acquire weapons of mass destruction, and
2 the capture of significant international terrorists.

3 (3) That success in those two campaigns in the
4 Global War on Terrorism would not have been pos-
5 sible without the dedication, courage, and service of
6 the members of the United States Armed Forces and
7 their coalition partners.

8 (4) That throughout the proud military history
9 of our Nation, we have recognized our brave men and
10 women of the Armed Forces by awarding them service
11 medals for personal bravery and other leadership ac-
12 tions and for their service in military operations
13 abroad and for support operations at home and
14 abroad.

15 (5) That historically the President has relied on
16 senior military officers to recommend the personal
17 and theater campaign medals and that, in keeping
18 with these longstanding traditions, the Joint Chiefs of
19 Staff and the combatant commanders, including Gen-
20 eral Tommy Franks, United States Army, former
21 Commander of the United States Central Command,
22 recommended the awards described below in recogni-
23 tion of the worldwide nature of the current conflict.

24 (6) That following the advice of his senior mili-
25 tary and civilian defense leaders, President Bush, by

1 *Executive Order 13289 on March 12, 2003, estab-*
2 *lished the Global War on Terrorism Expeditionary*
3 *Medal to be awarded to service members who serve in*
4 *military operations to combat terrorism on or after*
5 *September 11, 2001, including, but not limited to ac-*
6 *tions in Operation Enduring Freedom and Operation*
7 *Iraqi Freedom, in such locations as Afghanistan,*
8 *Iraq, the Republic of the Philippines, and elsewhere*
9 *in Southwest Asia, in recognition of the sacrifice and*
10 *contributions military members make in the global*
11 *war on terrorism.*

12 *(7) That eligibility for the Global War on Ter-*
13 *rorism Expeditionary Medal is predicated on deploy-*
14 *ment abroad for 30 days or more in support of Global*
15 *War on Terrorism operations on or after September*
16 *11, 2001.*

17 *(8) That by the same Executive Order, the Presi-*
18 *dent established the Global War on Terrorism Service*
19 *Medical recognizing duty in Operation Noble Eagle*
20 *and the homeland defense mission against further ter-*
21 *rorist attacks, and which recognizes duty in support*
22 *of military operations performed in areas that do not*
23 *qualify for the Global War on Terrorism Expedi-*
24 *tionary Medal.*

1 (9) That implementing regulations for eligibility
2 have not been issued by the Secretary of Defense.

3 (b) SENSE OF THE SENATE ON THE AWARD OF CAM-
4 PAIGN MEDAL.—It is the sense of the Senate that the Sec-
5 retary of Defense should, on an expedited basis, issue the
6 necessary regulations to implement these awards and ensure
7 that any person who renders qualifying service with the
8 Armed Forces in those phases of the Global War on Ter-
9 rorism including Operation Iraqi Freedom, Operation En-
10 during Freedom and Operation Noble Eagle should prompt-
11 ly receive these awards.

12 SEC. 334. Notwithstanding any other provision of law,
13 the Federal share of the cost of any disaster relief payment
14 made under the Robert T. Stafford Disaster Relief and
15 Emergency Assistance Act (42 U.S.C. 5121 et seq.) for dam-
16 age caused by Hurricane Isabel shall be 90 percent.

17 SEC. 335. Of the funds appropriated by this Act,
18 \$500,000,000 shall be available for repair or replacement
19 of Department of Defense and National Aeronautics and
20 Space Administration infrastructure damaged or destroyed
21 by Hurricane Isabel, related flooding, or other related nat-
22 ural forces: Provided, That the entire amount is designated
23 by the Congress as an emergency requirement pursuant to
24 section 502 of House Concurrent Resolution 95 (108th Con-
25 gress): Provided further, That the entire amount shall be

1 available only to the extent that an official budget request
2 for a specific dollar amount, that includes the designation
3 of the entire amount of the request as an emergency require-
4 ment as defined in House Concurrent Resolution 95, the
5 concurrent resolution on the budget for fiscal year 2004, is
6 transmitted by the President to the Congress.

7 **TITLE II—INTERNATIONAL AFFAIRS**

8 **CHAPTER 1**

9 **DEPARTMENT OF STATE**

10 **ADMINISTRATION OF FOREIGN AFFAIRS**

11 **DIPLOMATIC AND CONSULAR PROGRAMS**

12 *(INCLUDING RESCISSION)*

13 *Of the funds provided under this heading in Public
14 Law 108–11 (117 Stat. 561), \$35,800,000 are rescinded.*

15 *For an additional amount for “Diplomatic and Con-
16 sular Programs”, \$35,800,000, to remain available until
17 September 30, 2005.*

18 **EMERGENCIES IN THE DIPLOMATIC AND CONSULAR**

19 **SERVICE**

20 *For an additional amount for “Emergencies in the
21 Diplomatic and Consular Service”, \$90,500,000, to remain
22 available until expended: Provided, That of the funds made
23 available under this heading, \$50,000,000 shall only be
24 available for rewards: Provided further, That of the funds
25 made available under this heading, \$32,000,000 is for the
26 reimbursement of the City of New York for costs associated*

1 *with the protection of foreign missions and officials during*
2 *the heightened state of alert following the September 11,*
3 *2001, terrorist attacks on the United States: Provided fur-*
4 *ther, That of the funds made available under this heading,*
5 *\$8,500,000 is for costs associated with the 2003 Free Trade*
6 *Area of the Americas Ministerial meeting: Provided further,*
7 *That of the funds previously appropriated under this head-*
8 *ing, \$2,000,000 is for rewards for an indictee of the Special*
9 *Court for Sierra Leone: Provided further, That of prior year*
10 *unobligated balances available under this heading,*
11 *\$8,451,000 shall be transferred to and merged with the ap-*
12 *propriation for “Diplomatic and Consular Programs” and*
13 *shall be available only for the Border Security Program:*
14 *Provided further, That the entire amount shall be available*
15 *only to the extent that an official budget request for*
16 *\$90,500,000, that includes designation of the entire amount*
17 *of the request as an emergency requirement as defined in*
18 *House Concurrent Resolution 95, the concurrent resolution*
19 *on the budget for fiscal year 2004, is transmitted by the*
20 *President to the Congress.*

1 CHAPTER 2

2 *BILATERAL ECONOMIC ASSISTANCE*3 *FUNDS APPROPRIATED TO THE PRESIDENT*4 *UNITED STATES AGENCY FOR INTERNATIONAL*5 *DEVELOPMENT*6 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*7 *FOR INTERNATIONAL DEVELOPMENT*8 *For an additional amount for “Operating Expenses of*9 *the United States Agency for International Development”,*10 *\$40,000,000, of which not less than \$4,000,000 shall be*11 *transferred to and merged with “Operating Expenses of the*12 *United States Agency for International Development Office*13 *of Inspector General” for financial and performance audits*14 *of the Iraq Relief and Reconstruction Fund and other as-*15 *sistance to Iraq, to remain available until September 30,*16 *2005.*17 *CAPITAL INVESTMENT FUND*18 *For an additional amount for “Capital Investment*19 *Fund”, \$60,500,000, to remain available until expended:*20 *Provided, That the entire amount shall be available only*21 *to the extent that an official budget request for \$60,500,000,*22 *that includes designation of the entire amount of the request*23 *as an emergency requirement as defined in House Concur-*24 *rent Resolution 98 (108th Congress), the concurrent resolu-*25 *tion on the budget for fiscal year 2004, is transmitted by*26 *the President to the Congress.*

1 **OTHER BILATERAL ECONOMIC ASSISTANCE**2 **FUNDS APPROPRIATED TO THE PRESIDENT**3 ***IRAQ RELIEF AND RECONSTRUCTION FUND***4 ***(INCLUDING TRANSFERS OF FUNDS)***

