

Union Calendar No. 188

108TH CONGRESS
1ST SESSION

H. R. 3289

[Report No. 108-312]

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2003

Mr. YOUNG, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 fiscal year ending September 30, 2004, and for other pur-
2 poses, namely:

3 TITLE I—NATIONAL SECURITY

4 CHAPTER 1

5 DEPARTMENT OF DEFENSE—MILITARY

6 MILITARY PERSONNEL

7 MILITARY PERSONNEL, ARMY

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

14 MILITARY PERSONNEL, NAVY

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

21 MILITARY PERSONNEL, MARINE CORPS

22 For an additional amount for “Military Personnel,
23 Marine Corps”, \$753,190,000: *Provided*, That the entire
24 amount is designated by the Congress as an emergency
25 requirement pursuant to section 502 of H. Con. Res. 95

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

3 MILITARY PERSONNEL, AIR FORCE

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

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for “Operation and Main-
13 tenance, Army”, \$24,355,664,000: *Provided*, That the en-
14 tire amount is designated by the Congress as an emer-
15 gency requirement pursuant to section 502 of H. Con.
16 Res. 95 (108th Congress), the concurrent resolution on
17 the budget for fiscal year 2004.

18 OPERATION AND MAINTENANCE, NAVY

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for “Operation and Main-
21 tenance, Navy”, \$1,934,058,000, of which up to
22 \$80,000,000 may be transferred to the Department of
23 Homeland Security for Coast Guard Operations: *Provided*,
24 That the entire amount is designated by the Congress as
25 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, of which—

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

23 (2) not to exceed \$1,300,000,000, to remain
24 available until expended, may be used, notwith-
25 standing any other provision of law, for payments to

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

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, to re-
8 main available for transfer until September 30, 2005, for
9 the purposes authorized under this heading in Public Law
10 108–11: *Provided*, That the Secretary of Defense may
11 transfer the funds provided herein to appropriations for
12 military personnel; operation and maintenance; Overseas
13 Humanitarian, Disaster, and Civic Aid; procurement; mili-
14 tary construction; the Defense Health Program; and work-
15 ing capital funds: *Provided further*, That funds transferred
16 shall be merged with and be available for the same pur-
17 poses and for the same time period as the appropriation
18 or fund to which transferred: *Provided further*, That this
19 transfer authority is in addition to any other transfer au-
20 thority available to the Department of Defense: *Provided*
21 *further*, That upon a determination that all or part of the
22 funds transferred from this appropriation are not nec-
23 essary for the purposes provided herein, such amounts
24 may be transferred back to this appropriation: *Provided*
25 *further*, That the Secretary of Defense shall, not fewer

1 than 5 days prior to making transfers from this appropria-
2 tion, notify the congressional defense committees of any
3 such transfer: *Provided further*, That the Secretary shall
4 submit a report no later than 30 days after the end of
5 each fiscal quarter to the congressional defense commit-
6 tees summarizing the details of the transfer of funds from
7 this appropriation: *Provided further*, 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 PROCUREMENT

13 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

14 VEHICLES, ARMY

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.

22 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 ignated 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 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 SEC. 1103. Sections 1318 and 1319 of the Emer-
2 gency Wartime Supplemental Appropriations Act, 2003
3 (Public Law 108–11; 117 Stat. 571), shall remain in ef-
4 fect 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 gency 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.

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 GENERAL PROVISION—THIS CHAPTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 CHAPTER 1

5 DEPARTMENT OF JUSTICE

6 LEGAL ACTIVITIES

7 GENERAL LEGAL ACTIVITIES

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

14 DEPARTMENT OF STATE AND RELATED AGENCY

15 DEPARTMENT OF STATE

16 ADMINISTRATION OF FOREIGN AFFAIRS

17 DIPLOMATIC AND CONSULAR PROGRAMS

18 (INCLUDING RESCISSION)

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

1 INTERNATIONAL ORGANIZATIONS
2 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
3 ACTIVITIES

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

11 RELATED AGENCY
12 BROADCASTING BOARD OF GOVERNORS
13 INTERNATIONAL BROADCASTING OPERATIONS

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

22 GENERAL PROVISION—THIS CHAPTER

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

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

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 15 days in advance of
20 the obligation of funds: *Provided further*, That an annual
21 spending plan for reconstruction programs under the pre-
22 ceding allocations, including project-by-project detail, shall
23 be submitted by the President to the Committees on Ap-
24 propriations not later than January 1, 2004, and shall be
25 updated and submitted every 180 days thereafter: *Pro-*