5 *For necessary expenses for security, rehabilitation and*

6 *reconstruction in Iraq, \$18,449,000,000, to remain avail-*

7 *able until expended, to be allocated as follows:*

8 *\$3,243,000,000 for security and law enforcement;*

9 *\$1,318,000,000 for justice, public safety infrastructure, and*

10 *civil society; \$5,560,000,000 for the electric sector;*

11 *\$1,900,000,000 for oil infrastructure; \$4,332,000,000 for*

12 *water resources and sanitation; \$500,000,000 for transpor-*

13 *tation and telecommunications; \$370,000,000 for roads,*

14 *bridges, and construction; \$793,000,000 for health care;*

15 *\$153,000,000 for private sector development; and*

16 *\$280,000,000 for education, refugees, human rights, democ-*

17 *racy, and governance: Provided, That of the funds made*

18 *available pursuant to the previous proviso, not less than*

19 *\$100,000,000 shall be made available for democracy build-*

20 *ing activities in Iraq: Provided further, That none of the*

21 *funds appropriated under this heading may be allocated for*

22 *any capital project, including construction of a prison, hos-*

23 *pital, housing community, railroad, or government build-*

24 *ing, until the Coalition Provisional Authority submits a re-*

25 *port to the Committees on Appropriations describing in de-*

1 tail the estimated costs (including the costs of consultants,
2 design, materials, shipping, and labor) on which the request
3 for funds for such project is based: Provided further, That
4 in order to control costs, to the maximum extent practicable
5 Iraqis with the necessary qualifications should be consulted
6 and utilized in the design and implementation of programs,
7 projects, and activities funded under this heading: Provided
8 further, That the Administrator of the United States Agency
9 for International Development (USAID) shall seek to ensure
10 that programs, projects, and activities administered by
11 USAID in Iraq and Afghanistan comply fully with
12 USAID's "Policy Paper: Disability" issued on September
13 12, 1997: Provided further, That the Administrator shall
14 submit a report to the Committees on Appropriations not
15 later than December 31, 2004, describing the manner in
16 which the needs of people with disabilities were met in the
17 development and implementation of USAID programs,
18 projects, and activities in Iraq and Afghanistan in fiscal
19 year 2004: Provided further, That the Administrator, not
20 later than 180 days after enactment of this Act and in con-
21 sultation, as appropriate, with other appropriate depart-
22 ments and agencies, the Architectural and Transportation
23 Barriers Compliance Board, and nongovernmental organi-
24 zations with expertise in the needs of people with disabil-
25 ities, shall develop and implement appropriate standards

1 for access for people with disabilities for construction
2 projects funded by USAID: Provided further, That of the
3 funds appropriated under this heading, assistance shall be
4 made available for Iraqi civilians who have suffered losses
5 as a result of military operations: Provided further, That
6 not later than 90 days after enactment of this Act the Sec-
7 retary of State, in consultation with the Secretary of De-
8 fense, shall submit a report to the Committees on Appro-
9 priations describing the progress made toward indicting
10 and trying leaders of the former Iraqi regime for war
11 crimes, genocide, or crimes against humanity: Provided fur-
12 ther, That notwithstanding any provision of this chapter,
13 none of the funds appropriated under this heading may be
14 made available to enter into any contract or follow-on con-
15 tract that uses other than full and open competitive con-
16 tracting procedures as defined in 41 U.S.C. 403(6): Pro-
17 vided further, That the President may waive the require-
18 ments of the previous proviso if he determines that it is
19 necessary to do so as a result of unforeseen or emergency
20 circumstances: Provided further, That the President may
21 reallocate funds provided under this heading: Provided fur-
22 ther, That these funds may be transferred to any Federal
23 account for any Federal Government activity to accomplish
24 the purposes provided herein: Provided further, That upon
25 a determination that all or part of the funds so transferred

1 from this appropriation are not necessary for the purposes
2 provided herein, such amounts may be transferred back to
3 this appropriation: Provided further, That contributions of
4 funds for the purposes provided herein from any person,
5 foreign government, or international organization, may be
6 credited to this Fund and used for such purposes: Provided
7 further, That funds appropriated under this heading or
8 transferred or reallocated under provisions of this chapter
9 or section 632 of the Foreign Assistance Act of 1961 that
10 are made available for assistance for Iraq shall be subject
11 to notifications of the Committees on Appropriations, except
12 that the notifications shall be transmitted at least 5 days
13 in advance of the obligation of funds: Provided further,
14 That the Coalition Provisional Authority shall work, in
15 conjunction with relevant Iraqi officials, to ensure that a
16 new Iraqi constitution preserves full rights to religious free-
17 dom for all individuals, including a prohibition on laws
18 that would criminalize blasphemy and apostasy: Provided
19 further, That not later than 90 days after enactment of this
20 Act and every 90 days thereafter until the ratification of
21 a new Iraqi constitution, the President shall report to the
22 appropriate Committees of the Congress, on efforts by the
23 Coalition Provisional Authority and relevant Iraqi officials
24 to ensure that the Iraqi constitution preserves religious free-
25 dom: Provided further, That funds appropriated under this

1 heading shall be made available to the General Accounting
2 Office for an audit of all funds appropriated under this
3 Act, including tracking the expenditure of appropriated
4 funds, a comparison of the amounts appropriated under
5 this Act to the amount actually expended, and a determina-
6 tion of whether the funds appropriated in this Act are ex-
7 pended as intended by Congress: Provided further, That of
8 the funds appropriated under this heading, up to
9 \$13,000,000 may be made available to facilitate inter-eth-
10 nic and inter-religious dialogue, conflict resolution activi-
11 ties, support rule of law programs, and train Iraqi leaders
12 in democratic principles.

13 **ECONOMIC SUPPORT FUND**

14 For an additional amount for “Economic Support
15 Fund”, \$422,000,000, to remain available until September
16 30, 2005, for accelerated assistance for Afghanistan: Pro-
17 vided, That these funds are available notwithstanding sec-
18 tion 660 of the Foreign Assistance Act of 1961, and section
19 620(q) of that Act or any comparable provision of law: Pro-
20 vided further, That these funds may be used for activities
21 related to disarmament, demobilization, and reintegration
22 of militia combatants, including registration of such com-
23 batants, notwithstanding section 531(e) of the Foreign As-
24 sistance Act of 1961: Provided further, That not to exceed
25 \$200,000,000 appropriated under this heading in the For-

1 *eign Operations, Export Financing, and Related Programs*
2 *Appropriations Act, 2004, may be used for the costs, as de-*
3 *fined in section 502 of the Congressional Budget Act of*
4 *1974, of modifying direct loans and guarantees for Paki-*
5 *stan: Provided further, That amounts that are made avail-*
6 *able under the previous proviso for the cost of modifying*
7 *direct loans and guarantees shall not be considered “assist-*
8 *ance” for the purposes of provisions of law limiting assist-*
9 *ance to a country.*

10 *UNITED STATES EMERGENCY FUND FOR COMPLEX*
11 *FOREIGN CRISES*

12 *For necessary expenses to enable the President to re-*
13 *spond to or prevent unforeseen complex foreign crises,*
14 *\$200,000,000, which shall be made available for assistance*
15 *for Liberia, of which \$100,000,000 shall be derived by*
16 *transfer from funds appropriated under any other heading*
17 *of this Chapter: Provided, That funds appropriated under*
18 *this heading, shall remain available until expended, and*
19 *may be made available only pursuant to a determination,*
20 *after consultation with the Committees on Appropriations,*
21 *by the President that it is in the national interest to furnish*
22 *assistance on such terms and conditions as he may deter-*
23 *mine for such purposes, including support for peace and*
24 *humanitarian intervention operations: Provided further,*
25 *That none of these funds shall be available to respond to*

1 *natural disasters: Provided further, That from these funds*
2 *the President may make allocations to Federal agencies to*
3 *carry out the authorities provided under this heading: Pro-*
4 *vided further, That funds appropriated under this heading*
5 *shall be subject to the same conditions as those contained*
6 *under the same heading in chapter 5 of title I of S. 762,*
7 *as reported by the Committee on Appropriations on April*
8 *1, 2003: Provided further, That the President may furnish*
9 *assistance under this heading notwithstanding any other*
10 *provision of law: Provided further, That the provisions of*
11 *section 553 of Division E of Public Law 108–7, or any com-*
12 *parable provision of law enacted subsequent to the enact-*
13 *ment of that Act, shall be applicable to funds appropriated*
14 *under this heading: Provided further, That funds appro-*
15 *priated under this heading shall be subject to the regular*
16 *notification procedures of the Committees on Appropria-*
17 *tions, except that notifications shall be transmitted at least*
18 *5 days in advance of the obligations of funds: Provided fur-*
19 *ther, That the requirements of the previous proviso may be*
20 *waived if failure to do so would pose a substantial risk to*
21 *human health and welfare: Provided further, That in case*
22 *of any such waiver, notification to the Committees on Ap-*
23 *propriations shall be provided as early as practicable, but*
24 *in no event later than 3 days after taking the action to*
25 *which such notification requirement was applicable, in the*

1 context of such circumstances necessitating such waiver;
2 Provided further, That any notification provided pursuant
3 to such waiver shall contain an explanation of the emer-
4 gency circumstances.

5 **DEPARTMENT OF STATE**

6 **INTERNATIONAL NARCOTICS CONTROL AND LAW**

7 **ENFORCEMENT**

8 For an additional amount for “International Nar-
9 cotics Control and Law Enforcement”, \$120,000,000, to re-
10 main available until September 30, 2004, for accelerated
11 assistance for Afghanistan.

12 **NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND**

13 **RELATED PROGRAMS**

14 For an additional amount for “Nonproliferation,
15 Anti-Terrorism, Demining and Related Programs”,
16 \$35,000,000, for accelerated assistance for Afghanistan.

17 **MILITARY ASSISTANCE**

18 **FUNDS APPROPRIATED TO THE PRESIDENT**

19 **FOREIGN MILITARY FINANCING PROGRAM**

20 For an additional amount for the “Foreign Military
21 Financing Program”, \$222,000,000, for accelerated assist-
22 ance for Afghanistan.

1 *PEACEKEEPING OPERATIONS*

2 *For an additional amount for “Peacekeeping Oper-*
3 *ations”, \$50,000,000, to support the global war on ter-*
4 *rorism.*

5 *CHAPTER 3*6 *GENERAL PROVISIONS, THIS TITLE*

7 *SEC. 2301. In addition to transfer authority otherwise*
8 *provided in chapter 2 of this title, any appropriation made*
9 *available in chapter 2 of this title may be transferred be-*
10 *tween such appropriations, to be available for the same pur-*
11 *poses and the same time as the appropriation to which*
12 *transferred: Provided, That the total amount transferred*
13 *pursuant to this section shall not exceed \$200,000,000: Pro-*
14 *vided further, That the Secretary of State shall consult with*
15 *the Committees on Appropriations prior to exercising the*
16 *authority contained in this section: Provided further, That*
17 *funds made available pursuant to the authority of this sec-*
18 *tion shall be subject to the regular notification procedures*
19 *of the Committees on Appropriations, except that notifica-*
20 *tion shall be transmitted at least 5 days in advance of the*
21 *obligation of funds.*

22 *SEC. 2302. Assistance or other financing under chapter*
23 *2 of this title may be provided for Iraq, notwithstanding*
24 *any other provision of law: Provided, That funds made*
25 *available for Iraq pursuant to this authority shall be subject*

1 to the regular reprogramming notification procedures of the
2 Committees on Appropriations and section 634A of the For-
3 eign Assistance Act of 1961, except that notification shall
4 be transmitted at least 5 days in advance of obligation: Pro-
5 vided further, That the notification requirements of this sec-
6 tion may be waived if failure to do so would pose a substan-
7 tial risk to human health or welfare: Provided further, That
8 in case of any such waiver, notification to the appropriate
9 congressional committees shall be provided as early as prac-
10 ticable, but in no event later than 3 days after taking the
11 action to which such notification requirement was applica-
12 ble, in the context of circumstances necessitating such waiver:
13 Provided further, That any notification provided pursu-
14 ant to such a waiver shall contain an explanation of the
15 emergency circumstances.

16 SEC. 2303. Funds made available in chapter 2 of this
17 title are made available notwithstanding section 10 of Pub-
18 lic Law 91–672 and section 15 of the State Department
19 Basic Authorities Act of 1956, as amended.

20 SEC. 2304. Section 1503 of Public Law 108–11 is
21 amended by, in the last proviso, striking “2004” and insert-
22 ing in lieu thereof “2005”.

23 SEC. 2305. Section 1504 of Public Law 108–11 is
24 amended by—

1 *(1) in the first proviso, striking the first proviso,*
2 *and inserting in lieu thereof: “Provided, That subject*
3 *to the determination and notification requirements of*
4 *this section, exports are authorized to Iraq of lethal*
5 *military equipment designated by the Secretary of*
6 *State for use by a reconstituted (or interim) Iraqi*
7 *military, private security force, other official Iraqi se-*
8 *curity forces or police forces, or forces from other*
9 *countries in Iraq that support United States efforts*
10 *in Iraq;”;* and

11 *(2) in the last proviso, striking “2004” and in-*
12 *serting in lieu thereof “2005”.*

13 ~~SEC. 2306. Public Law 107–57 is amended—~~

14 *(1) in section 1(b), by striking “2003” wherever*
15 *appearing (including in the caption), and inserting*
16 *in lieu thereof “2004”;*

17 *(2) in section 3(2), by striking “Foreign Oper-*
18 *ations, Export Financing, and Related Programs Ap-*
19 *propriations Act, 2002, as is” and inserting in lieu*
20 *thereof “annual foreign operations, export financing,*
21 *and related programs appropriations Acts for fiscal*
22 *years 2002, 2003, and 2004, as are”; and*

23 *(3) in section 6, by striking “2003” and insert-*
24 *ing in lieu thereof “2004”.*

1 *SEC. 2307. Notwithstanding any other provision of
2 law, the Overseas Private Investment Corporation is au-
3 thorized to undertake any program authorized by title IV
4 of the Foreign Assistance Act of 1961 in Iraq.*

5 *SEC. 2308. Funds appropriated by chapter 2 of this
6 title under the headings “Economic Support Fund”, “Inter-
7 national Narcotics Control and Law Enforcement”, Peace-
8 keeping Operations”, and “Foreign Military Financing
9 Program” shall be subject to the regular notification proce-
10 dures of the Committees on Appropriations.*

11 *SEC. 2309. (a) The Coalition Provisional Authority
12 (CPA) shall, on a monthly basis, submit a report to the
13 Committees on Appropriations which details, for the pre-
14 ceding month, Iraqi oil production and oil revenues, and
15 uses of such revenues.*

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

19 *(c) The reports required by this section shall also be
20 made publicly available in both English and Arabic, in-
21 cluding through the CPA’s Internet website.*

22 *SEC. 2310. (a) REPORTS OF COALITION PROVISIONAL
23 AUTHORITY.—Not later than January 1, 2004, and every
24 90 days thereafter, the Administrator of the Coalition Pro-
25 visional Authority (CPA) shall submit to the Committees*

1 on Appropriations and Armed Services of the Senate and
2 the House of Representatives a report on all obligations,
3 expenditures, and revenues associated with reconstruction,
4 rehabilitation, and security activities in Iraq during the
5 preceding 90 days, including the following:

6 (1) Obligations and expenditures of appropriated
7 funds.

8 (2) A project-by-project and program-by-pro-
9 gram accounting of the costs incurred to date for the
10 reconstruction of Iraq, together with the estimate of
11 the Authority of the costs to complete each project and
12 each program.

13 (3) Revenues attributable to or consisting of
14 funds provided by foreign nations or international or-
15 ganizations, and any obligations or expenditures of
16 such revenues.

17 (4) Revenues attributable to or consisting of for-
18 eign assets seized or frozen, and any obligations or ex-
19 penditures of such revenues.

20 (5) Operating expenses of the Authority and of
21 any other agencies or entities receiving funds appro-
22 priated by title.

23 (b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS,
24 AND REPORTS.—(1) The Comptroller General of the United
25 States shall conduct an on-going audit of the Coalition Pro-

1 visional Authority, and may conduct such additional inves-
2 tigations as the Comptroller General, in consultation with
3 the Committees on Appropriations, considers appropriate,
4 to evaluate the reconstruction, rehabilitation, and security
5 activities in Iraq.

6 (2) In conducting the audit and any investigations
7 under paragraph (1), the Comptroller General shall have
8 access to any information and records created or main-
9 tained by the Authority, or by any other entity receiving
10 appropriated funds for reconstruction, rehabilitation, or se-
11 curity activities in Iraq, that the Comptroller General con-
12 siders appropriate to conduct the audit or investigations.

13 (3) Not later than 120 days after the date of the enact-
14 ment of this Act, the Comptroller General shall submit to
15 the Committees on Appropriations and Armed Services of
16 the Senate and the House of Representatives a report on
17 the audit and any investigations conducted under para-
18 graph (1). The report shall include information as follows:

19 (A) A detailed description of the organization
20 and authorities of the Authority.