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

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

1 OPERATING EXPENSES OF THE COALITION PROVISIONAL
2 AUTHORITY

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

17 ECONOMIC SUPPORT FUND

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

1 531(e) of the Foreign Assistance Act of 1961: *Provided*
2 *further*, That not to exceed \$2,000,000 may be used to
3 provide additional policy experts in Afghan ministries and
4 that not more than five senior advisors to the United
5 States Ambassador may be deployed in Afghanistan: *Pro-*
6 *vided further*, That not less than \$17,250,000 is available
7 only for security requirements that directly support
8 United States and Coalition personnel who are imple-
9 menting assistance programs in Afghanistan, including
10 the provision of adequate dedicated air transport and sup-
11 port for civilian personnel at provincial reconstruction
12 team sites: *Provided further*, That upon the receipt by the
13 Speaker of the House of Representatives and the Presi-
14 dent of the Senate of a determination by the President
15 that the Government of Pakistan is fully cooperating with
16 the United States in the global war on terrorism, not to
17 exceed \$200,000,000 appropriated under this heading
18 may be used for the costs, as defined in section 502 of
19 the Congressional Budget Act of 1974, of modifying direct
20 loans and guarantees for Pakistan: *Provided further*, That
21 amounts that are made available under the previous pro-
22 viso for the cost of modifying direct loans and guarantees
23 shall not be considered “assistance” for the purposes of
24 provisions of law limiting assistance to a country: *Provided*
25 *further*, That the entire amount is designated by the Con-

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

4 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE
5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses for International Disaster
7 and Famine Assistance utilizing the general authorities of
8 section 491 of the Foreign Assistance Act of 1961, to re-
9 spond to or prevent unforeseen complex foreign crises, es-
10 pecially in Sudan and Liberia, \$100,000,000, and by
11 transfer not to exceed 1 percent of the funds appropriated
12 under any other heading in this chapter, to remain avail-
13 able to the Secretary of State until September 30, 2005:
14 *Provided*, That funds appropriated under this heading
15 may be made available only pursuant to a determination
16 by the President, after consultation with the appropriate
17 congressional committees, that it is in the national interest
18 and essential to efforts to reduce international terrorism
19 to furnish assistance on such terms and conditions as he
20 may determine for such purposes, including support for
21 peace and humanitarian intervention operations: *Provided*
22 *further*, That none of these funds shall be available to re-
23 spond to natural disasters: *Provided further*, That funds
24 made available under this heading to respond to or prevent
25 unforeseen complex foreign crises shall be subject to the

1 regular notification procedures of the Committees on Ap-
2 propriations: *Provided further*, That the entire amount is
3 designated by the Congress as an emergency requirement
4 pursuant to section 502 of H. Con. Res. 95 (108th Con-
5 gress), the concurrent resolution on the budget for fiscal
6 year 2004.

7 DEPARTMENT OF STATE

8 INTERNATIONAL NARCOTICS CONTROL AND LAW

9 ENFORCEMENT

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

18 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND

19 RELATED PROGRAMS

20 For necessary expenses for “Nonproliferation, Anti-
21 Terrorism, Demining and Related Programs”,
22 \$35,000,000, for accelerated assistance for Afghanistan:
23 *Provided*, That the entire amount is designated by the
24 Congress as an emergency requirement pursuant to sec-

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

3 MILITARY ASSISTANCE

4 FUNDS APPROPRIATED TO THE PRESIDENT

5 FOREIGN MILITARY FINANCING PROGRAM

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

13 PEACEKEEPING OPERATIONS

14 For necessary expenses for “Peacekeeping Oper-
15 ations”, \$50,000,000, to support the global war on ter-
16 rorism: *Provided*, That the entire amount is designated by
17 the Congress as an emergency requirement pursuant to
18 section 502 of H. Con. Res. 95 (108th Congress), the con-
19 current resolution on the budget for fiscal year 2004.

20 GENERAL PROVISIONS—THIS CHAPTER

21 SEC. 2201. None of the funds appropriated by this
22 Act or any unexpended funds provided in Public Law 108–
23 11 may be used to repay, in whole or in part, principal
24 or interest on any loan or guarantee agreement entered
25 into by the Government of Iraq with any private or public

1 sector entity including with the government of any country
2 (including any agency of such government or any entity
3 owned in whole or in part by the government of such coun-
4 try) or with any international financial institution, prior
5 to May 1, 2003: *Provided*, That for the purpose of this
6 section, the term “international financial institution” shall
7 mean those institutions contained in section 530(b) of di-
8 vision E of Public Law 108–7.