21 (B) A detailed description of the relationship be-
22 tween the Authority and other Federal agencies, in-
23 cluding the Department of Defense, the Department of
24 State, the Executive Office of the President, and the
25 National Security Council.

1 (C) A detailed description of the extent of the use
2 of private contractors to assist in Authority oper-
3 ations and to carry out reconstruction, rehabilitation,
4 or security activities in Iraq, including an assessment
5 of—

6 (i) the nature of the contract vehicles used
7 to perform the work, including the extent of com-
8 petition used in entering into the contracts and
9 the amount of profit provided in the contracts;

10 (ii) the nature of the task orders or other
11 work orders used to perform the work, including
12 the extent to which performance-based, cost-
13 based, and fixed-price task orders were used;

14 (iii) the reasonableness of the rates charged
15 by such contractors, including an assessment of
16 the impact on rates of a greater reliance on Iraqi
17 labor or other possible sources of supply;

18 (iv) the extent to which such contractors
19 performed work themselves and, to the extent that
20 subcontractors were utilized, how such sub-
21 contractors were selected; and

22 (v) the extent to which the Authority or
23 such contractors relied upon consultants to assist
24 in projects or programs, the amount paid for
25 such consulting services, and whether such con-

1 *sulting services were obtained pursuant to full
2 and open competition.*

3 *(D) A detailed description of the measures adopt-
4 ed by the Authority and other Federal agencies to
5 monitor and prevent waste, fraud, and abuse in the
6 expenditure of appropriated funds in the carrying out
7 of reconstruction, rehabilitation, and security activi-
8 ties in Iraq.*

9 *(E) A certification by the Comptroller General
10 as to whether or not the Comptroller General had ade-
11 quate access to relevant information to make informed
12 judgments on the matters covered by the report.*

13 *(4) The Comptroller General shall from time to time
14 submit to the Committees on Appropriations and Armed
15 Services of the Senate and the House of Representatives a
16 supplemental report on the audit, and any further inves-
17 tigations, conducted under paragraph (1). Each such report
18 shall include such updates of the previous reports under this
19 subsection as the Comptroller General considers appropriate
20 to keep Congress fully and currently apprised on the recon-
21 struction, rehabilitation, and security activities in Iraq.*

22 *SEC. 2311. None of the funds made available by this
23 Act or any unexpended funds provided in Public Law 108–
24 11 may be made available to pay any costs associated with*

1 debts incurred by the former government of Saddam Hus-
2 sein.

3 SEC. 2312. Title III of Public Law 107–327 is amend-
4 ed as follows by inserting the following new section:

5 **“SEC. 304. REPORTS.**

6 “The Secretary of State shall submit reports to the
7 Committees on Foreign Relations and Appropriations of the
8 Senate, and the Committees on International Relations and
9 Appropriations of the House of Representatives on progress
10 made in accomplishing the ‘Purposes of Assistance’ set forth
11 in section 102 of this Act utilizing assistance provided by
12 the United States for Afghanistan. The first report shall be
13 submitted no later than December 31, 2003, and subsequent
14 reports shall be submitted in conjunction with reports re-
15 quired under section 303 of this title and thereafter through
16 December 31, 2004.”.

17 SEC. 2313. (a) NEW OFFENSE.—

18 (1) IN GENERAL.—Chapter 47 of title 18, 5
19 United States Code, is amended by adding at the end
20 the following:

21 **“SEC. 1037. WAR PROFITEERING AND FRAUD RELATING TO**
22 **MILITARY ACTION, RELIEF, AND RECON-**
23 **STRUCTION EFFORTS IN IRAQ.**

24 “(a) Whoever, in any matter involving a contract or
25 the provision of goods or services, directly or indirectly, in

1 connection with the war, military action, or relief or recon-
2 struction activities in Iraq, knowingly and willfully—

3 “(1) executes or attempts to execute a scheme or
4 artifice to defraud the United States or Iraq;
5 “(2) falsifies, conceals, or covers up by any trick,
6 scheme or device a material fact;

7 “(3) makes any materially false, fictitious, or
8 fraudulent statements or representations, or makes or
9 uses any materially false writing or document know-
10 ing the same to contain any materially false, ficti-
11 tious, or fraudulent statement or entry; or

12 “(4) materially overvalues any good or service
13 with the specific intent to excessively profit from the
14 war, military action, or relief or reconstruction ac-
15 tivities in Iraq;

16 shall be fined not more than \$1,000,000 or imprisoned not
17 more than 20 years, or both. In lieu of a fine otherwise
18 authorized by this section, a defendant who derives profits
19 or other proceeds from an offense under this section may
20 be fined not more than twice the gross profits or other pro-
21 ceeds.

22 “(b) EXTRATERRITORIAL JURISDICTION.—There is
23 extraterritorial Federal jurisdiction over an offense under
24 this section.

1 “(c) *VENUE*.—A prosecution for an offense under this
2 section may be brought—

3 “(1) as authorized by Chapter 211 of Title 18;

4 “(2) in any district where any act in further-
5 ance of the offense took place; or

6 “(3) in any district where any party to the con-
7 tract or provider of goods or services is located.”.

8 (2) *CHAPTER ANALYSIS*.—The chapter analysis
9 for chapter 47 of title 18, United States Code, is
10 amended by inserting at the end the following:

“1037. War profiteering and fraud relating to military action, relief, and recon-
struction efforts in Iraq.”

11 (b) *FORFEITURE*.—Section 981(a)(1)(C) of title 18,
12 United States Code, is amended by inserting after “1032,”
13 the following: “1037.”.

14 (c) *MONEY LAUNDERING*.—Section 1956(c)(7)(D) of
15 title 18, United States Code, is amended by inserting before
16 “, section 1111” the following: “, section 1037 War Profit-
17 eering and Fraud Relating to Military Action, Relief, and
18 Reconstruction Efforts in Iraq”.

19 (d) *EXPIRATION OF AUTHORITIES*.—The authorities
20 contained in this amendment shall expire upon the date
21 that major combat operations in Iraq cease and desist, the
22 Coalition Provisional Authority transfers responsibility for
23 governing Iraq to an indigenous Iraqi government, and a
24 U.S. mission to Iraq, under the direction and guidance of

1 *the Secretary of State, is responsible for U.S. assistance ef-*
2 *forts in Iraq.*

3 *SEC. 2314. Not later than 120 days after the date of*
4 *the enactment of this Act, the President shall submit to Con-*
5 *gress a report on the efforts of the Government of the United*
6 *States to increase the resources contributed by foreign coun-*
7 *tries and international organizations to the reconstruction*
8 *of Iraq and the feasibility of repayment of funds contributed*
9 *for infrastructure projects in Iraq. The report shall in-*
10 *clude—*

11 *(1) a description of efforts by the Government of*
12 *the United States to increase the resources contributed*
13 *by foreign countries and international organizations*
14 *to the reconstruction of Iraq;*

15 *(2) an accounting of the funds contributed to as-*
16 *sist in the reconstruction of Iraq, disaggregated by*
17 *donor;*

18 *(3) an assessment of the effect that—*

19 *(A) the bilateral debts incurred during the*
20 *regime of Saddam Hussein have on Iraq's abil-*
21 *ity to finance essential programs to rebuild in-*
22 *frastructure and restore critical public services,*
23 *including health care and education, in Iraq;*
24 *and*

(B) *forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;*

8 (5) an assessment of the feasibility of repayment
9 by Iraq—

(A) of bilateral debts incurred during the regime of Saddam Hussein; and

14 SEC. 2315. (a) Not later than April 30, 2004, the Sec-
15 retary of Defense shall submit a certification to Congress
16 of the amount that Iraq will pay, or that will be paid on
17 behalf of Iraq, during fiscal year 2004 to a foreign country
18 to service a debt incurred by Iraq during the regime of Sad-
19 dam Hussein, including any amount used for the payment
20 of principal, interest, or fees associated with such debt. Such
21 certification shall include—

22 (1) the actual amount spent for such purpose
23 during the period from October 1, 2003 through
24 March 31, 2004; and

1 (2) the estimated amount that the Secretary rea-
2 sonably believes will be used for such purpose during
3 the period from April 1, 2004 through September 30,
4 2004.

5 (b) On May 1, 2004, the Director of the Office of Man-
6 agement and Budget shall administratively reserve, out of
7 the unobligated balance of the funds appropriated in this
8 title under the subheading "IRAQ RELIEF AND RECON-
9 STRUCTION FUND" under the heading "OTHER BILAT-
10 ERAL ECONOMIC ASSISTANCE FUNDS APPRO-
11 PRIATED TO THE PRESIDENT", the amount that is
12 equal to the sum of the amount certified under paragraph
13 (1) of subsection (a) and the estimated amount certified
14 under paragraph (2) of such subsection. The amount so re-
15 served may not be obligated or expended on or after such
16 date.

17 (c) The Director of the Office of Management and
18 Budget shall impose such restrictions and conditions as the
19 Director determines necessary to ensure that, in the appor-
20 tionment of amounts appropriated as described in sub-
21 section (b), the balance of the total amount so appropriated
22 that remains unobligated on May 1, 2004, exceeds the
23 amount that is to be reserved under subsection (b).

24 (d) It is the sense of Congress that each country that
25 is owed a debt by Iraq that was incurred during the regime

1 *of Saddam Hussein should forgive such debt, including any*
2 *amount owed by Iraq for the principal, interest, and fees*
3 *associated with such debt.*

4 *SEC. 2316. (a) Congress finds that—*

5 *(1) in a speech delivered to the United Nations*
6 *on September 23, 2003, President George W. Bush ap-*
7 *pealed to the international community to take action*
8 *to make the world a safer and better place;*

9 *(2) in that speech, President Bush emphasized*
10 *the responsibility of the international community to*
11 *help the people of Iraq rebuild their country into a*
12 *free and democratic state;*

13 *(3) for a plan for Iraq's future to be appropriate,*
14 *the provisions of that plan must be consistent with*
15 *the best interests of the Iraqi people;*

16 *(4) premature self-government could make the*
17 *Iraqi state inherently weak and could serve as an in-*
18 *vitiation for terrorists to sabotage the development of*
19 *a democratic, economically prosperous Iraq.*

20 *(b) It is the sense of Congress that—*

21 *(1) arbitrary deadlines should not be set for the*
22 *dissolution of the Coalition Provisional Authority or*
23 *the transfer of its authority to an Iraqi governing au-*
24 *thority; and*

1 (2) no such dissolution or transfer of authority
2 *should occur until the ratification of an Iraqi con-*
3 *stitution and the establishment of an elected govern-*
4 *ment in Iraq.*

5 *SEC. 2317. GENERAL ACCOUNTING OFFICE REVIEW.*

6 (a) *The Comptroller General of the United States shall—*

7 (1) *review the effectiveness of relief and recon-*
8 *struction activities conducted by the Coalition Provi-*
9 *sional Authority (hereafter in this section “CPA”)*
10 *from funds made available under the “Iraq Relief and*
11 *Reconstruction Fund” in this title, including by pro-*
12 *viding analyses of—*

13 (A) *the degree to which the CPA is meeting*
14 *the relief and reconstruction goals and objectives*
15 *in the major sectors funded under this title, and*
16 *is enhancing indigenous capabilities;*

17 (B) *compliance by the CPA and the Govern-*
18 *ment departments with Federal laws governing*
19 *competition in contracting; and*

20 (C) *the degree to which the CPA is expend-*
21 *ing funds economically and efficiently, including*
22 *through use of local contractors;*

23 (2) *report quarterly to the appropriate congres-*
24 *sional committees on the results of the review con-*
25 *ducted under paragraph (1).*

1 (b) In this section, the term “appropriate congressional
2 committees” means—

3 (1) the Committees on Appropriations, Armed
4 Services, and Foreign Relations of the Senate; and
5 (2) the Committees on Appropriations, Armed
6 Services, and International Relations of the House of
7 Representatives.

8 SEC. 2318. None of the funds appropriated or other-
9 wise made available by this Act under the heading “IRAQ
10 RELIEF AND RECONSTRUCTION FUND”, or under any other
11 heading, may be obligated or expended for the purpose of
12 arming, training, or employing individuals under the age
13 of 18 years for the Facilities Protection Service, to carry
14 out any function similar to the functions performed by the
15 Service, or for any other security force.

16 SEC. 2319. (a) Of the amounts appropriated under the
17 subheading “IRAQ RELIEF AND RECONSTRUCTION FUND”—

18 (1) the \$5,136,000,000 allocated for security, in-
19 cluding public safety requirements, national security,
20 and justice shall be used to rebuild Iraq’s security
21 services;

22 (2) \$5,168,000,000 shall be available for the pur-
23 poses, other than security, set out under such sub-
24 heading; and

1 (3) \$10,000,000,000 shall be available to the
2 President to use as loans to Iraq for the purposes,
3 other than security, set out under such subheading
4 until the date on which the President submits the cer-
5 tification described in subsection (c).

6 (b) The President shall submit a notification to Con-
7 gress if, of the amounts referred to in paragraphs (1) and
8 (2) of subsection (a), an amount in excess of \$250,000,000
9 is used for any single purpose in Iraq.

10 (c)(1) The certification referred to in subsection (a)(3)
11 is a certification submitted to Congress by the President
12 stating that not less than 90 percent of the total amount
13 of the bilateral debt incurred by the regime of Saddam Hus-
14 sein has been forgiven by the countries owed such debt.

15 (2) On the date that the President submits the certifi-
16 cation described in paragraph (1)—

17 (A) the unobligated balance of the
18 \$10,000,000,000 referred to in subsection (a)(3) may
19 be obligated and expended with no requirement that
20 such amount be provided as loans to Iraq; and

21 (B) the President may waive repayment of any
22 amount made as a loan under subsection (a)(3) prior
23 to such date.

24 (d) The head of the Coalition Provisional Authority
25 shall ensure that the amounts appropriated under the sub-

1 heading “*IRAQ RELIEF AND RECONSTRUCTION FUND*”, are
2 expended, whether by the United States or by the Governing
3 Counsel in Iraq, for the purposes set out under such sub-
4 heading and in a manner that the head of the Coalition
5 Provisional Authority does not find objectionable.

6 (e) It is the sense of Congress that each country that
7 is owed bilateral debt by Iraq that was incurred by the re-
8 gime of Saddam Hussein should—

9 (1) forgive such debt; and
10 (2) provide robust amounts of reconstruction aid
11 to Iraq during the conference of donors scheduled to
12 begin on October 23, 2003, in Madrid, Spain and
13 during other conferences of donors of foreign aid.

14 (f) In this section:

15 (1) The term “amounts appropriated under the
16 subheading ‘*IRAQ RELIEF AND RECONSTRUCTION
FUND*’” means the amounts appropriated by chapter
17 2 of this title under the subheading “*IRAQ RELIEF
AND RECONSTRUCTION FUND*” under the heading
18 “*OTHER BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT*”.

22 (2) The term “Coalition Provisional Authority”
23 means the entity charged by the President with di-
24 recting reconstruction efforts in Iraq.

25 SEC. 2320. (a) Congress makes the following findings:

1 (1) *A coalition of allied countries led by the*
2 *United States entered Iraq on March 19, 2003, to lib-*
3 *erate the people of Iraq from the tyrannical rule of*
4 *Saddam Hussein and the Baathist party and to re-*
5 *move a threat to global security and stability.*

6 (2) *Achieving stability in Iraq will require sub-*
7 *stantial monetary investments to develop a secure en-*
8 *vironment and improve the physical infrastructure.*

9 (3) *A stable and prosperous Iraq is important to*
10 *peace and economic development in the Middle East*
11 *and elsewhere.*

12 (4) *As of October 2003, the United States has*
13 *provided the majority of the personnel and financial*
14 *contributions to the effort to rebuild Iraq.*

15 (5) *Congress fully supports efforts to establish a*
16 *stable economic, social, and political environment in*
17 *Iraq.*

18 (6) *The President is currently seeking to increase*
19 *global participation in the effort to stabilize and re-*
20 *construct Iraq.*

21 (7) *While the United States should aid the people*
22 *of Iraq, the participation of the people of Iraq in the*
23 *reconstruction effort is essential for the success of such*
24 *effort.*

1 (b) It is the sense of Congress that the President
2 should—

3 (1) make every effort to increase the level of fi-
4 nancial commitment from other nations to improve
5 the physical, political, economic, and social infra-
6 structure of Iraq; and

7 (2) seek to provide aid from the United States to
8 Iraq in a manner that promotes economic growth in
9 Iraq and limits the long-term cost to taxpayers in the
10 United States.

11 SEC. 2321. (a) INITIAL REPORT ON RELIEF AND RE-
12 CONSTRUCTION.—Not later than 60 days after the date of
13 enactment of this Act, the President shall submit to Con-
14 gress a report on the United States strategy for activities
15 related to post-conflict security, humanitarian assistance,
16 governance, and reconstruction to be undertaken as a result
17 of Operation Iraqi Freedom. The report shall include infor-
18 mation on the following:

19 (1) The distribution of duties and responsibilities
20 regarding such activities among the agencies of the
21 United States Government, including the Department
22 of State, the United States Agency for International
23 Development, and the Department of Defense.

24 (2) A plan describing the roles and responsibil-
25 ities of foreign governments and international organi-

1 zations, including the United Nations, in carrying
2 out such activities.

3 (3) A strategy for coordinating such activities
4 among the United States Government, foreign govern-
5 ments, and international organizations, including the
6 United Nations.

7 (4) A strategy for distributing the responsibility
8 for paying costs associated with reconstruction activi-
9 ties in Iraq among the United States Government,
10 foreign governments, and international organizations,
11 including the United Nations, and for actions to be
12 taken by the President to secure increased inter-
13 national participation in peacekeeping and security
14 efforts in Iraq.

15 (5) A comprehensive strategy for completing the
16 reconstruction of Iraq, estimated timelines for the
17 completion of significant reconstruction milestones,
18 and estimates for Iraqi oil production.

19 (b) *SUBSEQUENT REPORTS ON RELIEF AND RECON-
20 STRUCTION.*—(1) Not later than 60 days after the submittal
21 of the report required by subsection (a), and every 60 days
22 thereafter until all funds provided by this title are ex-
23 pended, the President shall submit to Congress a report that
24 includes information as follows:

1 (A) A list of all activities undertaken related to
2 reconstruction in Iraq, and a corresponding list of the
3 funds obligated in connection with such activities,
4 during the preceding 60 days.

5 (B) A list of the significant activities related to
6 reconstruction in Iraq that the President anticipates
7 initiating during the ensuing 60-day period, includ-
8 ing—

9 (i) the estimated cost of carrying out the
10 proposed activities; and
11 (ii) the source of the funds that will be used
12 to pay such costs.

13 (C) Updated strategies, objectives, and timelines
14 if significant changes are proposed regarding matters
15 included in the report required under subsection (a),
16 or in any previous report under this subsection.

17 (2) Each report under this subsection shall include in-
18 formation on the following:

19 (A) The expenditures for, and progress made to-
20 ward, the restoration of basic services in Iraq such as
21 water, electricity, sewer, oil infrastructure, a national
22 police force, an Iraqi army, and judicial systems.

23 (B) The significant goals intended to be achieved
24 by such expenditures.

1 (C) *The progress made toward securing increased
2 international participation in peacekeeping efforts
3 and in the economic and political reconstruction of
4 Iraq.*

5 (D) *The progress made toward securing Iraqi
6 borders.*

7 (E) *The progress made toward securing self-gov-
8 ernment for the Iraqi people and the establishment of
9 a democratically elected government.*

10 (F) *The progress made in securing and elimi-
11 nating munitions caches, unexploded ordinance, and
12 excess military equipment in Iraq.*

13 (G) *The measures taken to protect United States
14 troops serving in Iraq.*

15 SEC. 2322. *REQUIREMENTS RELATING TO UNITED
16 STATES ACTIVITIES IN AFGHANISTAN AND IRAQ.* (a) *GOV-
17 ERNANCE.—Activities carried out by the United States with
18 respect to the civilian governance of Afghanistan and Iraq
19 shall, to the maximum extent practicable—*

20 (1) *include the perspectives and advice of wom-
21 en's organizations in Afghanistan and Iraq, respec-
22 tively;*

23 (2) *promote the inclusion of a representative
24 number of women in future legislative bodies to en-
25 sure that the full range of human rights for women*

1 *are included and upheld in any constitution or legal*
2 *institution of Afghanistan and Iraq, respectively; and*
3 *(3) encourage the appointment of women to high*
4 *level positions within ministries in Afghanistan and*
5 *Iraq, respectively.*

6 *(b) POST-CONFLICT RECONSTRUCTION AND DEVELOP-*
7 *MENT.—Activities carried out by the United States with re-*
8 *spect to post-conflict stability in Afghanistan and Iraq*
9 *shall, to the maximum extent practicable—*

10 *(1) encourage the United States organizations*
11 *that receive funds made available by this Act to—*

12 *(A) partner with or create counterpart org-*
13 *anizations led by Afghans and Iraqis, respec-*
14 *tively; and*

15 *(B) to provide such counterpart organiza-*
16 *tions with significant financial resources, tech-*
17 *nical assistance, and capacity building;*

18 *(2) increase the access of women to, or ownership*
19 *by women of, productive assets such as land, water,*
20 *agricultural inputs, credit, and property in Afghani-*
21 *stan and Iraq, respectively;*

22 *(3) provide long-term financial assistance for*
23 *education for girls and women in Afghanistan and*
24 *Iraq, respectively; and*

1 (4) integrate education and training programs
2 for former combatants in Afghanistan and Iraq, re-
3 spectively, with economic development programs to—

4 (A) encourage the reintegration of such
5 former combatants into society; and
6 (B) promote post-conflict stability in Af-
7 ghanistan and Iraq, respectively.

8 (c) **MILITARY AND POLICE.**—Activities carried out by
9 the United States with respect to training for military and
10 police forces in Afghanistan and Iraq shall—

11 (1) include training on the protection, rights,
12 and particular needs of women and emphasize that
13 violations of women's rights are intolerable and
14 should be prosecuted; and

15 (2) encourage the personnel providing the train-
16 ing described in paragraph (1) to consult with wom-
17 en's organizations in Afghanistan and Iraq, respec-
18 tively, to ensure that training content and materials
19 are adequate, appropriate, and comprehensive.

20 **TITLE III—LEAVE FOR MILITARY FAMILIES**

21 SEC. 3001. **SHORT TITLE.** This title may be cited as
22 the “Military Families Leave Act of 2003”.

23 SEC. 3002. **GENERAL REQUIREMENTS FOR LEAVE.** (a)
24 **ENTITLEMENT TO LEAVE.**—Section 102(a) of the Family

1 and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is
2 amended by adding at the end the following:

3 “(3) ENTITLEMENT TO LEAVE DUE TO FAMILY
4 MEMBER’S ACTIVE DUTY.—

5 “(A) IN GENERAL.—Subject to section
6 103(f), an eligible employee shall be entitled to a
7 total of 12 workweeks of leave during any 12-
8 month period because a spouse, son, daughter, or
9 parent of the employee is a member of the Armed
10 Forces—

11 “(i) on active duty in support of a
12 contingency operation; or

13 “(ii) notified of an impending call or
14 order to active duty in support of a contin-
15 gency operation.

16 “(B) CONDITIONS AND TIME FOR TAKING
17 LEAVE.—An eligible employee shall be entitled to
18 take leave under subparagraph (A)—

19 “(i) while the employee’s spouse, son,
20 daughter, or parent (referred to in the sub-
21 paragraph as the ‘family member’) is on ac-
22 tive duty in support of a contingency oper-
23 ation, and, if the family member is a mem-
24 ber of a reserve component of the Armed
25 Forces, beginning when such family member

1 *receives notification of an impending call or*
2 *order to active duty in support of a contin-*
3 *gency operation; and*

4 “(ii) *only for issues relating to or re-*
5 *sulting from such family member’s—*

6 “(I) *service on active duty in sup-*
7 *port of a contingency operation; and*

8 “(II) *if a member of a reserve*
9 *component of the Armed Forces—*

10 “(aa) *receipt of notification*
11 *of an impending call or order to*
12 *active duty in support of a con-*
13 *tinuity operation; and*

14 “(bb) *service on active duty*
15 *in support of such operation.*

16 “(4) *LIMITATION.—No employee may take more*
17 *than a total of 12 workweeks of leave under para-*
18 *graphs (1) and (3) during any 12-month period.”.*

19 (b) *SCHEDULE.—Section 102(b)(1) of such Act (29*
20 *U.S.C. 2612(b)(1)) is amended by inserting after the second*
21 *sentence the following: “Leave under subsection (a)(3) may*
22 *be taken intermittently or on a reduced leave schedule.”.*

23 (c) *SUBSTITUTION OF PAID LEAVE.—Section*
24 *102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is*

1 amended by inserting “or subsection (a)(3)” after “sub-
2 section (a)(1)”.
3

3 (d) NOTICE.—Section 102(e) of such Act (29 U.S.C.
4 2612(e)) is amended by adding at the end the following:

5 “(3) NOTICE FOR LEAVE DUE TO FAMILY MEM-
6 BER’S ACTIVE DUTY.—An employee who intends to
7 take leave under subsection (a)(3) shall provide such
8 notice to the employer as is practicable.”.