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

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

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

21 (A) if such procedures are to be used by
22 reason of the application of a paragraph (other
23 than paragraph (2)) under section 303(c) of
24 such Act (41 U.S.C. 253(c)), the head of the
25 executive agency entering into the contract shall

1 submit to the committees described in sub-
2 section (b), not later than 7 calendar days be-
3 fore award of the contract—

4 (i) notification of the use of such
5 other procedures; and

6 (ii) the justification for such use; and

7 (B) if such procedures are to be used by
8 reason of the application of paragraph (2) of
9 section 303(c) of such Act (41 U.S.C.
10 253(c)(2)), the head of the executive agency en-
11 tering into the contract shall submit to the
12 committees described in subsection (b), not
13 later than 7 calendar days after approval of the
14 justification for the use of such other proce-
15 dures under section 303(f)(1)(B) of the Federal
16 Property and Administrative Services Act of
17 1949 (41 U.S.C. 253(f)(1)(B))—

18 (i) notification of the use of such
19 other procedures; and

20 (ii) the justification for such use.

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

23 (1) the Committees on Government Reform, on
24 International Relations, and on Appropriations of
25 the House of Representatives; and

1 (2) the Committees on Governmental Affairs,
2 on Foreign Relations, and on Appropriations of the
3 Senate.

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

7 **SEC. 2203. PUBLIC DISCLOSURE OF NONCOMPETITIVE CON-**
8 **TRACTING FOR THE RECONSTRUCTION OF**
9 **INFRASTRUCTURE IN IRAQ.**

10 (a) DISCLOSURE REQUIRED.—

11 (1) PUBLICATION AND PUBLIC AVAILABILITY.—
12 The head of an executive agency of the United
13 States that enters into a contract for assistance for
14 Iraq, using funds described in paragraph (3),
15 through the use of procedures other than competitive
16 procedures shall publish in the Federal Register or
17 Commerce Business Daily and otherwise make avail-
18 able to the public, not later than 7 days before the
19 date on which the contract is entered into, except in
20 the case of urgent and compelling contracts issued
21 pursuant to paragraph (2) of section 303(c) of the
22 Federal Property and Administrative Services Act of
23 1949 (41 U.S.C. 253(c)(2)), the following informa-
24 tion:

25 (A) The amount of the contract.

1 (B) A brief description of the scope of the
2 contract.

3 (C) A discussion of how the executive
4 agency identified, and solicited offers from, po-
5 tential contractors to perform the contract, to-
6 gether with a list of the potential contractors
7 that were issued solicitations for the offers.

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

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

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

20 (B) any funds appropriated by Public Law
21 108–11 under the heading “Iraq Relief and Re-
22 construction Fund” (in chapter 5 of title I; 117
23 Stat. 573).

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

4 (b) CLASSIFIED INFORMATION.—

5 (1) AUTHORITY TO WITHHOLD.—The head of
6 an executive agency may—

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

12 (B) redact any part so classified that is in
13 a document not so classified before publication
14 and disclosure of the document under sub-
15 section (a).

16 (2) AVAILABILITY TO CONGRESS.—In any case
17 in which the head of an executive agency withholds
18 information under paragraph (1), the head of such
19 executive agency shall make available an unredacted
20 version of the document containing that information
21 to the chairman and ranking member of each of the
22 following committees of Congress:

23 (A) The Committee on Governmental Af-
24 fairs of the Senate and the Committee on Gov-

1 ernment Reform of the House of Representa-
2 tives.

3 (B) The Committees on Appropriations of
4 the Senate and House of Representatives.

5 (C) Each committee that the head of the
6 executive agency determines has legislative ju-
7 risdiction for the operations of such department
8 or agency to which the information related.

9 (c) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—
10 Nothing in this section shall be construed as affecting obli-
11 gations to disclose United States Government information
12 under any other provision of law.

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

17 SEC. 2204. Section 1503 of Public Law 108–11 is
18 amended—

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

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

23 SEC. 2205. Section 1504 of Public Law 108–11 is
24 amended by striking “controlled” and inserting “or small
25 arms controlled”.

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

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

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

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

19 SEC. 2208. Any reference in this chapter to the “Coa-
20 lition Provisional Authority in Iraq” shall be deemed to
21 include any successor United States Government entity
22 with the same or substantially the same authorities and
23 responsibilities as the Coalition Provisional Authority in
24 Iraq.

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

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

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

1 REPORT ON MILITARY OPERATIONS AND
2 RECONSTRUCTION EFFORTS IN IRAQ AND AFGHANISTAN

3 SEC. 2212. (a) REPORT.—The President shall pre-
4 pare and transmit to Congress on a quarterly basis a re-
5 port on United States military operations and reconstruc-
6 tion efforts in Iraq and Afghanistan.