9 (e) CERTIFICATION.—Section 103 of such Act (29
10 U.S.C. 2613) is amended by adding at the end the following:

11 “(f) CERTIFICATION FOR LEAVE DUE TO FAMILY
12 MEMBER’S ACTIVE DUTY.—An employer may require that
13 a request for leave under section 102(a)(3) be supported by
14 a certification issued at such time and in such manner as
15 the Secretary may by regulation prescribe.”.

16 SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES.

17 (a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5,
18 United States Code, is amended by adding at the end the
19 following:

20 “(3)(A) Subject to section 6383(f), an eligible
21 employee shall be entitled to a total of 12 workweeks
22 of leave during any 12-month period because a
23 spouse, son, daughter, or parent of the employee is a
24 member of the Armed Forces—

1 “(i) on active duty in support of a contin-
2 gency operation; or

3 “(ii) notified of an impending call or order
4 to active duty in support of a contingency oper-
5 ation.

6 “(B) An eligible employee shall be entitled to
7 take leave under subparagraph (A)—

8 “(i) while the employee’s spouse, son,
9 daughter, or parent (referred to in the subpara-
10 graph as the ‘family member’) is on active duty
11 in support of a contingency operation, and, if
12 the family member is a member of a reserve com-
13 ponent of the Armed Forces, beginning when
14 such family member receives notification of an
15 impending call or order to active duty in sup-
16 port of a contingency operation; and

17 “(ii) only for issues relating to or resulting
18 from such family member’s—

19 “(I) service on active duty in support
20 of a contingency operation; and

21 “(II) if a member of a reserve compo-
22 nent of the Armed Forces—

23 “(aa) receipt of notification of an
24 impending call or order to active duty

1 *in support of a contingency operation;*
2 *and*
3 “*(bb) service on active duty in*
4 *support of such operation.*

5 “(4) *No employee may take more than a total of*
6 *12 workweeks of leave under paragraphs (1) and (3)*
7 *during any 12-month period.”.*

8 (b) *SCHEDULE.—Section 6382(b)(1) of such title is*
9 *amended by inserting after the second sentence the fol-*
10 *lowing: “Leave under subsection (a)(3) may be taken inter-*
11 *mittently or on a reduced leave schedule.”.*

12 (c) *SUBSTITUTION OF PAID LEAVE.—Section 6382(d)*
13 *of such title is amended by inserting “or subsection (a)(3)”*
14 *after “subsection (a)(1)”.*

15 (d) *NOTICE.—Section 6382(e) of such title is amended*
16 *by adding at the end the following:*

17 “(3) *An employee who intends to take leave*
18 *under subsection (a)(3) shall provide such notice to*
19 *the employing agency as is practicable.”.*

20 (e) *CERTIFICATION.—Section 6383 of such title is*
21 *amended by adding at the end the following:*

22 “(f) *An employing agency may require that a request*
23 *for leave under section 6382(a)(3) be supported by a certifi-*
24 *cation issued at such time and in such manner as the Office*
25 *of Personnel Management may by regulation prescribe.”.*

1 **TITLE IV—DEPARTMENT OF VETERANS AFFAIRS**2 **VETERANS HEALTH ADMINISTRATION**3 **MEDICAL CARE**

4 *For an additional amount for medical care and related
5 activities under this heading for fiscal year 2004,
6 \$1,300,000,000, to remain available until September 30,
7 2005.*

8 **TITLE V—GENERAL PROVISION, THIS ACT**

9 *SEC. 5001. Not later than 30 days after the date of
10 the enactment of this Act, and every 90 days thereafter until
11 December 31, 2007, the President shall submit to each Mem-
12 ber of Congress a report on the projected total costs of
13 United States operations in Iraq, including military oper-
14 ations and reconstruction efforts, through fiscal year 2008.
15 The President shall include in each report after the initial
16 report an explanation of any change in the total projected
17 costs since the previous report.*

18 *SEC. 5002. The amounts provided in this Act are des-
19 ignated by the Congress as an emergency requirement pur-
20 suant to section 502 of H. Con. Res. 95 (108th Congress).*

21 *SEC. 5003. (a) None of the funds appropriated by this
22 Act may be obligated or expended by the head of an execu-
23 tive agency for payments under any contract or other agree-
24 ment described in subsection (b) that is not entered into
25 with full and open competition unless, not later than 30*

1 *days after the date on which the contract or other agreement*
2 *is entered into, such official—*

3 *(1) submits a report on the contract or other*
4 *agreement to the Committees on Armed Services, on*
5 *Governmental Affairs, and on Appropriations of the*
6 *Senate, and the Committees on Armed Services, on*
7 *Government Reform, and on Appropriations of the*
8 *House of Representatives; and*

9 *(2) publishes such report in the Federal Register*
10 *and the Commerce Business Daily.*

11 *(b) This section applies to any contract or other agree-*
12 *ment in excess of \$1,000,000 that is entered into with any*
13 *public or private sector entity for any of the following pur-*
14 *poses:*

15 *(1) To build or rebuild physical infrastructure of*
16 *Iraq.*

17 *(2) To establish or reestablish a political or soci-*
18 *etal institution of Iraq.*

19 *(3) To provide products or services to the people*
20 *of Iraq.*

21 *(4) To perform personnel support services in*
22 *Iraq, including related construction and procurement*
23 *of products, in support of members of the Armed*
24 *Forces and United States civilian personnel.*

1 (c) *The report on a contract or other agreement of an
2 executive agency under subsection (a) shall include the fol-
3 lowing information:*

4 (1) *The amount of the contract or other agree-
5 ment.*

6 (2) *A brief discussion of the scope of the contract
7 or other agreement.*

8 (3) *A discussion of how the executive agency
9 identified, and solicited offers from, potential contrac-
10 tors to perform the contract, together with a list of the
11 potential contractors that were issued solicitations for
12 the offers.*

13 (4) *The justification and approval documents on
14 which was based the determination to use procedures
15 other than procedures that provide for full and open
16 competition.*

17 (d) *The limitation on use of funds in subsection (a)
18 shall not apply in the case of any contract or other agree-
19 ment entered into by the head of an executive agency for
20 which such official—*

21 (1) *either—*

22 (A) *withholds from publication and disclo-
23 sure as described in such subsection any docu-
24 ment or other collection of information that is
25 classified for restricted access in accordance with*

1 *an Executive order in the interest of national de-*
2 *fense or foreign policy; or*

3 *(B) redacts any part so classified that is in*
4 *a document or other collection of information not*
5 *so classified before publication and disclosure of*
6 *the document or other information as described*
7 *in such subsection; and*

8 *(2) transmits an unredacted version of the docu-*
9 *ment or other collection of information, respectively,*
10 *to the chairman and ranking member of each of the*
11 *Committees on Governmental Affairs and on Appropria-*
12 *tions of the Senate, the Committees on Govern-*
13 *ment Reform and on Appropriations of the House of*
14 *Representatives, and the committees that the head of*
15 *such executive agency determines has legislative juris-*
16 *diction for the operations of such executive agency to*
17 *which the document or other collection of information*
18 *relates.*

19 *(e)(1)(A) In the case of any contract or other agree-*
20 *ment for which the Secretary of Defense determines that it*
21 *is necessary to do so in the national security interests of*
22 *the United States, the Secretary may waive the limitation*
23 *in subsection (a), but only on a case-by-case basis.*

24 *(B) For each contract or other agreement for which*
25 *the Secretary of Defense grants a waiver under this para-*

1 graph, the Secretary shall submit a notification of the con-
2 tract or other agreement and the grant of the waiver, to-
3 gether with a discussion of the justification for the waiver,
4 to the committees of Congress named in subsection (a)(1).

5 (2)(A) In the case of any contract or other agreement
6 for which the Director of Central Intelligence determines
7 that it is necessary to do so in the national security inter-
8 ests of the United States related to intelligence, the Director
9 may waive the limitation in subsection (a), but only on
10 a case-by-case basis.

11 (B) For each contract or other agreement for which
12 the Director of Central Intelligence grants a waiver under
13 this paragraph, the Director shall submit a notification of
14 the contract or other agreement and of the grant of the waiv-
15 er, together with a discussion of the justification for the
16 waiver, to the Select Committee on Intelligence, the Com-
17 mittee on Appropriations, and the Committee on Govern-
18 mental Affairs of the Senate and to the Permanent Select
19 Committee on Intelligence, the Committee on Appropria-
20 tions, and the Committee on Governmental Reform of the
21 House of Representatives.

22 (f) Nothing in this section shall be construed as affect-
23 ing obligations to disclose United States Government infor-
24 mation under any other provision of law.

25 (g) In this section—

1 (1) the term “full and open competition” has the
2 meaning given such term in section 4 of the Office of
3 Federal Procurement Policy Act (41 U.S.C. 403);

4 (2) the term “executive agency” has the meaning
5 given such term in section 105 of title 5, United
6 States Code, and includes the Coalition Provisional
7 Authority for Iraq; and

8 (3) the term “Coalition Provisional Authority
9 for Iraq” means the entity charged by the President
10 with directing reconstruction efforts in Iraq.

11 SEC. 5004. (a) Congress finds that—

12 (1) Israel is a strategic ally of the United States
13 in the Middle East;

14 (2) Israel recognizes the benefits of a democratic
15 form of government;

16 (3) the policies and activities of the Government
17 of Iraq under the Saddam Hussein regime contrib-
18 uted to security concerns in the Middle East, espe-
19 cially for Israel;

20 (4) the Arab Liberation Front was established by
21 Iraqi Baathists, and supported by Saddam Hussein;

22 (5) the Government of Iraq under the Saddam
23 Hussein regime assisted the Arab Liberation Front in
24 distributing grants to the families of suicide bombers;

1 (6) the Government of Iraq under the Saddam
2 Hussein regime aided Abu Abass, leader of the Palest-
3 inian Liberation Front, who was a mastermind of
4 the hijacking of the Achille Lauro, an Italian cruise
5 ship, and is responsible for the death of an American
6 tourist aboard that ship; and

7 (7) Saddam Hussein attacked Israel during the
8 1990-1991 Persian Gulf War by launching 39 Scud
9 missiles into that country and thereby causing mul-
10 tiple casualties.

11 (b) It is the sense of Congress that the removal of the
12 Government of Iraq under Saddam Hussein enhanced the
13 security of Israel and other United States allies.

14 SEC. 5005. (a) The Comptroller General shall conduct
15 studies on the effectiveness and efficiency of the administra-
16 tion and performance of contracts in excess of \$40,000,000
17 that are performed or are to be performed in, or relating
18 to, Iraq and are paid out of funds made available under
19 this Act or the Emergency Wartime Supplemental Approp-
20 priations Act, 2003 (Public Law 108-11). The studies shall
21 specifically examine the profits, administrative overhead,
22 management fees, and related expenditures for the manage-
23 ment of subcontracts (and further subcontracting) under
24 any such contract. In conducting studies under this section,
25 the Comptroller General shall have access to any informa-

1 tion and records created or maintained by the United
2 States, or by any entity receiving funds for contracts stud-
3 ied under this section that the Comptroller General con-
4 siders appropriate.

5 (b) Not later than 6 months after the date of enactment
6 of this Act and again 4 months thereafter, the Comptroller
7 Government shall submit to the Committees on Appropriations of the Senate and the House of Representatives a re-
8 port that includes—

10 (1) an evaluation of the studies conducted under
11 this section; and

12 (2) any recommendations for the improvement of
13 the contracting process for contracts performed or to
14 be performed in Iraq and for contracts generally, in-
15 cluding the selection process, contract content, and
16 oversight of the administration and performance of
17 contracts.

18 SEC. 5006. Section 1605 of title 28, United States
19 Code, is amended by adding a new subsection (h) as follows:

20 “(h) Notwithstanding any provision of the Algiers Ac-
21 cords, or any other international agreement, any United
22 States citizen held hostage during the period between 1979
23 and 1981, and their spouses and children at the time, shall
24 have a claim for money damages against a foreign state
25 for personal injury that was caused by the foreign state’s

1 *act of torture or hostage taking. Any provision in an inter-*
2 *national agreement, including the Algiers Accords that pur-*
3 *ports to bar such suit is abrogated. This subsection shall*
4 *apply retroactively to any cause of action cited in section*
5 *1605(a)(7)(A) of title 28, United States Code.”.*

6 SEC. 5007. (a) *The Senate finds the following:*

7 (1) *When Saddam Hussein came to power in the*
8 *1970’s Iraq was a prosperous country with no foreign*
9 *debt and significant foreign cash reserves.*

10 (2) *Iraq’s reserves were exhausted during the*
11 *Iran-Iraq War in the 1980’s and Iraq became a debt-*
12 *or nation.*

13 (3) *Today, the debts incurred by Saddam Hus-*
14 *sein’s regime are estimated to be as much as*
15 *\$150,000,000,000.*

16 (4) *A process has been put in place that will es-*
17 *tablish a new representative Iraqi government based*
18 *on a democratic political system with a free market*
19 *economy. The goal is a prosperous Iraq that is not a*
20 *threat to its neighbors.*

21 (5) *For Iraq to be prosperous it must rebuild. In*
22 *the near term the United States and other donor*
23 *countries will provide grants to begin the process. In*
24 *the longer term Iraq must be able to fully participate*
25 *in the international financial system.*

1 (6) *It is impossible for Iraq to borrow funds in
2 international financial markets based on its existing
3 debt. Eliminating that debt will make possible Iraq's
4 continued rebuilding toward a prosperous and stable
5 nation. A prosperous nation is less likely to be a
6 threat to its neighbors and to be a breeding ground
7 for terrorists. A prosperous Iraq is more likely to be
8 a positive force in the region and participant in the
9 world economy.*

10 (6) *(b) It is the sense of the Senate that all countries that
11 hold debt from loans to the former Iraqi regime of Saddam
12 Hussein should be urged to forgive their debt.*

13 SEC. 5008. (a) *FINDINGS.—The Senate finds that—
14 (1) in May 2002, the Federal Bureau of Inves-
15 tigation (FBI) issued a warning to law enforcement
16 personnel to be alert to the potential use of shoulder-
17 fired missiles against United States aircraft;*

18 *(2) in May 2002, Al Qaeda was suspected of fir-
19 ing a shoulder-fired missile at United States military
20 aircraft near Prince Sultan Air Base in Saudi Ara-
21 bia;*

22 *(3) in November 2002, an Israeli commercial jet-
23 liner was fired upon by a shoulder-fired missile short-
24 ly after take-off in Mombasa, Kenya;*

1 (4) in August 2003, a weapons smuggler was ar-
2 rested after agreeing to sell a Russian SA-18 to an
3 undercover FBI agent posing as a Muslim extremist;

4 (5) during recent operations in Iraq, United
5 States commercial airlines—as part of the Civil Re-
6 serve Air Fleet (CRAF)—flew nearly 2,000 flights
7 carrying United States troops and supplies into Ku-
8 wait, Saudi Arabia, the United Arab Emirates,
9 Qatar, and Bahrain;

10 (6) no United States commercial airliners are
11 currently equipped with defenses against shoulder-
12 fired missiles.

13 (b) *Prioritization.*—When counter measures against
14 the threat of shoulder-fired missiles are deployed, the Sec-
15 retary of Homeland Security, in conjunction with the Sec-
16 retary of Defense and the Secretary of Transportation, shall
17 make it a priority to equip the aircraft enrolled in the Civil
18 Reserve Air Fleet.

19 SEC. 5009. Paragraph (1) of section 1314 of Public
20 Law 108–11 is amended by inserting “without fiscal year
21 limitation” after “available” the first place it appears.

1 *This Act may be cited as the “Emergency Supple-*
2 *mental Appropriations for Iraq and Afghanistan Security*
3 *and Reconstruction Act, 2004”.*

Passed the House of Representatives October 17,
2003.

Attest: JEFF TRANDAHL,
Clerk.

Passed the Senate October 17, 2003.

Attest: EMILY J. REYNOLDS,
Secretary.