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

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

13 (2) A description of progress made in recon-
14 struction efforts in Iraq and Afghanistan, particu-
15 larly efforts relating to public safety, defense and
16 law enforcement, energy infrastructure, water,
17 sewer, roads, and other public works, transportation
18 and telecommunications infrastructure, medical and
19 hospital services, and private sector development.

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

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

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

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

12 (7) A description of progress made toward hold-
13 ing of free and fair elections in Iraq.

14 (8) A description of the extent of international
15 participation in the stabilization and reconstruction
16 of Iraq and the amount of financial assistance that
17 the United States has secured from the international
18 community during the preceding quarter.

19 (9) The number of members of the Armed
20 Forces deployed in connection with Operation Iraqi
21 Freedom and Operation Enduring Freedom.

22 SEC. 2213. (a) REVIEW OF CONTRACTING PROCE-
23 DURES.—The Comptroller General shall review each cov-
24 ered contract and task or delivery order entered into dur-
25 ing a review period to determine whether the procedures

1 used to enter into the contracts and orders were in compli-
2 ance with the requirements of this Act and other applica-
3 ble laws and regulations.

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

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

11 (d) COVERED CONTRACTS AND ORDERS.—This sec-
12 tion applies to any contract or task or delivery order en-
13 tered into using funds appropriated by this Act for foreign
14 assistance if—

15 (1) in the case of a contract, the contract is in
16 an amount in excess of the simplified acquisition
17 threshold (as defined in section 4 of the Office of
18 Federal Procurement Policy Act (41 U.S.C. 403),
19 and

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

22 TITLE III—GENERAL PROVISIONS—THIS ACT

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

1 SEC. 3002. None of the funds made available in this
2 or any other Act for fiscal year 2004 may be used for
3 any defense or reconstruction activities in Iraq or Afghani-
4 stan coordinated by any officer of the United States Gov-
5 ernment whose office is not subject to appointment by the
6 President by and with the advice and consent of the Sen-
7 ate.

8 SEC. 3003. For purposes of computing the amount
9 of a payment for an eligible local educational agency under
10 section 8003(a) of the Elementary and Secondary Edu-
11 cation Act (20 U.S.C. 7703(a)), children enrolled in a
12 school of such agency that would otherwise be eligible for
13 payment under section 8003(a)(1)(B) of such Act, but due
14 to the deployment of both parents or legal guardians, or
15 due to the death of a military parent or legal guardian
16 while on active duty, are no longer eligible under such sec-
17 tion, shall be considered as eligible students under such
18 section, provided such students remain in average daily
19 attendance at the same school that they attended prior
20 to their change in eligibility status.

21 SEC. 3004. None of the funds made available by this
22 Act may be provided to any unit of the security forces
23 of a foreign country participating with coalition forces in
24 Afghanistan or Iraq if the Secretary of State or the Sec-
25 retary Defense has credible evidence that such unit has

1 committed gross violations of human rights, unless the ap-
2 propriate Secretary determines and reports to the Com-
3 mittees on Appropriations that the government of such
4 country is taking effective measures to bring the respon-
5 sible members of the security forces unit to justice: *Pro-*
6 *vided*, That nothing in this section shall be construed to
7 withhold funds made available by this Act from any unit
8 of the security forces of a foreign country not credibly al-
9 leged to be involved in gross violations of human rights:
10 *Provided further*, That in the event that funds are withheld
11 from any unit pursuant to this section, the appropriate
12 Secretary shall promptly inform the foreign government
13 of the basis for such action and shall, to the maximum
14 extent practicable, assist the foreign government in taking
15 effective measures to bring the responsible members of the
16 security forces to justice.

17 SEC. 3005. None of the funds in this Act, or any
18 other appropriations Act, may be used to execute the Lat-
19 eral Repatriation Program, or any other program under
20 which citizens or nationals of Mexico are removed by land
21 from the United States by returning them to a location
22 other than the United States port of entry closest to the
23 location where they were apprehended or last imprisoned,
24 or, in the case of an alien who is removed upon being ac-
25 quitted of a criminal charge, the port of entry closest to

1 the courthouse where the acquittal occurs. If the Secretary
2 of Homeland Security determines that compliance with the
3 preceding sentence is not feasible, the Secretary shall no-
4 tify the Committees on the Judiciary and on Appropria-
5 tions of the House of Representatives and of the Senate.

6 SEC. 3006. None of the funds in this Act, or any
7 other appropriations Act, may be used for the issuance
8 of Form I-20A by the San Antonio Office of Detention
9 and Removal of the Bureau of Immigration and Customs
10 Enforcement and the Border Patrol sectors served by said
11 office.

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

Union Calendar No. 188

108TH CONGRESS
1ST SESSION

H. R. 3289

[Report No. 108-312]

A BILL

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.

OCTOBER 14, 2003

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed